

LEAGUE OF NATIONS

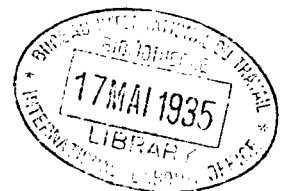
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# INTERNATIONAL LABOUR CONFERENCE

NINETEENTH SESSION

GENEVA, 1935

## SUMMARY OF ANNUAL REPORTS UNDER ARTICLE 408.



INTERNATIONAL LABOUR OFFICE

GENEVA, 1935

09661

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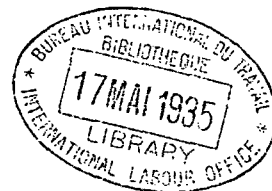
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## INTRODUCTION.

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

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

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

In conformity with these obligations the Governing Body has prescribed the forms for the annual reports upon thirty 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 1933-30 September 1934 is formally laid before the Conference<sup>1</sup>.

<sup>1</sup> In pursuance of a suggestion of the Committee of Experts appointed to examine the annual

The present summary, like that submitted to the Conference last year, is to be read in conjunction with the summary published in 1933; that is to say, the 1933 summary forms a basic volume during the five years 1934-38, and the summary submitted to the Conference in each of those years contains, in principle, only such information as is supplementary to that contained in the 1933 volume. It has, however, been thought advisable to continue to supply in these supplementary summaries, 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 information additional to that published in the 1933 summary is summarised<sup>1</sup>.

Care has been taken so far as possible to draft the summaries so that each one represents a separate item of informa-

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.

<sup>1</sup> 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.

tion, intelligible without reference to the 1933 volume.

\* \* \*

At the end of the summary will be found, in the form of an appendix, 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<sup>1</sup>.

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<sup>1</sup> 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.

A supplement to the present volume will be published immediately before the opening of the Nineteenth Session of the Conference. This supplement will contain a summary of all information supplied by Governments under Article 408 too late for inclusion in the main summary<sup>1</sup>.

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<sup>1</sup> 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 1934, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	23. 3.1935 <sup>1</sup>
Belgium . . . . .	6. 9.1926	2.11.1934
Bulgaria . . . . .	14. 2.1922	23.10.1934
Chile . . . . .	15. 9.1925	26.12.1934
Colombia . . . . .	20. 6.1933	4. 3.1935
Czechoslovakia . .	24. 8.1921	15. 2.1935
Dominican Republic	4. 2.1933	
Greece . . . . .	19.11.1920	
India . . . . .	14. 7.1921	14.12.1934
Lithuania . . . . .	19. 6.1931	27.10.1934
Luxemburg . . . . .	16. 4.1928	28. 1.1935
Nicaragua. . . . .	12. 4.1934	
Portugal . . . . .	3. 7.1928	22. 2.1935
Rumania . . . . .	13. 6.1921	12. 1.1935
Spain . . . . .	22. 2.1929 <sup>2</sup>	19.11.1934
Uruguay . . . . .	6. 6.1933	

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 received.

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

<sup>2</sup> This conditional ratification came into force unconditionally on 1 October 1931.

The report of the Government of *India* states that the Factories Act of 1934, which was intended to replace the Factories Act of 1911, has been passed by the Indian Legislature, and that 1 January 1935 has been fixed as the date of its coming into force. It provides, *inter alia*, for a 54 hours' week (§ 34) and a 10 hours' day (§ 36) 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 to classify the processes covered by Article 4 of the Convention and to fix the exceptions provided for in Article 6 will appear in the course of a year.

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

The Government of *Spain* states, in the letter accompanying its annual reports, that "it has proved impossible to reply as precisely as might be desired to certain of the standard questions, more particularly those concerning the provision of statistics of legal decisions, the number of workers protected by the legislation, the nature of the infringements that had to be dealt with in giving effect to the Conventions, and the views of employers' and workers' organisations on the Conventions — all subjects that fall entirely within the scope of the two last points on the report forms. This does not imply any carelessness or negligence in enforcing the legislation; it merely means that it has not so far proved possible to re-organise the statistical services so as to secure the information and the possibility of supervision which the International Labour Conference considers necessary. The Ministry of Labour is at present re-organising its Statistical Department so as to meet this difficulty." In the meantime, in order to comply with the requirements of the above-mentioned points in the report forms, the Government refers to the statistical data which have been collected and published either in the Official Bulletin of the Ministry or in the *Anuario Español de Política Social*, which contains, among other interesting matter

relating to the application of the Conventions, a wealth of information regarding legal decisions in social and labour questions.

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.

### Chile.

Legislative Decree No. 178 of 13 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.

### Colombia.

Decree No. 895 of 26 April 1934 to approve an Order of the General Labour Office (L. S. 1934, Col. 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 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.)

Railway Servants' Hours of Employment Rules, 1931.

### Lithuania.

Act of 30 November 1919 on daily hours of work (L. S. 1920, Lith. 2).

Acts of 24 November 1925 (L. S. 1925, Lith. 1) and 2 April 1931 (L. S. 1931, Lith. 2) amending the preceding Act.

### Luxembourg.

Act of 31 October 1919 (§ 6) on service agreements for private salaried employees.

Orders of 14 May 1921 and 26 May 1930 approving §§ 52 and following of the Railway Staff Regulations.

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

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

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. 22500 of 10 May 1933 regulating conditions of work in the transport industry (L. S. 1933, Por. 2).

Legislative Decree No. 23048 of 23 September 1933 to promulgate the National Labour Code (L. S. 1933, Por. 5).

Legislative Decree No. 24402 of 24 August 1934 to regulate hours of work in industrial and commercial undertakings (L. S. 1934, Por. 5).

Legislative Decree No. 24403 of 24 August 1934 concerning the supervision of hours of work.

### Rumania.

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

Act of 24 July 1934 concerning the establishment of chambers of labour.

### Spain.

Decree of 1 July 1931 (converted 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 under-

taking", therefore, would be liable to restrict the scope of the Code.

*Colombia.* — The Order approved by Decree No. 895 lays down in § 1 that the term "industrial undertaking" shall include particularly: (a) hydrocarbon undertakings, mines, quarries and other works for the extraction of minerals from the earth; (b) industries, factories, workshops and establishments in which articles are manufactured, altered, cleaned, repaired, ornamented, finished or prepared for consumption, or in which materials are transformed, including industries for the demolition of articles, shipbuilding, and the generation, transmission and transformation of electricity or motive power of any kind; (c) construction, reconstruction, maintenance, repair, alteration or demolition of any structure, building, railway, tramway, harbour, dock, pier, canal, quay, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, main sewer, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork or other work of construction, as well as the preparation for or laying the foundations of any such work or structure; (d) undertakings for the transport of passengers and goods by road, rail, air, sea or inland waterway, including the handling, storing and loading of goods at docks, quays, wharves, stores or warehouses; (e) in general, undertakings in which manual or intellectual labour is employed. The agricultural operations of sowing, harvesting or cultivating crops are excepted. § 2(3) adds that the provisions of the Order shall apply to the undertakings enumerated in § 1 and undertakings similar thereto, whether they belong to private persons (individuals or bodies corporate) or public authorities such as the State, departments and municipalities.

*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.

*Portugal.* — Legislative Decree No. 24402 of 24 August 1934 to regulate hours of work lays down in § 1(1) that for the purposes of the Decree commercial or industrial establishments shall be deemed to be any office, shop, warehouse, workshop, factory, workplace, public urban transport service or any other place in which commercial or industrial work is performed. Under § 9(2), the staff of land transport services which are connected with commercial or industrial undertakings as defined in § 1(1) shall be subject to the provisions of the Decree.

Conditions of work in the transport industry properly so-called are still regulated by Decree No. 22500 of 10 May 1933. § 1 of the Decree provides that the hours of work in the industries for the transportation of persons or goods by road, rail, sea or inland waterway, including the handling of goods in docks, quays, etc., with the exception of transportation by hand, shall be regulated in accordance with the provisions of the Convention and in accordance with the Decree. Decree No. 5516 of 7 May 1919 remains in force in so far as it relates to workers and employees of the State and of administrative authorities. The report does not mention any decisions taken under the last paragraph of the Article, but § 1(4) of Legisla-

tive Decree No. 24402 prescribes that industrial undertakings which are clearly rural in character may be excluded from the application of the Decree.

## ARTICLE 2.

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

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

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

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

*Colombia.* — § 2 of the Order approved by Decree No. 895 lays down that the working hours of persons employed in any public or private industrial undertaking shall not exceed eight in the day and forty-eight in the week, with the exception of the work of persons holding positions of supervision or management, or persons employed in a confidential capacity or with financial responsibility. Where by law, custom or agreement between the employers and workers or their respective organisations the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by a decision of the General Labour Office or the authority appointed by it, or by agreement between the parties or their representatives, provided, however, that in so case shall the said daily limit of eight hours be exceeded by more than one hour (§ 2(1)). Where the work by reason of its nature does not require to be carried on continuously and is carried on by persons employed in shifts, the hours of work may exceed eight hours in any one day or forty-eight hours in any one week, if the average number of hours over a period of three weeks or less does not exceed eight per day and forty-eight per week (§ 2(2)). The report adds that no agreements have been concluded under § 2(1) of the Order.

*Portugal.* — § 1 of Legislative Decree No. 24402 lays down that hours of work

shall not, as a rule, exceed eight in the day. § 3 provides that persons employed in small undertakings and closely related to their employers and persons holding positions of confidence, supervision or management may be exempted from the provisions of the Decree. The Decree does not contain provisions similar to those of paragraphs (b) and (c) of this Article. § 1 of Decree No. 5516 lays down that the maximum hours of work shall not exceed eight in any one day, and forty-eight in any one week. With regard to the transport industry, § 2 of Decree No. 22500 of 10 May 1933 provides that industries for the transportation of persons or goods by road or rail shall organise their conditions of normal work under the system of eight hours per day and per night and not exceeding forty-eight hours per week. § 9 provides that persons holding positions of supervision, management or confidence are not subject to the provisions of the Decree.

### ARTICLE 3.

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

*Bulgaria.* — . . . The report states that in every case where hours of work are extended, as provided for in § 8 of the Order of 2 August 1919, a special permit must be given by the Minister of National Economy, under the terms of the Note on § 18 of the Health and Safety of Workers' Act of 1917.

*Colombia.* — § 3 of the Order approved by Decree No. 895 provides that the limit of hours of work prescribed in § 2 may be exceeded in case of *force majeure* or of accident (actual or threatened) or in case of urgent work to be done to the machinery or plant of the undertaking; nevertheless, such additional work shall only be permissible so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

*Portugal.* — § 5 of Legislative Decree No. 24402 provides that in cases of *force majeure* due to serious accidents, or when an imminent risk of serious and exceptional loss makes it essential to prolong the hours of work, the employers shall be entitled to extend the working period beyond the normal closing time, but they shall, within 48 hours, bring this extension to the notice of the competent authorities. § 18 of Decree No. 10782 provides, in pursuance of § 6 of Decree No. 5516, that hours of work may be increased in case of urgent requirements of the State, mobilisation, fire, flood, landslip, explosion, serious

disaster, and in the cases specified in the Decree, and also in other special cases, in accordance with official instructions. Applications for the extension of hours of work are to be made to the authorities. A similar provision is contained in § 4 of Decree No. 22500.

### ARTICLE 4.

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

*Colombia.* — § 4 of the Order approved by Decree No. 895 provides that the limit of hours of work prescribed in § 2 may be exceeded in those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts, subject to the condition that the working hours in such cases shall not exceed fifty-six in the week. The General Labour Office shall draw up a list of the undertakings to which the exception mentioned in this section shall apply, and an industrial undertaking shall not be entitled to make use of this right unless previously included by the Office in that list. § 8 adds that the rights granted to wage-earning and salaried employees by the laws respecting Sunday rest and the annual leave with pay to which wage-earning and salaried employees of official establishments, offices and undertakings are entitled under § 2 of Act No. 72 of 1931 shall not be affected by the system of work established by this Order. See also under ARTICLE 7.

*Luxemburg.* — . . . See also introductory note.

*Portugal.* — § 11 of Legislative Decree No. 24402 prescribes that in continuous process industries or others in which, for special reasons, the daily hours of work are long, shifts of different persons shall be employed. No shift shall work longer than the maximum daily hours prescribed for the industry in question. § 12 provides that the National Institute of Labour and Social Welfare shall, after consulting the competent official bodies, determine what are to be regarded as continuous process industries. § 18 lays down that shifts shall be arranged in such a way as to ensure a weekly rest day for the workers concerned. If this is not practicable, the workers shall be entitled to a period of holidays with pay, as compensation for the rest days which they have not taken, and these paid holidays shall be independent

of the annual holidays with pay to which they are entitled under § 28 of Legislative Decree No. 23048. Decree No. 10782 provides that in continuous process industries or in cases where, owing to *force majeure*, the work of the undertaking cannot be stopped, the work shall be organised in shifts. § 3 of Decree No. 22500 provides that the limit provided in § 2 may be exceeded in processes whose continuous working must, by reason of the nature of the work, be secured by means of successive shifts in the transport industry in accordance with Article 4 of the Convention, provided, however, that in this case the hours of work do not exceed an average of fifty-six hours per week. This shall not affect the right of the workers to fifty-two days' holiday a year.

*Spain.* — Spanish legislation does not appear to contain corresponding provisions. See also under ARTICLE 7.

#### ARTICLE 5.

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

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

*Colombia.* — § 5 of the Order approved by Decree No. 895 provides that in exceptional cases where it is manifestly essential that the work should exceed eight hours a day, but only in such cases, a longer working day may be established by agreement between workers and employers or their respective organisations, provided that such agreements are approved by the General Labour Office. The average number of hours worked per week, calculated over the number of weeks specified by any such agreement, shall not in any case exceed forty-eight hours, and provision shall be made for the compensatory rests necessary to obtain this result. The report adds no agreement of this kind has so far been concluded.

*Portugal.* — The report does not indicate any specific application of the provisions of this Article. Legislative Decree No. 24402 contains no provisions of this nature.

*Spain.* — §§ 81 and 87 of the Decree of 1 July 1931 contain provisions regulating the hours of work of certain categories of railway workers. According to these provisions the average working day of a shift shall not exceed eight hours. See also under ARTICLE 7.

#### ARTICLE 6.

Regulations made by public authority shall determine for industrial undertakings :

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

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

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

*Chile.* — . . . The report states that the provisions of § 28 of the Labour Code may only be applied subject to the following conditions : (a) overtime not exceeding two hours a day may be worked only in undertakings which do not prejudice the health of the workers ; (b) there must be an agreement in writing ; (c) the labour inspection office must give permission beforehand, and such permission is only given in special cases after the office has examined the reasons given for the application ; (d) the wage paid for such overtime must be at a rate of 50% above the normal wage. The regulations for the application of the Labour Code are still to a large extent in course of preparation. They are being submitted for consideration to a Committee which includes representatives both of employers and of workers and employees. The regulations thus jointly prepared will determine the special cases in which permission for overtime may be granted.

*Colombia.* — § 6 of the Order approved by Decree No. 895 lays down that industrial undertakings shall apply for a special permit for the purpose of carrying out work in excess of the eight hours laid down by the regulations : (a) in the case of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the undertaking, or for persons whose work is essentially intermittent ; (b) where it is proved that additional work is necessary in order that undertakings may deal with exceptional cases of pressure of work. § 9 provides that when issuing or approving regulations respecting hours of work, the General Labour Office shall consult the workers and employers or their respective organisations and shall fix exactly, in accordance with these provisions, the maximum number of additional hours authorised in each case. § 10 prescribes that the rate of wages for each additional hour in excess of eight, irrespective of the reasons for which it was authorised, shall be increased by not less than 25 per cent. of the regular rate, save in the exceptional cases mentioned in

§ 2. The report adds that no regulations in the sense of paragraphs (a) and (b) of this Article have so far been made by public authority.

*Luxembourg.* — ... See also introductory note.

*Portugal.* — § 2 of Legislative Decree No. 24402 allows an extra fifteen minutes for transactions, operations or services which have been begun but are not finished by the prescribed hour for closing, but lays down that this exception shall not be allowed to develop into a systematic practice. The Decree also permits the following exceptions: civil building work for domestic or agricultural purposes which is being carried out in a locality of little importance which is not situated near an important urban or industrial centre (§ 5(1)). Roadmaking and repairing is also exempted provided that valid reason can be shown (§ 1(6)). § 4 lays down that the daily hours of work may be extended by decision of the Government in exceptional circumstances or when the public interest so requires. In cases of proved necessity authorisation may be granted to work overtime beyond the normal hours, provided that social and economic conditions permit. The work performed by the staff of commercial or industrial undertakings which are normally permitted to remain open later on the eve of the weekly rest day shall not be deemed to be overtime (§ 14). § 15 prescribes that the rate of pay for overtime shall be one-and-a-half times the normal rates. Decrees No. 5516 and No. 10782, under which overtime is permitted, prescribe that overtime worked by workers and salaried employees of the State and of administrative services shall be paid for in accordance with the regulations of the respective establishments or services. According to the report this provision does not prevent the overtime worked by such workers and employees being paid at a rate of 100 per cent. above the normal rates, which was the overtime rate applicable to other workers formerly covered by the two Decrees. § 11 of Decree No. 22500 (covering transport workers) lays down that undertakings wishing to avail themselves of the exemptions allowed by paragraphs (a) and (b) of this Article of the Convention may only do so with the approval of the competent authorities. Overtime shall be paid for at at least 25 per cent. above normal rates (§ 10 (2)).

*Rumania.* — ... With regard to the payment of the 25 % supplement for overtime worked by persons whose work is essentially intermittent, the competent service of the Ministry of Labour has requested that the question shall be submitted to the Permanent Labour Committee for its opinion. The Government's decision will be based on this opinion.

*Spain.* — § 4 of the Decree of 1 July 1931 provides that the competent official joint bodies may authorise the conclusion of an agreement between the workers in any establishment and their employer for the working of overtime up to a maximum of 50 hours a month and 120 hours a year in order to deal with cases of emergency. In certain specified cases the number of hours of overtime may be increased to a total of 240 a year by the decision of the official joint bodies, provided that the monthly maximum of 50 hours is not exceeded. Under § 5 the right to propose the working of overtime lies with the employer and the worker is free to accept or refuse. Under § 6 every hour's overtime shall be paid at the rate not less than 25 per cent. higher than the standard rate. The increased payment shall be not less than 40 per cent. for overtime worked at night or on Sunday or for any hours worked in excess of ten in the day. In the case of women, overtime shall always be paid at not less than 50 per cent. above the ordinary rate. Over and above these general provisions, the Decree contains special rules regarding exceptions permitted in the case of various categories of workers. Thus, specially extended limits for overtime are fixed in the case of: workers engaged in processes which affect the stopping or continuing of other processes (§ 10); workers engaged in processes accessory to the main undertaking (§ 11); male workers over 18 employed in the tile-works (§ 47); operations in forges, foundries and workshops for the repair of iron materials which, owing to the nature of the operation, must be carried on continuously either for a fixed period or until completed (§ 49); permanent way supervisors, platelayers and level crossing keepers (§§ 79 and 80); and drivers of horse carriages, motorcars, hackney carriages and all vehicles plying for hire (§ 101). See also under ARTICLE 7.

#### ARTICLE 8.

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

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

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

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

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

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

**Bulgaria.** — § 2 of the Health and Safety of Workers' Act, 1917, lays down that every employer whose institution or undertaking is covered by § 1 of the Act shall submit to the district labour inspector, every two years, a statement, on a form drawn up by the Ministry of Commerce, Industry and Labour, respecting the number of workers, the position of the workplace, the conditions of work, etc. § 20 adds that every employer shall enter in the works' rules of his undertaking the time at which the period of rest is given to the workers.

**Colombia.** — § 14 of the Order approved by Decree No. 895 lays down that in order to facilitate the enforcement of the provisions of this Order, every employer shall be required: (1) to notify, by means of the posting of notices in conspicuous places in the undertaking, the hours at which work begins and ends as a rule, and, where work is carried on by shifts, the hours at which each shift begins and ends; (2) to notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours; (3) to notify in the same way the additional hours of work authorised in accordance with this Order. § 11 lays down that it shall not be lawful to require or allow any person to work outside the eight hours mentioned in § 2 of this Order or the additional hours authorised in accordance with the Order. § 12 provides that it shall not be lawful for wage-earning and salaried employees to waive the rights granted them by this Order.

**Portugal.** — § 20 of Legislative Decree No. 24402 provides that every commercial or industrial establishment shall draw up a time-table for its staff in accordance with the provisions of the Decree or of an approved collective agreement and shall post it up in a prominent place. The time-table shall show the hours of opening and closing, the hours of arrival and departure of the staff, breaks and the weekly rest day. When these data are not the same for all members of the staff, the time-table shall show the names of all persons whose hours of work differ from those laid down for the staff as a whole, and also the names of those who are not obliged to observe the hours of the time-table at all. § 21 provides that in the case of complex services with a variety of categories of staff, requiring more than one time-table, the various time-tables or scales of hours shall first of all be submitted to the National Institute of Labour and Social Welfare for approval. Decree No. 10782 provides

that a time-table shall be posted up in each undertaking. § 5 of Decree No. 22500 of 10 May 1933 provides that railway undertakings and all undertakings connected with transportation by land, by sea or by river are required to send to the Institute of Compulsory Social Insurance and General Welfare the time-tables of work of the staff by category, indicating the different conditions of normal work and of overtime worked under the eight-hour régime, mentioning at the same time the rest intervals, and the times of entering and leaving the works, in accordance with §§ 1, 2 and 3 of the Decree.

#### ARTICLE 10 (*British India only*).

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

*India.* — . . . See also introductory note.

#### 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

## 1. Hours of work (industry).

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.*

*Colombia.* — The report does not refer to this Article of the Convention.

*Portugal.* — Legislative Decree No. 24402 lays down in § 4 that hours of work may be extended by decision of the Government in exceptional circumstances or when the public interest so requires.

## 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 exceptions, 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 section 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 1934 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 ; 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 ; preservation of eggs by the freezing process. Under § 6 of the Act, general authorisations to work up to a specified maximum number of hours overtime have been granted by Royal Orders in the following cases : loading and unloading work in ports ; fish curing and preserving of vegetables and fruit ; transportation, loading and unloading of goods, shunting of trucks, weighing of trucks and other vehicles (in so far as accessory to an industrial undertaking) ; plate-glass making ; manufacture of artificial slates ; manufacture of varnish (boiling gums and finishing varnishes) ; manufacture of gum, gelatine and bone glue (emptying moulds, cutting, placing on sieves and carrying to gelatine drying rooms) ; vulcanising of rubber goods (vulcanising) ; electro-plating (electrolytic baths) ; galvanisation of iron and cast iron by a hot process (iron galvanising) ; manufacture of artificial silk by the collodion process (denitrifying, bleaching and drying) ; glazing of powders ; manufacture of photographic requisites (coating and drying photographic plates, films and papers and treating them with barytes) ; manufacture of composition mouldings for frames ; manufacture of glucose and of amalgams of cement and stones ; manufacture of artificial wool ; certain electricians employed



by the Electricity Office; printing and kindred industries (binding, boarding, stitching, paper-making, lithography, photogravure and heliogravure, phototypography, colouring, typography—except the printing of daily newspapers—machine-rooms, type casting, block making, electrotape). 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 1933 TO 30 SEPTEMBER 1934 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	4	62	4,902	10	477	38,226	14	539	43,128
Wood work and furnishing	4	381	35,312	17	255	19,654	21	636	54,966
Food and Drink	—	—	—	2	41	6,232	2	41	6,232
Textiles	39	1,061	102,346	43	1,005	94,156	82	2,066	196,502
Metals	8	94	5,704	25	481	38,308	33	575	44,012
Clothing	3	158	6,532	20	752	55,912	23	910	62,444
Artistic and fine work.	1	24	3,648	1	28	4,256	2	52	7,904
Book printing, binding, etc.	8	820	42,954	—	—	—	8	820	42,954
Hides and skins	3	201	5,874	9	288	20,510	12	489	26,384
Tobacco	—	—	—	—	—	—	—	—	—
Chemicals	—	—	—	6	158	10,210	6	158	10,210
Paper	—	—	—	2	176	5,464	2	176	5,464
Special Ceramics	4	228	13,928	12	693	84,777	16	921	98,705
Quarries	2	16	672	—	—	—	2	16	672
Glass	—	—	—	4	72	2,872	4	72	2,872
Transport	—	—	—	1	3	456	1	3	456
	76	3,045	221,872	152	4,429	381,033	228	7,474	602,905

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

*Bulgaria.* — Neither the Health and Safety of Workers' Act of 1917 nor the Decree of 24 June 1919 concerning the eight and six-hour day permit the exceptions under Articles 4, 5 and 6 of the Convention.

*Colombia.* — § 13 of the Order approved by Decree No. 895 lays down that for the purposes of the information required by Article 408 of the Treaty of Versailles and Article 7 of the International Convention adopted at Washington in October, 1919, the General Labour Office shall collect, with a view to publication, the following data: (a) a list of the processes which are classed as being necessarily continuous in character under § 4 of this Order; (b) full information as to the working of the agreements mentioned in § 5 which have been concluded during the year in question; (c) full information concerning the permits granted under § 6 and the use made thereof. In accordance with this provision, the Government has transmitted to the International Labour Office the following list of processes classified as processes which are required by reason of the nature of the process to be carried on continuously:

(a) In mines, and more especially in the working of hydro-carbon deposits: all work which by its nature cannot be interrupted; (b) In glass and crystal factories: feeding and minding furnaces;

preparing the batch; blowing and annealing; (c) In tile and enamel factories: feeding and minding kilns; (d) In brick and roof-tile works and other china and pottery factories: feeding and minding baking and reheating kilns; (e) In cement, lime and plaster works: feeding and minding kilns; (f) In gunpowder and explosive factories: drying processes; (g) In metal foundries: feeding and minding furnaces; operations connected with the preparation of the substance; casting and rolling; (h) In chemical factories in general: feeding and minding furnaces and apparatus for the condensation, concentration, crystallisation, refrigeration, precipitation, drying or compression of chemical substances; roasting and oxidising; packing and transport to store-rooms, when the nature of the products requires; (i) In oxygen and compressed gas factories: work with producing plant and compression pumps; (j) In soap factories: feeding the fire under boiling tanks; (k) In paper and cardboard factories: drying and heating processes; (l) In leather factories: operations for finishing off rapid, mechanical tanning processes; (m) In starch factories: removal of gluten; completing operations that have been started; (n) In cigar factories: minding and regulating stoves in cigar-drying rooms; (o) In ice factories and cold-storage works: operations required for the production of ice and cold; (p) In industrial and agricultural distilleries: artificial germination of grain; fermentation; distilling of alcohol; (q) In the manufacture of tallow, edible fats and stearin: collection and melting of fatty substances; (r) In breweries and malt-houses: germination of barley; fermentation; production of cold; (s) In salt factories: feeding stoves and other indispensable work to prevent loss or deterioration of the substance; (t) In sugar and petroleum refineries: refining operations; (u) In condensed milk factories: collection of the milk; pasteurising; manufacture of the product; (v) Conveying mineral oils by pipe lines.



*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 1933 and 1 January to 30 September 1934. The figures which refer to the latter period are given in brackets. Permits were granted to 299 (494) undertakings (0.013 (0.021) per cent. of the total number of undertakings covered by accident insurance, or 0.042 (0.069) per cent. after deduction of agricultural undertakings); the total number of workers employed in these 299 (494) undertakings was 81,277 (113,754) (1.83 (2.56) per cent. of the total number of wage-earners); the number of workers who worked overtime was 14,897 (24,136) (0.33 (0.54) per cent. of the total number of wage-earners); the total number of hours of overtime expressed in working days of eight hours was 73,440 (114,357) or 12,240.8 (19,059.6) working weeks.

*Luxemburg.* — The report states that decrees concerning continuous processes (Article 4) and the exceptions provided for in Article 6 of the Convention will appear in the course of a year. See also introductory note. No agreements have been made in the sense of Article 5.

*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 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 joint board 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 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.*

*Colombia.* — § 15 of the Order approved by Decree No. 895 lays down that every person who contravenes the provisions of the Order shall be liable for each contravention to a fine not exceeding 100 pesos, which shall accrue to the National Treasury, or detention not exceeding a fortnight. The General Labour Office, national labour inspectors, governors and mayors shall be competent to impose penalties. An appeal effecting a stay may be made as follows against a decision imposing a penalty ; against a decision of the General Labour Office, to the Ministry of Industry, in accordance with the general provisions of the law ; against a decision of a national labour inspector or governor, to the General Labour Office, and against a decision of a mayor, to the governor. The fines shall be collected by the national tax-collecting official competent to take proceedings in the municipality in which the person liable to the penalty is domiciled. If an employee responsible for ensuring the observance of the provisions of the Order is guilty of any omission or delay in the performance of the duties incumbent upon him thereunder, he shall be liable to a fine of not less than 20 pesos nor more than 100 pesos imposed by the General Labour Office in accordance with the general provisions. An appeal may be made against a decision issued by the General Labour Office in this connection, to the Ministry of Industry, in accordance with the general provisions of the law.

*Portugal.* — § 23 of Legislative Decree No. 24402 provides that the administrative authorities and the National Institute of Labour and Social Welfare shall be responsible for supervising the enforcement of the Decree. § 24 lays down that the administrative authorities and the police shall give the National Institute such assistance as may be necessary to secure compliance with the provisions of the Decree. § 25 lays down that the employers' associations and the national trade unions shall inform the Department of Labour and Corporations or the delegates of the National Institute of any cases of failure to comply with the provisions of the present Decree and shall see that they are observed by their members. §§ 27-39 determine the penalties which shall apply in cases of infringement. Legislative Decree No. 24403 contains directions for the organisation by the National Institute of Labour and Social Welfare of a Labour Supervision Service. Decrees No. 5516 and No. 22500 also provide penalties for cases of infringement.

*Rumania.* — § 49 of the Act of 9 April 1928 makes the inspectorate appointed under the Act concerning the organisation of the factory inspectorate of 13 April 1927 responsible for reporting infringements of the Act. Provision is made for penalties in case of infringement. § 3 (c)

of the Act of 26 July 1934 concerning the establishment and organisation of chambers of labour authorises the chambers to collaborate with the public authorities within legal limits with a view to strict enforcement of the Acts, Regulations and other provisions in force concerning workers, salaried employees and handicraftsmen, and to take part in labour inspection through their representatives; the labour inspection services are obliged to allow the representatives of the chambers of labour to accompany the labour inspectors on their visits of inspection and must also undertake visits of inspection with the representatives on the request of the chambers of labour. Finally, §33 of the Act of 26 May 1921 concerning industrial associations, authorises industrial associations of workers which are recognised as bodies corporate "to exercise supervision over labour jointly with the employer concerned or his representative, and likewise jointly with the officials of the Ministry of Labour, through delegates nominated by the association from among its members, in respect of the administration of the laws and regulations for the protection or organisation of labour, collective agreements, or rules of employment. The refusal of the employer to participate, in person or through his representative, in the inspection, shall not constitute an obstacle to its being carried out by the other delegates specified above". There is a central labour inspectorate attached to the Ministry of Labour and provincial inspectorates in the following districts: Craiova, Bucarest, Ploesci (with a branch at Targoviste), Braila (with branches at Galati and Constanta), Bacau, Iasi, Chisinau, Cernauti, Timisoara, Arad (with branches at Petrosani and Oradia), Cluj (with a branch at Satul-Mare), Sibiu, Brasov (with a branch at Tg.-Mures). Each inspectorate province includes three to seven departments; the inspection service is at present composed of 47 persons (inspectors and sub-inspectors). Chambers of labour exist in 14 districts, chambers of commerce and industry in 20 districts. Infringements are judged in the first place by the labour courts or, if there is no labour jurisdiction in the district, by justices of the peace. In either case appeal may be made to a court of law. Under the Act of 15 February 1933, labour courts have been established, up to the present, in the following centres: Arad, Bucarest, Braila, Brasov, Cernauti, Chisinau, Cluj, Craiova, Iasi, Ploesci, Timisoara.

## 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. The texts of the judgments given which accompany the report refer in particular to payment for overtime. For example, the labour court of Valparaiso sentenced the Electric Tramways Company of the town to a payment of 6,448 pesos to one of their mechanics for overtime worked during the period 1925-1931. In another case, an employer in Santiago was fined 500 pesos for having allowed overtime to be worked in his undertaking without having obtained either the consent of his workers or a permit from the labour inspectorate. In two other cases, the employers were fined 50 pesos each for having employed stokers for 11 and 9½ hours a day respectively.

*Spain.* — The *Anuario Español de Política Social* publishes a summary of various decisions given by the Supreme Court during the years 1926-34, most of which relate to the exclusion of keepers and certain other categories of agricultural and commercial workers from the scope of the legislation on hours of work. A judgment of 14 July 1930 ruled that the worker was entitled to payment in full for overtime, even if he had concluded a contract for a greater number of hours of work than provided for by law or for wages which were less than the legal rate. Judgments given on 6 December 1927, 4 and 6 April 1929, 14 June 1930 and 9 April 1932 rule that overtime must be paid at a higher rate, as provided for by law.

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

*Bulgaria.* — The report states that it will not be possible to transmit to the International Labour Office information with regard to the practical application of the Conventions ratified by Bulgaria, until the annual reports of the labour inspectors have been received by the Ministry of National Economy.

*Chile.* — The information supplied by the inspection service shows that the eight-hour day and forty-eight-hour week are applied satisfactorily throughout the country. The number of workers protected by the provisions which implement the Convention is 296,200, which does not include either agricultural workers or seamen and fishermen.

*Colombia.* — The report states that no statistical data or other information is available, either for 1934 or for previous years, as the eight-hour day has been in force only since May 1934. Detailed information, if available, will be sent as from next year.

*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 1933, which will be transmitted to the International Labour Office.

*India.* — Detailed information regarding the working of the Factories and Mines Acts is published by the Government of India and furnished to the International Labour Office. The Note on the working of the Factories Act is based upon the reports of the inspection services and the statements appended to it give information regarding the number of workers covered by the Act and the number and nature of the convictions obtained for contraventions of the law. With regard to the railways, the "Annual Report on the working of the Hours of Employment Regulations on the North Western, East Indian, Eastern Bengal and Great Indian Peninsula Railways during the year 1933-1934" 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 363,109 railway employees belonging to the four large railway companies to which the Regulations apply, 308,500 are covered by the Regulations; the remain-

ing 54,000 are covered by the Factories Act. It states that the Regulations have now been in operation on the North Western and East Indian Railways for a period of three years, and most of the preliminary difficulties regarding the classification and rostering of the staff have been surmounted. On the Eastern Bengal and Great Indian Peninsula Railways the Regulations have been applied for two years, and on the latter railway considerable progress has been made in regard to their precise application; on the former railway, however, a great deal still remains to be done. The report of the Government adds that, for financial reasons, it has not been possible to give statutory force to the Regulations on other railways, but their enforcement on the Madras and Southern Mahratta and on the Bombay, Baroda and Central India Railways is now under consideration. 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. A complaint made by the Workers' Delegate to the Eighteenth Session of the International Labour Conference regarding the application of the Indian Railways (Amendment) Act, 1930 is now under examination.

*Lithuania.* — The report states that no difficulties have arisen with regard to the application of the Convention, and that no cases of infringement have been reported.

*Luxemburg.* — It appears from a report of the factory inspectorate that, during the period under review, proceedings were instituted in four cases of infringement of the relevant provisions.

*Portugal.* — The report states that the new legislation is intended to give fuller effect to the principle of the eight-hour day in accordance with the traditional policy of Portugal and with the standards laid down in the Washington Convention, which Portugal has faithfully observed ever since her ratification was registered. The new Legislative Decree has not made any fundamental changes in the provisions of the existing law, which already included the rule of the eight-hour day, but a certain number of the existing provisions required some alterations in order that "Portuguese customs and laws should take on the character of international obligations." These considerations, which are brought out in the Preamble to Legislative Decree No. 24402, reflect the wish of the Portuguese Government to help the working classes by ensuring the strict observance of the eight-hour day. The Preamble refers expressly to the Washington Convention of 1919, the provisions of which are fully respected and applied.

## 2. Unemployment.

*Rumania.* — Owing to the economic depression, industrial undertakings are as a rule working to a time-table of less than eight hours a day and forty-eight hours a week. In order to avoid dismissing their workers, the larger undertakings have reduced their hours of work and organised the work by rotation. Ministerial Circulars have been sent to the employers asking them to avoid overtime except in cases of *force majeure*. At the same time, the labour inspectors have been requested not to grant exceptions to the legal provisions except in very rare cases and where sufficient justification is shown. The Act of 9 April 1928 is generally applied by employers of industrial undertakings. It is true that contraventions take place, especially in small undertakings, but they are easily discovered by the methods of supervision employed by the labour inspectors or by the chambers of labour and the occupational and workers' organisations recognised as bodies corporate. During the period 1 January to 30 September 1934, the inspectors took proceedings in 336 cases of contraventions of the provisions of the Act of 9 April 1928 (including contraventions of the provisions concerning the protection of women and children). During the same period, the judges of the labour courts judged 5,202 cases of contravention (a certain number of which had been reported in the second half of the year 1933) of the different laws relating to the regulation, organisation and protection of labour and commerce, and also for the protection of the health of workers.

*Spain.* — The report states that the joint boards have fixed hours of work for certain groups of workers at a rate which is less than the maximum prescribed by law. The decisions to which the report refers are as follows: Barcelona: working painters, 7 hours a day; Gerona and Madrid: masons, 44 hours a week; Madrid: coachbuilders, 44 hours a week; Valencia: furniture industry, 44 to 48 hours a week; Cadiz: linotypesetters, 36 hours a week; Castile: graphic industries, 7 hours a day, 6 hours a night; Valencia: linotypesetters, 6 hours a day; other workers in the graphic industries, 7 hours a day. Spain (for the whole country): wireless telegraphists, 42 hours a week. In certain cases the Ministry of Labour was asked to modify the decisions taken by the joint boards. Thus, the Ministry has promulgated an Order of 17 February 1930 fixing the hours of work for the whole of the building industry in Madrid at 44 per week, and an Order of 11 May 1934 fixing the same hours for the heating industry and lifts. Orders of 21 December 1933 and 30 June 1934 have fixed the number of hours of work for the rest of the current year at 7 per day in mines other than coal mines. The report refers also to the "Monthly

Bulletin of the Ministry of Labour, Health and Social Welfare". See also introductory note.

## 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 1934, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	23. 3.1935 <sup>1</sup>
Austria . . . . .	12. 6.1924	30.11.1934
Belgium . . . . .	25. 8.1930	2.11.1934
Bulgaria . . . . .	14. 2.1922	23.10.1934
Chile . . . . .	31. 5.1933	26.12.1934
Colombia . . . . .	26. 6.1933	
Denmark . . . . .	13.10.1921	20.11.1934
Estonia . . . . .	20.12.1922	20.10.1934
Finland . . . . .	19.10.1921	8.11.1934
France . . . . .	25. 8.1925	30. 1.1935
Germany . . . . .	6. 6.1925	8.11.1934
Great Britain . . .	14. 7.1921	15.11.1934
Greece . . . . .	19.11.1920	
Hungary . . . . .	1. 3.1928	24. 1.1935
India . . . . .	14. 7.1921	14.12.1934
Irish Free State . .	4. 9.1925	
Italy . . . . .	10. 4.1923	11. 1.1935
Japan . . . . .	23.11.1922	14. 2.1935
Luxemburg . . . . .	16. 4.1928	28. 1.1935
Netherlands . . . .	6. 2.1932	25.10.1934
Nicaragua . . . . .	12. 4.1934	
Norway . . . . .	23.11.1921	29.10.1934
Poland . . . . .	21. 6.1924	23.11.1934
Rumania . . . . .	13. 6.1921	12. 1.1935
Spain . . . . .	4. 7.1923	19.11.1934
Sweden . . . . .	27. 9.1921	3.11.1934
Switzerland . . . . .	9.10.1922	2.11.1934
Union of South Africa	20. 2.1924	22.11.1934
Uruguay . . . . .	6. 6.1933	
Yugoslavia . . . . .	1. 4.1927	26.11.1934

<sup>1</sup> The summary of this report will be published in a summary to the present volume.

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

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

The report of the Government of the *Irish Free State* has not yet been received.

The report of the *Italian* Government mentions Ministerial Decree No. 258 of 20 October 1933, which has established a national employment exchange for persons employed in inland transport; the effect of this Decree has, however, been nullified by the recent re-organisation of the trade unions, which has resulted in transport workers being transferred to the Fascist Confederation of Industrial Workers. The result of this transfer is that persons employed in the transport industry are subject to the system of employment-finding in force in the Confederation. The report mentions in conclusion that, in virtue of a provision which is at present being drafted, the various employment offices are to be combined in one single provincial office with a number of sections dependent on it. The administrative committees of the various offices will also be merged into one single provincial committee of control, composed of an equal number of representatives of employers' and workers' occupational associations, with the provincial secretary of the fascist group as chairman.

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

The Government of *Sweden* states in its report that on 15 June 1934 two Acts and two Royal Decrees were promulgated, the object of which is to institute a system of voluntary unemployment insurance with the aid of a considerable State subsidy. An Act concerning employment exchanges was also promulgated on the same date. The legislation in question was to come into force on 1 January 1935.

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 30 amending Acts (text up to and including the XXVIIIth amendment in L. S. 1931, Aus. 1).

## *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 27 July 1934 for the re-organisation of the Unemployment Funds and the Committees on claims (L. S. 1934, Bel. 6).

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 and in particular on 31 May 1933 (L. S. 1933, Bel. 4).

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.*

Legislative 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.

## *Denmark.*

Act of 20 May 1933 concerning employment exchanges and unemployment insurance (L. S. 1933, Den. 7), replacing the Acts of 1 July 1927, 9 November 1928 and 23 June 1932 on the same subject.

## *Estonia.*

Act of 20 June 1934 concerning the organisation of employment exchanges and public works (L. S. 1934, Est. 5).

Decree of the Minister of Communications of 17 July 1934 concerning the placing service of the employment exchanges (L. S. 1934, Est. 5).

## *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).

Decree of 9 March 1926 to issue public administrative regulations to enforce the Act of 2 February 1925.

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 Decrees of 18 December 1927, 25 September 1933, and 9 January and 10 June 1934, 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 22 October 1932 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, Act of 22 September 1933 to amend assistance for unemployment and Order of 11 December 1933 reducing the waiting period in unemployment insurance.

*Great Britain.*

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

Unemployment Insurance Acts, 1920-1934 (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.

*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), amended by Royal Decrees of 9 December 1929 (L. S. 1929, It. 5 A) and 10 July 1930.

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), amended by Royal Decree of 9 December 1929 (L. S. 1929, It. 5 B).

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

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

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

Royal Legislative Decree of 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.

Ministerial Decree of 1 November 1933 to authorise provincial employment offices for industrial workers to set up special sections in the communes where they operate.

See also introductory note.



## *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, revised by Ordinance of the Department of Home Affairs, No. 20, promulgated on 15 July 1933).

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.

Decree of the President of the Republic of 27 October 1933 relating to the abolition of State employment exchanges and State aid to emigrants.

Order of the Minister of Social Welfare of 15 March 1934 concerning the establishment of employment exchanges in connection with the Unemployment Fund, to give effect to the above Decree.

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 private 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 9 January 1933 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 (L. S. 1932, Pol. 5).

Various legislative and administrative measures dealing especially with Posnania, Pomerania and Upper Silesia.

## *Rumania.*

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

## *Spain.*

Act of 27 November 1931 concerning the establishment by the State of a national, public and free employment exchange system under the direction of the Ministry of Labour and Social Welfare (L. S. 1931, Sp. 19).

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.

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

Royal Decree of 5 May 1916 concerning employment agents.



*Switzerland.*

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

Regulations of 25 June 1923 concerning the use of 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, 26 September 1932 and 27 February 1934 relating to the Federal Act of 17 October 1924.

Federal Decree of 13 April 1933 granting emergency assistance to the unemployed.

Order of 23 October 1933 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 statistical information required by this Article of the Convention is supplied regularly every three months to the International Labour Office.

*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.

*Great Britain.* — . . . The report contains an account of the methods adopted to combat unemployment.

*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.

*Union of South Africa.* — ... The report contains a detailed statement of the measures taken to combat unemployment in 1933-1934.

*Yugoslavia.* — Monthly, quarterly, half-yearly and annual statistical reports on the progress of unemployment in Yugoslavia are supplied regularly to the International Labour 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 1933, the number of applications for employment was 405,741, the number of vacancies notified, 194,476, and the number of vacancies filled, 188,370.

*Belgium.* — (a) ... The Royal Decree of 27 July 1934 modifies the existing organisation in some respects. §2 of the Decree lays down that the Minister of Labour and Social Welfare shall establish one or more employment exchange offices and unemployment insurance offices in each province, but that the number of these offices shall not exceed three for each province. These provincial offices are empowered to set up permanent or temporary auxiliary offices in the different municipal divisions of their respective districts; the number of these auxiliary offices must not exceed six for each province, and they shall operate under

the authority and supervision of the director of the office which instituted them (§ 3). The business of these offices, *inter alia*, shall be to ensure as far as possible the placing of any available labour, either directly, or through the labour exchanges which have been created by or approved by the Government (§ 4). These labour exchanges are put under the authority of the office in the locality in which they are set up. Each office is managed by a director appointed by the Minister of Labour and Social Welfare (§ 19). The operations of each office are controlled by a supervisory committee, composed of a chairman, the members of the committee and the secretary of the Committees on claims (§ 22). Each Committee on claims is composed of three employer members and three worker members appointed by the Minister of Labour and Social Welfare from lists of candidates submitted by the most representative associations of employers and workers. The chairman is nominated by the Minister, and is either a magistrate or a civil servant or an independent person with a thorough knowledge of the organisation and activities of unemployment insurance (§§ 29 and 30). The Decree further provides for the nomination of a certain number of substitutes on these committees. Finally, the Decree lays down in § 12 that the conditions under which these employment exchange offices and unemployment insurance offices shall carry out their work of placing shall be fixed by a later Royal Decree which will also regulate the activity of the labour exchanges and the intervention either of the Labour Section of the Ministry of Labour and Social Welfare or, where necessary, of the Central Labour Exchange.

*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. These three Decrees were codified by Decree No. 399 of 5 May 1934. 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 report supplies statistics of the labour market in August 1934, which show that the number of applications for employment during the month was 24,464 (against 58,510 in August 1933), and the number of vacancies filled, 2,571 (against 2,383 in August 1933).

(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 Con-

ference the question of a draft Recommendation concerning the general principles for the organisation and working of employment exchanges, similar to that 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) The Act of 20 May 1933, which supersedes the Act of 23 June 1932 and came into force on 1 October 1933, provides for the establishment of public employment exchanges in each department and at Copenhagen. On 1 April 1933, the number of free employment exchanges was 30. During the period from 1 April 1932 to 31 March 1933, these exchanges received 621,013 applications for employment and 58,024 notices of vacancies. The number of vacancies filled during the same period was 56,892.

*Estonia.* — (a) The Act of 20 June 1934, which came into force on 20 July 1934, provides for the creation of labour exchanges for the purpose of regulating labour supply and demand, these exchanges numbering 23. Persons seeking employment and vacancies are registered with these exchanges, which are managed by a director, appointed by the municipality in which the exchange is situated. The director is assisted by a committee composed of equal numbers of employers' and workers' representatives. The size of the committee and the procedure for its election is determined by the Minister of Communications. During 1933, the number of applications for employment received by the public employment exchanges was 48,062, and the number of vacancies notified was 42,341; 36,574 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 874 at the end of September 1933 to 993 at the end of September 1934. The number of placings effected by public employment offices in 1933 was 1,227,908.

*Germany.* — (a) . . . The report states that the powers which the executive and the governing body of the Federal Institution possessed under the Act of 16 July 1927, and also those attributed to the committees of management of the Federal and local employment offices under the same Act, have been transferred to the president of the Federal Institution, in so far as this has not already been done by special Orders.

*Great Britain.* — (a) ... The report states that the number of free employment agencies is 1215 (Great Britain, 1185, Northern Ireland, 30); the number of applications for employment, 2,260,365 (Great Britain, 2,198,949, Northern Ireland, 61,416); the number of vacancies notified, 2,390,674 (Great Britain, 2,363,739, Northern Ireland, 26,935) and the number of vacancies filled, 2,283,400 (Great Britain, 2,257,597, Northern Ireland, 25,803).

*Hungary.* — (a) ... The report states that at the present moment the number of public employment exchanges is eight, with 320 branch offices; the number of free private employment agencies is 136. During the period 1 October 1933 to 30 September 1934, the free public employment exchanges received 302,931 applications for employment and 170,309 notices of vacancies, and effected 165,734 placings. During 1933 the free agricultural employment exchanges received 102,836 applications for employment and 101,808 notices of vacancies, and effected 93,183 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 anticipate considerable difficulty in the working of any system which involves the registration of individual workmen. The Government of India has asked that the matter may be examined further. The question of establishing exchanges in Rangoon is under discussion between the Government of Burma and the Port Commissioners. 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.

*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. The 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 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 states that at the end of September 1934 the number of provincial employment offices was as follows: agriculture, 92 offices, 1,981 communal sections; transport industry, 92 offices, 279 regional sections; commerce, 92 offices, 59 regional sections. The placings effected by these offices in 1933 were as follows: agriculture, 7,606,932; transport industry, 1,347,014; commerce, 171,163. The national employment exchange for persons employed in cleaning and harvesting rice and in harvesting olives and corn effected 836,728 placings in 1933, and in the same year the national employment exchange for persons employed in theatrical undertakings effected 154,922 placings.

(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,

## 2. Unemployment.

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 574 on 30 September 1934... The report states that, during the period under review, the number of vacancies notified was 1,531,455, the number of application for employment was 1,384,887 and the number of vacancies filled was 600,125.

*Luxemburg.* — (a) ... The *Annuaire officiel* for 1934 gives the following figures with regard to the work of the three labour exchanges during 1932: Luxembourg: vacancies notified, 11,154; applications for employment, 14,037; vacancies filled, 8,303. Esch-sur-Alzette: vacancies notified, 20,529; applications for employment, 22,009; vacancies filled, 12,580. Diekirch: vacancies notified, 3,420; applications for employment, 2,597; vacancies filled, 2,098.

*Poland.* — (a) The report states that the Presidential Decree of 27 October 1933 and various legislative and administrative measures taken to give it effect have modified placing to a certain extent. Thus, as from 1 April 1934 employment agencies have been abolished and their functions have been transferred to the public employment exchanges set up under the Unemployment Fund and to the public administrative authorities. Placing is free for workers, but employers who engage persons through a public employment exchange are required to pay certain fees fixed in accordance with the kind of work which the persons in question are engaged for. The system of employment exchanges included, on 30 September 1934, 39 exchanges attached to the Unemployment Fund and 67 communal exchanges in Upper Silesia. These exchanges found employment for 412,696 workers between 1 October 1933 and 1 September 1934. The number of unemployed persons seeking work who were registered with the exchanges numbered 289,220 on 1 October 1934. The Order of 15 March 1934 concerning the employment exchanges of

the Unemployment Fund repeals the old Order of 18 December 1923 concerning the organisation and powers of the joint advisory committees attached to employment exchanges. §14 of the new Order provides that consultative committees shall be attached to the employment exchanges for the purpose of collaboration with the organisations of employers and workers. These committees shall be composed of a representative of the employment exchange as chairman, a representative of the labour inspection service, and employers' and workers' representatives. The employers' and workers' representatives shall be chosen by the chairman of the local Unemployment Fund from the employers' and workers' organisations existing in the district where the exchange is situated. The number of these representatives shall be fixed by the chairman.

(b) ... The number of employment agencies carried on by social organisations during the period under review was 222. These agencies received 38,869 applications for employment and 23,134 notices of vacancies, and effected 17,577 placings. The number of fee-charging agencies during the same period was 17, as against 25 in 1933. These agencies, two of which were for theatrical artists, 7 for agricultural workers, and 8 for all professions except domestic service, received 4,204 applications for employment and 2,310 offers of employment, and effected 1,536 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 1934, there were 33 departmental and also two communal exchanges... During the period 1 January-30 September 1934, employment was found for 76,512 persons; the numbers of applications for and offers of employment were respectively 98,198 and 89,469.

*Spain.* — (a) ... The report states that an Order of 18 January 1934 instructed the provincial labour boards to pursue their work as rapidly as possible. The duty of the boards, *inter alia*, is to promote the setting up of the employment exchanges and registries prescribed by the Act of 27 November 1931 and to supervise their work.

*Sweden.* — (a) ... At the end of September 1934 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 900 employments 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 1933 to 30 September 1934, the number of applications for employment was 1,522,388, the number of vacancies notified, 364,246, and the number of vacancies filled, 313,163.

(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 Conference at its Seventeenth Session (June 1933).

*Switzerland.* — (a) . . . The public offices in Switzerland dealing chiefly with employment-finding number 42 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. Placing is now assured by a system of 42 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 1933 to 30 September 1934: applications for employment, 856,081; vacancies notified, 155,817; vacancies filled, 120,453.

(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, three joint employment offices, "The Swiss Technical Employment Service", "The Swiss Employment Service for Commercial Employees" and "The Swiss Employment Service for Musicians" (which came into operation on 1 July 1934), work in close contact with the public employment exchanges. These three 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. In addition, a joint committee of enquiry has been set up for singers and actors, to which is attached a registry office, and this office undertakes to collect all possible information with regard to the supply and demand of work in the above professions and also to facilitate placing so far as possible. The office is also worked on a joint basis, and is under the supreme supervision of the Federal Office. The Order of 11 November 1924 lays down that the Federal Department of Public Economy shall take the necessary steps to co-ordinate the activities of free public and private employment exchanges. Some employers' or workers' organisations collaborate in the monthly statement upon the situation of the Swiss labour market. In addition, the daily bulletin prepared by the Federal Office is communicated, whenever it contains information likely to interest them, to all the employers' or workers' organisations. In order to facilitate and promote cooperation between public and private employment exchanges, the Federal Office has supplied the public exchanges with a list of the employment exchanges carried on by employers' and workers' occupational associations, with a recommendation to the public exchanges to cooperate as far as possible with the latter. Finally, the Federal Office has published a list of occupational associations in Switzerland, which should serve, *inter alia*, as a basis for the investigations which the public services and the occupational associations are called upon to undertake, in particular with regard to placing.

*Union of South Africa.* — . . . In rural areas, some 250 subsidiary labour exchanges have been established under postmasters. During the year under review, the Department of Labour has enlisted the co-operation of the Dutch Reformed Church with the object of maintaining closer touch with rural indigency and unemployment. Thirteen Church Poor Relief Committees have been established as an experiment in country districts, mainly

in those where conditions of indigency and unemployment are known to be prevalent. These Committees, together with Sub-Committees under their control, have superseded the Post Office Employment Exchanges in those areas and have arranged for the free registration and placing of applicants for employment. In the principal towns, the placing of adults and of juveniles is separately dealt with... The report supplies statistics illustrating the activities of the free employment agencies during the period under review.

*Yugoslavia.* — (a) ... At the end of September 1934 the number of employment exchanges was 30, including 6 central provincial offices. During the period from 1 October 1933 to 30 September 1934, these offices registered 483,904 unemployed workers, of whom 394,829 were men and 89,075 were women; 35,308 vacancies were notified and 27,508 filled...

(b) ... The report supplies statistics illustrating the work of the free private employment agencies during the period October 1933 to July 1934.

### ARTICLE 3.

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

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

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

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

*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 unemployment 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 agreements between France and Switzerland, signed on 9 June 1933, between France and Czechoslovakia, signed on 17 April 1934, and between France and Luxemburg, signed on 11 June 1934. As in the case of the agreements signed with Rumania, Austria, Yugoslavia and Spain, the ratification of the agreements with Switzerland, Czechoslovakia and Luxemburg 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).

*Great Britain.* — ... The report indicates that the administration of unemployment insurance in Northern Ireland was transferred to the Northern Ireland Government on 1 January 1922. The legislation in force in Northern Ireland corresponds to that in force in Great Britain with the exception of § 7 (1) and



(6) of the Unemployment Insurance Act (Northern Ireland) 1928, amended in 1934, under which it is a statutory condition for the receipt of unemployment benefit that the person claiming has, (except as otherwise prescribed, e.g. a man who has served in H. M. Forces), been resident in the United Kingdom for a period of five years immediately preceding the date of claim.

*Poland.* — ... The Polish and Belgian Governments have agreed to initiate negotiations with a view to concluding an arrangement in accordance with the terms of this Article of the Convention, and in addition to this Poland and Latvia have been negotiating on the question of a convention concerning social assistance which shall include relief for the unemployed. The text of this latter convention has been initialled but not yet signed.

*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 reduce 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. Under the terms of § 11 (2) of the Federal Act of 17 October 1924, the Federal Council has the power to refuse or reduce the subsidy in respect of aliens whose country of origin does not grant equality of treatment to Swiss nationals or has no equivalent system of unemployment relief. By its Order of 23 October 1933, the Federal Council has made use of this power for the first time, in reply to the attitude taken up by a country which is now only granting unemployment subsidies to the nationals of countries with which it has concluded an agreement for reciprocity. Since such an agreement has not yet been successfully negotiated, as the country in question does not wish to settle the question except in connection with an establishment treaty, the Federal Council has decided, until further notice, to exclude the nationals of the country in question from the benefits of unemployment insurance and emergency relief to the unemployed. Since, however, Switzerland is perfectly ready to conclude an agreement with this country, the present situation should be considered as merely provisional, and it may be predicted that the agreement with the principles of the Washington Convention will shortly be re-established.

*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 Regu-



lations 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 (Blida, Orleansville, Sidi-bel-Abbès, Bône, Bougie, Batna, Philippeville and Setif). During the year 1933, the departmental and municipal employment exchanges in *Algeria* effected 14,154 placings and registered 23,658 applications for employment and 18,064 notices of vacancies. 9,504 applications for employment were not satisfied and 3,910 vacancies were not filled. During the same year the public employment exchanges effected in all 13,880 placings. In *Morocco* the Resident General's Order of 9 December 1930 has established a Moroccan Labour Office constituted by the central labour service and by the free public employment exchange offices. At the present moment

there are six principal offices and twelve branch offices in the French zone of *Morocco*. Three of the six principal offices are State offices (Rabat, Casa Blanca and Oujda); the remaining three (Fez, Marrakesh, Meknes) are municipal offices. Twelve other centres, which have been given the status of municipalities, possess auxiliary municipal employment exchanges, one in each municipality; these employment exchanges are under the supervision of the Moroccan Labour Office which is attached to the Labour Department of the General Residency. The Resident General's Order of 9 December 1930 has also brought about the constitution of a Consultative Labour Committee, the duty of which is to supervise the activities of the Labour Office and to examine any questions submitted to it. This Committee, the chairman of which is the Resident General or his deputy, is composed of civil servants, a president of a Chamber of Commerce, a delegate of the Third Electoral College, and employers' and workers' delegates. In 1933, the Moroccan Office, by means of its six exchanges in the French zone and its branch offices, effected 14,633 placings. The offices also registered 11,474 applications for employment and 2,206 notices of vacancies. All these offices, whether departmental or municipal, are under the supervision of a central labour service which also acts as the central employment exchange. In *Tunisia* there is 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. During 1933, the Tunis Labour Office received 12,198 applications for employment and 3,824 notices of vacancies, and effected 4,716 placings. The Convention has not been applied to French possessions under the control of the French Ministry for the Colonies, nor to the protectorates under the control of the French Ministry of Foreign Affairs, since local conditions make the provisions of the Convention 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.* — . . . I. *Chosen (Korea)* . . . The report adds that the first general enquiry on the state of unemployment was made at the end of June, 1932, and the second in June, 1933. The report supplies information with regard to the civil engineering work on a large scale (such as construction work, railways, harbours, electric power works, etc.) which has been undertaken in the north-western part of the country and the work carried out for the purpose of relieving unemployment . . . 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, effect is given to the main provision of the Convention by labour exchanges, of which there were in August 1934 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).

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

*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.)*

## 2. Unemployment.

*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 there is nothing to record in regard to the practical application of the Convention. The Government has not received any observations on this subject from the employers' and workers' organisations.

*Belgium.* — No special measures have as yet been taken in Belgium regarding the finding of employment for workers in theatrical undertakings. The persons concerned have not yet come to an agreement as regards their collaboration with an official organisation for finding employment. 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 public employment offices find employment for workers in theatrical undertakings (with the exception of the artists), for example, programme-sellers, cloak-room attendants, washerwomen, scene-shifters, painters, etc. The public offices do not find employment for artists who have no Unemployment Fund recognised by the State. The Association of Danish Actors (*Dansk Skuespillerforbund*) has set up for its members a free employment institution to which the theatres apply and which thus dispenses the artistes from the necessity of employing private agencies. 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.

The Government has not received any observations from employers' or workers' organisations with regard to the practical application of the national legislation which gives effect to the provisions of the Convention.

*Finland.* — In Finland there are no special bodies for finding employment for workers in theatrical undertakings. The 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 artists. 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 artists. 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, and 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 circles of individuals 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.* — No special arrangements have been made by the State for workers in theatrical undertakings. They are entitled, like other workers, to make use of employment exchanges. The great bulk of engagements in the theatrical profession are, however, arranged through private employment agencies. For a general appreciation of the manner in which the Convention is applied, the report refers to Chapters I-V of the report of the Ministry of Labour for the year 1933. During the year covered by the report no observations have been received from

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

*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 states that, with the progress of employment exchanges in general, these agencies have a tendency towards gradual specialisation. A seasonal employment exchange agency (or an agency set up for a certain period in the year) is created in conformity with the needs of the local situation. The following table shows the number of employment exchange agencies on 30 September 1934, classified according to their specialised functions:

	Specialised agencies	Agencies maintaining specialised branches
Casual workers	71	190
Women	9	10
Young persons	2	9
Intellectual workers	1	7
Skilled workers	—	1
Ex-soldiers and discharged soldiers	—	3
Korean workers	4	—
Liaison employment exchanges	1	—
Total	88	220
Seasonal agencies		25
Temporary agencies		44

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, 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. There are no special agencies for employees in theatrical undertakings. 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.

*Luxembourg.* — The Government 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 the application of the national legislation which implements those provisions.

*Netherlands.* — The report states that statistical information in regard to unemployment and placing is to be found in the annual reports of the State Unemployment Insurance and Employment Exchange Service. No infringements have been reported. 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 infringement of the relevant legal pro-

visions has been reported during the period under review. 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 15 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 1933 to 30 September 1934 may be shown by the following statistics: 2,935 applications for employment, 1,650 offers of employment, and 1,760 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 Welfare 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 supplies statistical information concerning the number of unemployed during 1933 and the first ten months of 1934, and also describes the measures taken to combat unemployment and to assist the unemployed.

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

*Sweden.* — Agreements have been concluded with Denmark, Norway, Germany, Switzerland and Czechoslovakia whereby reciprocity of treatment is ensured to

their respective workers. No special measures are taken as regards the finding of employment for workers in theatrical undertakings. Public and private employment offices assist them, but only to an insignificant extent. The Association of Swedish Actors, to which the majority of actors of the Swedish theatres belong, allows its members to ask its assistance in finding them employment. The Conventions ratified by Sweden may be said to be satisfactorily enforced, and 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. The manner in which it is applied does not call for any observations except in regard to workers in theatrical undertakings. With reference to these workers, it should be noted that the efforts of the Federal Office to improve the working of the placing service have fortunately resulted, on the one hand, in the setting up of the Swiss Joint Employment Service for Musicians and, on the other hand, in the formation of a joint committee of enquiry and of an office for the registration of singers and actors (see under ARTICLE 2 (b) above). This side of placing is only of slight importance in Switzerland, owing to the fact that most of the artists in question are recruited abroad, and generally remain in Switzerland only during the season, but it is nevertheless true that, in addition to the employment exchanges organised by the occupational associations, and in particular by the Swiss Musicians' Union, the fee-charging agencies had a preponderating influence in placing artists. The Swiss Employment Service which has just been organised certainly remedies a deficiency in the Swiss organisation of labour, and will give considerable help to theatrical undertakings as well as to singers and actors. In practice, its activities only extend to the German-speaking part of the country. Experience will show if it is expedient for the organisations which have been set up to deal also with questions in the French part of Switzerland, or if, on the contrary, it will be more advisable to set up a separate organisation for this latter part of the country. A proposal has been made to the Swiss Employment Service for Musicians to add to its activities the placing of music-hall and cabaret artists. This proposal has not been rejected, but it will be necessary to consider it thoroughly before taking steps to carry it out. 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.

*Union of South Africa.* — The report states that no special provisions exist for finding work for theatrical employees, nor would there seem to be any necessity in South Africa for such special provisions, in view of the comparatively small number concerned. 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.

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

### 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 1934, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	23. 3.1935 <sup>1</sup>
Brazil. . . . .	26. 4.1934	28. 1.1935
Bulgaria . . . . .	14. 2.1922	23.10.1934
Chile . . . . .	15. 9.1925	26.12.1934
Colombia . . . . .	20. 6.1933	4. 3.1935
Cuba . . . . .	6. 8.1928	4. 3.1935 <sup>1</sup>
Germany . . . . .	31.10.1927	8.11.1934
Greece . . . . .	19.11.1920	
Hungary . . . . .	19. 4.1928	24. 1.1935
Latvia . . . . .	3. 6.1926	24. 1.1935
Luxemburg . . . . .	16. 4.1928	25. 1.1935
Nicaragua . . . . .	12. 4.1934	
Rumania . . . . .	13. 6.1921	12. 1.1935
Spain . . . . .	4. 7.1923	3.12.1934
Uruguay . . . . .	6. 6.1933	
Yugoslavia . . . . .	1. 4.1927	26.11.1934

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

The Government of *Brazil* states in its report that it has not as yet been possible to incorporate the Childbirth Convention in the national legislation, since the provisions of the Convention which relate to the six weeks absence granted to a woman before and after her confinement are not in agreement with the provisions of Brazilian law, which require only four weeks. The Federal Government will take the necessary measures to submit amendments to the National Congress with a view to bringing the provisions of the national legislation into agreement with those of the Convention.

The Government of *Colombia* states in its report that it has submitted to the Legislative Chambers a Draft Labour Code containing most of the fundamental principles laid down by the Convention. This Code is still under consideration.

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

The report of the Government of *Nicaragua* 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 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.*

#### *Brazil.*

Decree No. 21,417 of 17 May 1932 to regulate the conditions of employment of women in industrial and commercial undertakings (L. S. 1932, Braz. 5).  
See also introductory note.

#### *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), superseded by the Decree of 19 April 1934.
- 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 No. 178 of 13 May 1931 to ratify the Labour Code (L. S. 1931, Chile 1).

*Colombia.*

See introductory note.

*Germany.*

- Act of 16 July 1927 respecting the Washington Convention concerning the employment of women before and after childbirth.
- Act of 16 July 1927 respecting the employment of women before and after childbirth (L. S. 1927, Ger. 8 A), amended by Act of 29 October 1927 (L. S. 1927, Ger. 8 B).
- Act of 9 July 1926 amending Book II of the Insurance Code of the Reich (L. S. 1926, Ger. 4 B).
- Act of 18 May 1929 respecting maternity assistance (amending Book II of the Insurance Code of the Reich) (L. S. 1929, Ger. 4).
- Federal principles on the conditions, nature and extent of public relief, issued in pursuance of the Order of 13 February 1924 respecting compulsory social relief.

*Hungary.*

- Act No. XXVII of 1928 approving the ratification of the Convention.
- Act No. XXI of 1927 respecting compulsory sickness and accident insurance (L. S. 1927, Hung. 1).
- Act No. V of 1928, respecting the protection of children, young persons and women employed in industrial and certain other undertakings (L. S. 1928, Hung. 1).
- Decree No. 150443 of 30 December 1930 concerning the protection of children, young persons and women in industrial undertakings and certain other undertakings (Decree for the application of Act No. V of 1928).
- 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. 8).

*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.*

*Brazil.* — Decree No. 21,417 applies to all public or private industrial or commercial undertakings.

*Colombia.* — See introductory note.

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

*Rumania.* — The Act of 9 April 1928 applies (§ 2 (1)) to all industrial and commercial undertakings. No distinction is drawn between industry and commerce on the one hand and agriculture on the other, but provision is made in § 4 for the settlement of contested cases by the Ministry of Labour, after consultation with a committee composed of employers' and workers' representatives, appointed by the Ministry of Labour on the recommendation of the most representative organisations of employers and workers, and representatives of the Ministry itself.

## 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.

*Brazil.* — Decree No. 21,417 contains no definition of the terms "woman" and "child".

*Colombia.* — See introductory note.

## ARTICLE 3.

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

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

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

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

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

*Brazil.* — (a) and (b). § 7 of Decree No. 21,417 lays down that a pregnant woman shall not be employed in any public or private industrial or commercial undertaking during the four weeks immediately preceding her confinement and the four weeks after it. The woman shall give due notice to the employer of the period of four weeks preceding her confinement, on pain of losing her right to the benefit prescribed in § 9. If the employer contests this notice, the woman shall adduce proof of her condition by means of a medical certificate. Failure to give such notice or the inaccuracy of it shall exempt the employer from liability under this section. The periods of four weeks before and four weeks after confinement may be increased by not more than two weeks each in exceptional cases attested as such by a medical certificate. See also introductory note. (c). § 9 of the Decree provides that when absent from employment in virtue of the provisions of § 7, a woman shall be entitled to receive benefit equivalent to one-half of her wages on the basis of the average wage during the preceding six months, and also to return to the post which she held previously. § 10 adds that in case of a miscarriage, which must be proved, a woman shall be granted a rest period of a fortnight, and during that time shall be entitled to receive benefit in the manner laid down in the preceding section, and



also to return to the post which she held previously. If it is proved that the miscarriage was brought about in a criminal manner, the woman shall lose her right to the benefit granted by this section. § 14 lays down that the pecuniary benefit mentioned in § § 7, 9 and 10 shall be paid by the funds set up by the Social Insurance Institution, and in default of such funds by the employer. (d) Under § 11, a woman who nurses her child shall be entitled to two special rest periods a day, of half an hour each, during the first six months after her confinement. § 12 lays down that undertakings employing not less than thirty women over sixteen years of age shall provide a suitable room in which the women may leave their children under supervision and care during the nursing period.

*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) . . .

*Colombia.* — See introductory note.

*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 con-

finement an allowance equal to her full average wage or salary; (4) during the twelve weeks following the cessation of the above allowance a nursing benefit of not less than 60 *fillérs* a day. The report adds, however, that if the Social Insurance Institute has a persistent budgetary deficit the benefit may be reduced to 50 per cent. of the average daily wage. 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 wage 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 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 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). The Central Committee of the Insurance Funds informed the Funds, in a Circular dated 20 October 1933, that the rules had been amended in such a way as to ensure benefit being paid to a pregnant woman for a period of six weeks before and six weeks after her confinement, and that a provision had also been added with regard to a possible mistake in estimating the probable date of the confinement. The medical certificate relating to the probable date must be submitted to the Fund within eight days of its issue, in order to be valid. Benefit for the period which precedes the confinement is not paid until the insured person has presented a statement, signed by the employer, certifying that she has left her work.

*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 contributed for at least 26 weeks during the twelve months preceding her confine-

ment is entitled: (a) to 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 of the contribution classes to which she has belonged 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 go to work. Cash benefit after the confinement is granted on presentation of the child's birth certificate; (c) an insured woman who nurses her child herself is further entitled, when no longer in receipt of maternity benefit, to a cash nursing benefit for a further 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 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 Government states that the importance of the discrepancy existing between the Acts of 28 February 1922 and 14 May 1922, by which an insured 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. The report adds that "it became necessary in 1931 to revise the Workers' Insurance Act in order to balance the expenses of maternity benefit with the actual resources of the insurance institutions. It does not appear to us advisable, however, to proceed to a revision of the Workers' Protection Act, since the present circumstances are by no means favourable to a further revision of social legislation, and since, moreover, there is a sincere desire to return to the scale of maternity benefit laid down by the old legislative provisions as soon as the general economic situation permits." With regard to the question of a mistake on the part of the doctor or the midwife in estimating the date of childbirth, the practice is that if the doctor or the midwife makes a mistake in his estimate the maternity benefit is granted, even for the longer period estimated, but subject to the condition that this benefit may not be granted for a period exceeding twelve weeks. Since the object of the provisions of the Convention on this point is to permit payment of benefit for a period exceeding twelve weeks, the Ministry of Social Policy and Public Health has arranged to have the question put on the agenda of the session of the governing body of the Central Workers' Insurance Institution in November 1934. The

governing body's decision will be communicated to the International Labour Office. (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.

*Brazil.* — § 13 of Decree No. 21,417 lays down that an employer shall not dismiss a pregnant woman merely on account of her condition, without other sufficient reason for such dismissal.

*Colombia.* — See introductory note.

#### 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.*

*Brazil.* — Decree No. 21,417 provides that persons guilty of failure to comply with the provisions of the Decree shall be liable to a fine of not less than 100 nor more than 1,000 milreis, imposed by the competent authority (§ 15). The proceeds of the fines which are collected shall be credited to the Ministry of Labour, Industry and Commerce, and shall be utilised to defray the expenses of supervising the services for which the National Labour Department is responsible (§ 16).

*Colombia.* — See introductory note.

*Rumania.* — The application of the provisions of the Act of 9 April 1928 and the Regulations issued under it is entrusted to the labour inspectors. In this connection, see under *Convention No. 1 (Hours of work, industry)*, point V. The application of the provisions of the Act of 8 April 1933 concerning the unification of the social insurance system and of the Regulations applying the Act is the business of the Central Social Insurance Fund, the social insurance funds established in 32 districts, and the social insurance offices which exist in 89 districts.

## 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.* — Decisions of this nature have been and are constantly being given. In one case the Labour Court of Santiago, considering that in case of certified illness a salaried employee who has served the same employer for one year or more retains his post for a period of four months (§ 160 of the Labour Code), and that the employer is bound to keep the post open for a pregnant worker or salaried employee during a period of six weeks before and six weeks after her confinement (§ 310 of the Labour Code), condemned an employer to pay one of his women employees who had fallen ill during the sixth month of her pregnancy her full wages both for the period of her illness and also for the twelve weeks covered by § 310 of the Labour Code.

The remaining reports supplied do not mention any such decisions.

## VI.

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

*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.*

*Brazil.* — The report does not refer to this point.

*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 women salaried employees hardly ever continue work during the latter part of their period of pregnancy, because their physical condition does not allow it. A salaried employee who knows the rights ensured to her by law sees that she gets the six weeks' leave with full pay before childbirth and the same after childbirth to which she is entitled. As she comes from a decent home she can remain there and look after her child; it is very rare for a salaried employee to return to work before her period of leave expires. In the case of women wage-earners the position is quite different. They do not want to take the leave to which they are entitled (six weeks before and six weeks after childbirth, with half pay). These women generally come from very poor homes where the husband earns very little or is unemployed or a profligate or where there is possibly no husband at all, so that the woman is obliged to earn a living for herself and her children and is thus the chief breadwinner of the family. It is therefore almost impossible for her to subsist for twelve weeks (at a difficult period for her) on half her wages, which would amount on the average to 32 pesos a week. Practically, all industrial undertakings grant the leave and pay the allowance, which represents an insignificant addition to their expenses. They make no difficulties about admitting the women inspectors, but the women workers object strenuously to their intervention.

In a factory employing 400 women, it was found that only 7 had children during the year under review; they were allowed 12 pesos a week. The employer was obliged to pay in allowances to these 7 women the sum of 672 pesos, representing half pay for 8 weeks, the corresponding allowance for four weeks (two weeks before and two weeks after childbirth) being paid by the compulsory insurance scheme (§ 15 (c) of the Regulations), thus bringing the total up to the 12 weeks required under § 309 of Legislative Decree No. 178. There is considerable resistance on the part of the employers to keeping the woman's place in the factory open during her absence and to permitting her to nurse her child in a crèche attached to the factory. § 321 of the Labour Code prescribes penalties for failure to instal such a crèche, but it does not provide protection for the woman who wishes to leave her child there, and the employer generally finds some pretext for dismissing her. A nursing mother should be protected for six months in the same way as a pregnant woman is protected by § 311 of Legislative Decree No. 178. No reports have been received of any infringements of the Regulations. No information is available as to the cost of the benefits provided under Article 3 (c) of the Convention. The attendance of a doctor or midwife is provided by the compulsory insurance fund.

*Colombia.* — See introductory note.

*Germany.* — The *Statistik des Deutschen Reiches*, vol. 433: *Die Krankenversicherung im Jahre 1932 nebst vorläufigen Ergebnissen für das Jahr 1933* 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, owing to the depression, from 1,063,538 in 1931 to 1,007,636 in 1932, i.e. from 16.5 to 15.5 per thousand inhabitants. The number of cases in which the sickness insurance funds gave maternity benefit was 628,613 in 1932 against 718,293 in 1931 and 820,805 in 1930. In 1932, 62 per cent. of the births (68 in 1931 and 71 in 1930) 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 33.6 per thousand insured persons (34.8 in 1931 and 37.5 in 1930). The proportion of these to the number of women members of the sickness insurance funds was 33.5 per thousand members (35.7 in 1931 and 38.4 in 1930). During 1932, the cost of maternity relief to sickness insurance as a whole was 79,200,000 RM. against 98,500,000 in 1931 and 99,700,000 in 1930. No obser-

vations respecting the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention have been received from the circles of individuals concerned. No contraventions have been reported.

*Hungary.* — The reports of the labour inspectors do not mention any contravention 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 1933, the average number of women subject to compulsory sickness insurance was 322,785. 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 1933 states that, in spite of a decrease in the number of persons insured, maternity relief increased by 3.43 per cent. during the period 1932 to 1933. This increase is entirely due to the expansion of family benefits, relief to insured women having actually decreased by about 10 per cent. The satisfactory progress in regard to maternity relief is clearly shown by a comparison of the respective cost in 1927 and 1933. In the former year the relief amounted to 65,761.83 francs, the number insured persons being 63,185, while in 1933 it amounted to 451,730.41 francs, the number of insured persons being 47,509. The number of women who received such relief, which in 1927 was 91, was 163 in 1931, 139 in 1932, and 122 in 1933. The Government has not received any observations from the employers' or workers' organisations concerned with regard to the practical application of the Convention or of the national legislation which implements its provisions.

*Rumania.* — The report gives the following information for the period 1 April to 30 September 1934: number of insured women confined who received maternity benefit as legally prescribed, 1,911; number of women confined who were wives

of insured persons, to whom maternity benefit was paid as legally prescribed, 1,345; amount of maternity benefit (in cash), 4,119,048 *lei*; amount of nursing benefit, 1,570,846 *lei*.

*Spain.* — The report states that the application of the Convention is proceeding normally, the initial difficulties having been overcome. During 1933, 92,747 working women became members of the maternity insurance scheme, bringing the total membership at 31 December 1933 up to 529,884. Of these, 24,146 received benefits during the year, the total cost being as follows: allowance during absence from work, 1,610,720 pesetas; nursing benefit, 1,243,527 pesetas; medical and pharmaceutical benefit, 4,141,926 pesetas; total, 6,996,173 pesetas.

*Yugoslavia.* — During 1933, the benefits granted under § 45 of the Workers' Insurance Act amounted to 7,020,888 dinars for cash benefits and 2,594,130 dinars for attendance by midwives, i.e., 18.46 dinars per insured person. The expenses of medical attendance, pharmaceutical benefits and hospital treatment are included in the cost of sickness benefit, which amounted to 5,228,350 dinars for insured persons, i.e., 37.34 dinars per insured woman, and 4,386,668 dinars for members of the families of insured persons, i.e. 8.42 dinars per insured person.

#### 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 1934, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Albania . . . . .	17. 3.1933	25. 3.1935 <sup>1</sup>
Argentine Republic.	30.11.1933	23. 3.1935 <sup>1</sup>
Austria . . . . .	12. 6.1923	30.11.1934
Belgium . . . . .	12. 7.1924	2.11.1934
Brazil . . . . .	26. 4.1934	28. 1.1935
Bulgaria . . . . .	14. 2.1922	23.10.1934

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

PAYS	Date d'enregistrement de la ratification	Rapports reçus
Chile . . . . .	6.10.1921	26.12.1934
Colombia . . . . .	20. 6.1933	4. 3.1935
Cuba . . . . .	6. 8.1928	4. 3.1935 <sup>1</sup>
Czechoslovakia . .	24. 8.1921	15. 2.1935
Estonia . . . . .	20.12.1922	20.10.1934
France . . . . .	14. 5.1925	22. 1.1935
Great Britain . . .	14. 7.1921	15.11.1934
Greece . . . . .	19.11.1920	
Hungary . . . . .	19. 4.1928	24. 1.1935
India . . . . .	14. 7.1921	14.12.1934
Irish Free State . .	4. 9.1925	24.11.1934
Italy . . . . .	10. 4.1923	11. 1.1935
Lithuania . . . . .	19. 6.1931	27.10.1934
Luxemburg . . . . .	16. 4.1928	28. 1.1935
Netherlands . . . .	4. 9.1922	25.10.1934
Nicaragua . . . . .	12. 4.1934	
Portugal . . . . .	10. 5.1932	22. 2.1935
Rumania . . . . .	13. 6.1921	12. 1.1935
Spain . . . . .	29. 9.1932	3.12.1934
Switzerland . . . .	9.10.1922	1.11.1934
Union of South Africa	1.11.1921	30.10.1934
Uruguay . . . . .	6. 6.1933	
Venezuela . . . . .	7. 3.1933	25. 3.1935 <sup>1</sup>
Yugoslavia . . . . .	1. 4.1927	26.11.1934

The Government of *Colombia* states in its report that it is carefully studying the Convention in the light of the economic, racial, psychological and social characteristics of the country. It proposes to consider the possibility of giving effect to it in its legislation.

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

The Government of *India* states in its report that § 45 of the Factories Act, 1934, which was to come into force on 1 January 1935, will bring the law of British India into line with the Convention. § 45 provides that no woman shall be allowed to work in a factory except between 6 a.m. and 7 p.m., with the proviso that the Local Government may, under certain conditions, vary the limits in question to any span of thirteen hours

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

#### 4. Night work (women.)

between 5 a.m. and 7.30 p.m., except in the case of seasonal factories and fish-curing or fish-canning factories, for which exceptions are provided.

The *Italian* Government states that, during the period covered by the report, the Act of 26 April 1934 was published. This Act is a consolidated text of all the provisions in force up to now as regards the protection of women's work and, in particular, with regard to the prohibition of night work, viz., the Act of 10 November 1907 and the Regulations which apply it and the Royal Legislative Decree of 15 March 1923. The new Act has not yet been applied, however, as, under its § 26, the entry into force is fixed at 90 days after the publication of the Ministerial Decree which is prescribed by § 8 of the Act, and which concerns the form and contents of the work book; the Decree has not yet been published.

The report of the Government of *Nicaragua* 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.*

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).

#### *Brazil.*

Decree No. 21,417 of 17 May 1932 to regulate the conditions of employment of women in industrial and commercial undertakings (L. S. 1932, Braz. 5).

Decree No. 21,364 of 4 May 1932 to regulate hours of work in industry (L. S. 1932, Braz. 3).

#### *Bulgaria.*

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

Royal Decree No. 24 of 24 June 1919 respecting the eight and six-hour day.

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

#### *Chile.*

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

#### *Colombia.*

See introductory note.

#### *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 §§ 1-3, 8, 12-16, 18-20, 22-24 and 30 of Act No. V of 1928.
- Order No. 33,469 of 1933 of the Minister of Commerce concerning a night's rest of eleven hours for women and young persons employed in brick works (L. S. 1933, Hung. 5).

### *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.*

- Act of 11 November 1933 concerning the employment of industrial wage-earning employees (L. S. 1933, Lith. 4).
- 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 8 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).

### *Portugal.*

- Legislative Decree No. 24,402 of 24 August 1934 to regulate hours of work in commercial and industrial undertakings (L. S. 1934, Por. 5).
- Legislative Decree No. 24,403 of 24 August 1934 concerning the supervision of hours of work.

### *Rumania.*

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

### *Union of South Africa.*

- Factories Act, No. 28 of 1918.
- Factories (Amendment) 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).

### *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, quarries, and other works for the extraction of minerals from the earth;



#### 4. Night work (women).

(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.*

*Austria.* — . . . The report 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. The term "industrial undertakings" used in the Act of 14 May 1919, however, 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.

*Brazil.* — Decree No. 21,417 of 17 May 1932 to regulate the conditions of employment of women in industrial and commercial undertakings applies, according to § 2, to public or private industrial or commercial undertakings. Decree No. 21,364 of 4 May 1932 to regulate hours of work applies to industrial undertakings of all kinds (§ 1) with the exception of work done in agricultural industries, general transport undertakings, maritime or mining industries and public utility work for the Federation, a Province or a municipality done under contract by private undertakings, in which the conditions of work shall be determined by special regulations issued by the Minister of Labour, Industry and Commerce.

*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.

*Colombia.* — See introductory note.

*Lithuania.* — The Act of 11 November 1933 applies to factories and all similar industrial undertakings. Under § 1 of the Act, the Minister of the Interior, in agree-

ment with the Minister of Finance, decides which industrial undertakings shall be considered as assimilable to factories. The report adds that the prohibition of night work for women applies to all industrial establishments, and that it has not been necessary to define the line of division which separates industry from commerce and agriculture.

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

*Portugal.* — Legislative Decree No. 24402 applies, under the terms of § 1(1), to all commercial or industrial undertakings, viz. offices, shops, warehouses, workshops, factories, workplaces, public urban transport services or any other places in which commercial or industrial work is performed. Under § 9(2), the staff of land transport services which are connected with the commercial or industrial undertakings covered § 1 (1) are subject to the provisions of the Decree.

*Rumania.* — The Act of 9 April 1928 applies (§ 2 (1)) to all industrial and commercial undertakings. It has not therefore been necessary to define the distinction between industry and commerce. Provision is made, however, in § 4 of the Act for the settlement of contested cases by the Ministry of Labour, after consultation with a committee composed of employers' and workers' representatives, appointed by the Ministry of Labour on the recommendation of the most representative organisations of employers and workers, and representatives of the Ministry itself.

*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.

#### 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.*

*Brazil.* — § 2 of Decree No. 21,417 of 17 May 1932 to regulate the conditions of employment of women lays down that women shall not be employed in public or private industrial or commercial undertakings between 10 p.m. and 5 a.m. The Decree does not contain any definition of the term "night" similar to that given in this Article of the Convention. Decree No. 21,364 to regulate hours of work in industry fixes the normal hours of work at 8 a day and 48 a week (§ 1). These limits may be extended in certain cases to 10 hours a day or 60 hours a week and in exceptional cases to 12 hours a day (§§ 3 and 4).

*Chile.* — § 48 of the Legislative 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."

*Colombia.* — See introductory note.

*Hungary.* — ... Order No. 33,469 of 1933 prescribes a nightly rest period of eleven consecutive hours, including the interval between 10 p.m. and 5 a.m., for women employed in brick works.

*India.* — ... See also introductory note.

*Lithuania.* — § 18 of the Act of 11 November 1933 lays down that women may not be employed between 10 p.m. and 5 a.m. The Act contains no provision for a rest period of eleven consecutive hours.

*Portugal.* — § 7 of Legislative Decree No. 24402 provides that women shall not normally be employed in industrial establishments beyond the limits of hours laid down in § 9. The latter section prescribes that as a general rule work in industrial establishments shall not begin before 7 a.m. or end later than 8 p.m.

*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.

*Brazil.* — Decree 21,417 of 17 May 1932, § 2 of which prohibits night work of women in industrial and commercial undertakings, provides in § 3 that this prohibitions shall not apply to women employed in undertakings in which only members of their family are employed. The section also exempts from the prohibition women who are not engaged in normal and continuous work but occupy responsible posts of management.

*Colombia.* — See introductory note.

*Hungary.* — ... Order No. 33,469 of 1933 prohibits the employment of women during the night in brick works.

*Lithuania.* — § 18 of the Act of 11 November 1933 lays down that women may not be employed between 10 p.m. and 5 a.m. except in undertakings in which only members of the same family are employed.

*Portugal.* — Under § 7 of Legislative Decree No. 24402 women may not normally be employed in industrial establishments beyond the limits of hours laid down in § 9, which prescribes that as a general rule work in industrial establishments shall not begin before 7 a.m. or finish later than 8 p.m. § 3 provides for the possibility of exempting from the application of the provisions governing hours of work persons employed in small undertakings and closely related to their employers, and persons holding positions of confidence, supervision or management.

*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.

#### 4. Night work (women).

*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.*

**Brazil.** — Decree No. 21,417 of 17 May 1932 lays down in § 3 that the prohibition of night work shall not apply to women whose work is essential to prevent the interruption of the normal operations of the undertaking, in cases of *force majeure* which it was impossible to foresee and which are not of a recurring character, or to preserve from loss raw materials or substances which are subject to rapid deterioration.

**Colombia.** — See introductory note.

**Lithuania.** — Under § 20 of the Act of 11 November 1933, the prohibition of night work for women between 10 p.m. and 5 a.m. does not apply: (1) 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; (2) 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 them from loss. The report adds that no special conditions have been prescribed under which advantage may be taken of these exceptions.

**Luxemburg.** — . . . The report adds that no use has been made of the above-mentioned exceptions.

**Portugal.** — § 7(1) of Decree No. 24402 lays down that the employment of women may be permitted outside the limits prescribed by § 9 with the express authorisation of the National Institute of Labour and Social Welfare, but only in exceptional cases for which justifiable reasons have been advanced or when prescribed in contracts of employment which have been approved by the Under-Secretary of State for Corporations and Social Welfare. § 9(1) provides that special regulations may be made for time-tables for certain commercial and industrial services of public interest. These regulations, once they have been approved by the Under-Secretary of State for Corporations and Social Welfare and published in the Bulletin of the National Institute of Labour and Social Welfare, shall have the force of law.

**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 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 provides 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 § 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 § 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. During the period covered by the report, the cantonal authorities of Schaffhausen gave permission to a preserved food factory, in two cases, to employ women on night work. The work in question, however, did not take place during the period between 10 p.m. and 5 a.m. The Act of 31 March 1922 (§ 4 (1)) provides that the prohibition of night work may be suspended for women over 18 years of age in the event of an interruption of the work of the undertaking due to *force majeure* which could not be foreseen and does not recur periodically. Under the same Act (§ 4 (2)) the prohibition of night work may be suspended for women over 18 years of age in cases of the working up of raw materials or the manipulation of substances which are liable to very rapid deterioration, when necessary to prevent the otherwise inevitable loss of the said raw materials or substances. As regards the competent authority for the suspension of the prohibition, § 6 of the Administrative Order provides: "The prohibition of night work may be suspended in the cases mentioned in § 4 of the Act, subject to an order of the competent authority. The following shall be the competent authorities: (a) for suspension for not more than 10 nights, the district authority, or in default thereof the local authority; (b) for suspension for more than 10 nights, the cantonal Government. If, owing to an emergency, an order of the competent authority cannot be procured in due time, the said authority shall be notified not later than the following day." The enforcement of the Federal Act relating to the employment of young persons and women in industry is within the competence of the cantons, which, every two years, send reports to the Federal authorities. According to the information with regard to the enforcement of the Act supplied in the reports of the cantonal Governments, no request for the suspension of the night work prohibition has been either presented or granted during the years 1932 and 1933.

*Union of South Africa.* — ... (b) ... During the first eight months of 1934, § 15 (2) of the Act of 1918, as amended by § 4 of the Act of 1931, has been applied to the following occupations: fruit canning (hours permitted: 6 a.m. - 9 p.m.); sweet manufacturing (6 a.m. - 9 p.m.; 2 shifts: 6 a.m. - 3.45 p.m., Saturdays 6 a.m. - 10.30 a.m.; and 10 a.m. - 7.45 p.m.); baking, biscuit manufacturing (5 a.m. - 7 a.m.; 6 a.m. - 3 p.m.; 5 p.m. - 9 p.m.; 6 p.m. - 9 p.m.); printing (6.30 p.m. - 9 p.m.; 1 p.m. - 9 p.m.); photography (12 noon - 9 p.m.); dressmaking and millinery (6 p.m. or 7 p.m. - 9 p.m.); bacon-curing (5.15 a.m. - 3.30 p.m. and 6.15 a.m. - 4.30 p.m.); motors (7 a.m. - 9 p.m.).

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.*

*Brazil.* — Decree No. 21,417 contains no provisions relating to the duration of the night period. See above, under ARTICLE 2.

*Colombia.* — See introductory note.

*Luxembourg.* — ... The report states that no advantage has been taken of this exception.

*Portugal.* — Portuguese legislation contains no express provisions of nature. See also under ARTICLE 4.

*Rumania.* — Under § 17 of the Act of 9 April 1928 the factory inspectors, for their respective districts, or the Ministry of Labour on the recommendation of a committee composed of employers' and workers' representatives, appointed by the Ministry on the recommendation of the most representative organisations of employers and workers, and representatives of the Ministry itself, for several districts, may grant exceptions to industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it...

*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. § 147 of the Administrative Order under the Factory Act provides that the night's rest may be reduced to ten hours for women, where such reduction is necessary to prevent an otherwise unavoidable loss of materials subject to rapid deterioration. 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. The report adds that in 1933 five factories in East Switzerland made use of the exception permitted under § 66 (2) of the Factory Act.

## 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.*

*Brazil.* — The report does not refer to this point. Decree No. 21,417 contains no provisions with regard to the duration of the night period. See above, under ARTICLE 2.

*Colombia.* — See introductory note.

*Portugal.* — Portuguese legislation contains no equivalent provisions. See also under ARTICLE 4.

*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.*

*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 1931); *Perlis* (Enactment 10 of 1931); *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); *Kelantan* (Enactments 16 and 17 of 1933, with the modification that "night" is defined as the interval between 10 p.m. and 5 a.m.); *Mauritius* (Ordinance 37 of 1934, with the modification that the Governor in Executive Council may sanction, in special cases, the night work of women in a specified industry and for specified periods); *Straits Settlements* (Ordinance 33 of 1933); *Trengganu* (Labour Enactment, 1352); *Grenada* (Ordinance 8 of 1934. The Ordinance has not yet been brought into force); *St. Helena* (the Convention may be regarded as applying to St. Helena by virtue of § 24 of the Interpretation and General Law Ordinance, 1895, which reads as follows: "Subject to all local Ordinances and Orders-in-Council in force for the time being: So much of the law of England, for the time being, as is applicable to local circumstances, is and shall be in force in this Colony, so far as it is suitable and appropriate and subject to such qualifications as local circumstances render necessary"). The Convention has also been applied in *Trinidad*, with an exemption for undertakings employing not more than ten men or women; and in *Uganda*, by Ordinance 32 of 1931, with the modification that "night" is defined as a period between 10 p.m. and 5 a.m. It is stated that amending Ordinances will be introduced in *Trinidad* and *Uganda*. In *Malta* an Act (No. 21 of 1926) has been passed applying the Convention, but this has not yet been brought into force.

**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, 11 and 2 from 1926 to 1933, and to 2 during the first seven months of 1934. 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, for 1933, 12,358 and 8,274 and for the period January-July 1934 the figures were 4,284 and 2,743. 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 1933, fifty-one breaches of the provisions in force were reported. During the first eight months of 1934, the number of breaches was 9...

*Portugal.* — The Convention was ratified by Portugal with a reservation concerning its application to Portuguese colonies. In this connection the report refers to the statements made in previous reports and also to the statements made by the Delegates of the Portuguese Government during the Sessions of the International Labour Conference and of its Committee on Article 408 (see *Convention No. 1 (Hours of work, industry)*, point IV).

*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.*

*Brazil.* — See under *Convention No. 3 (Childbirth)*, point IV.

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

*Colombia.* — See introductory note.

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

*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. 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 1933 onwards, the reports of the labour inspectors, which were previously drawn up and published every two years, will be published regularly every year.

*Union of South Africa.* — ... For the purposes of inspection under the Factories Act, the Union is divided into six factory inspectorates with inspectors stationed at the following centres: Johannesburg (5 inspectors covering the Transvaal Province areas); Bloemfontein (one inspector covering the Orange Free State Province)... Where the occupations concerned fall outside the scope of the Factories Act, collective agreements and wage determinations almost invariably prescribe hours

of work similar to those laid down in the Factories Act, and the number of inspectors available under these Acts are as follows: 7 inspectors stationed at Cape-town for covering the Cape Western area; 8 at Johannesburg and 2 at Pretoria for covering the Transvaal area; 2 at East London and 4 at Port Elizabeth for covering the Cape Eastern area; 6 at Durban for Natal; 2 at Bloemfontein for the Orange Free State and one at Kimberley for the Cape North Eastern area...

#### 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.* — During the period covered by the report, the Federal authorities received records of 36 sentences pronounced for infringements of the prohibition of night work under the Factories Act with regard to females, and 16 sentences pronounced for infringements of the prohibition under the Act concerning the employment of young persons and women in industry. All the sentences recognised the guilt of the accused persons and in all cases without exception the penalty imposed was a fine, the heaviest being 500 francs. Several of the sentences were pronounced not only for violation of the night work prohibition but also for infringement of other provisions. Among the cases relevant to the Factories Act were those in which the infringement not only concerned the hours prohibited by the Convention, but also the period between 8 p.m. (5 p.m. on Saturdays and on the days preceding public holidays) and 10 p.m. which is included in the "night" period as defined by cantonal law. Some of the sentences were also pronounced for non-observance of the minimum night rest period which must be observed under the terms of the Convention and of national legislation. Of the 52 sentences pronounced, 17 were pronounced by the legal authorities and 35 by the administrative authorities.

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 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.*

*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 1933, mining undertakings in Austria employed 13,941 workers of whom 376 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 1933. 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 previously, and adds that no observations have been made by the employers' or workers' organisations with regard to the application either of the Convention or of the national legislation which implements the Convention.

*Brazil.* — The report does not refer to this point.

*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 no infringements

have been notified. The number of women workers protected is 91,300.

*Colombia.* — See introductory note.

*Czechoslovakia.* — The report states that copies of the report of the inspection service for 1933, 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 Convention and of the national legislation implementing it.

*Estonia.* — During the year 1933, 12,275 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. Twelve cases of contravention were however recorded, nine of which gave rise to a simple warning and three of which were followed by prosecution. The Government has not received any observations from employers' or workers' organisations with regard to the practical application of the national legislation which gives effect to the provisions of the Convention.

*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 from 1931 to 1933. In the case of Article 4 (b) of the Convention, exceptions were granted in 1933 to 69 undertakings, with a total of 23,902 nights to which the exception applied. (Of these 69 undertakings, 64 were engaged in fish-preserving, and accounted for 22,128 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 1933 there were 15 prosecutions and 264 offences; whilst as regards the period of rest at night no breaches of the law were recorded. The report adds: "The French Government has received an observation from the National Federation of Railway Workers with regard to the practical application of the provisions of the Convention and the application of the national legislation which implements these provisions. The Federation points out that women employed as gate-keepers on the various lines do not always have a minimum rest period of eleven consecutive hours. The Federation was informed, in reply, that its observation was not justified, since § 23 of Book II of the Labour Code,



under which women are entitled to a nightly rest period of at least eleven consecutive hours, does not apply to undertakings for the transport of passengers or goods by rail, since these undertakings are not included in the list given in the first paragraph of § 21 of Book II of the Code, which fixes the undertakings in which night work of women is prohibited. These provisions are in accordance with the international Convention concerning employment of women during the night, which, unlike the Convention concerning the night work of young persons employed in industry, does not include in its scope transport of passengers or goods by rail."

*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 report of the Chief Inspector of Factories contains a section dealing with the application of the three 1919 Conventions concerning the protection of women and young persons (Conventions Nos. 4, 5 and 6). This report states that the provisions of the employment Conventions appear generally to have been well observed. The number of firms prosecuted in 1933 for offences involving breaches of these Conventions has been as follows: minimum age, 2; night work of young persons, 38; night work of women 15, which is an increase under all three headings as compared with 1932, when the corresponding figures were 0, 21 and 9 respectively. As regards the young persons, the great majority of those employed at night in the above cases were males; ten of the defendants were bakers and eight were engaged in brickmaking or similar work. As regards the women, six of the defendants were in the clothing trade and three were bakers. The other defendants were in a variety of trades. There were 5 cases in which young persons, and 3 in which women, though not employed between 10 p.m. and 5 a.m., were not allowed a rest period of 11 consecutive hours; in all other cases there was employment between 10 p.m. and 5 a.m. In all but four cases convictions were obtained; two cases were dismissed under the Probation of Offenders Act, and one on payment of costs. There were no prosecutions for breaches of this Convention in mines or quarries or in Northern Ireland. In 1933, 1,398,728 women were employed in factories in Great Britain and in Northern Ireland 52,111 in factories and 24 in quarries. In 1933, the number of women employed as wage-earners above ground at mines and quarries more than twenty feet deep in Great Britain was 2,212. 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 1933, the number of women employed in undertakings subject to factory inspection was 64,473. The Government has no statistical information available yet for 1934. According to the reports of the factory inspectors for the year 1933, employers as a whole comply with the prohibition of night work for women. Breaches have been comparatively rare; in 1933 the inspectors notified 8 cases of infringement, which gave rise to legal proceedings. 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 in previous years. No case of infringement has been reported during the period covered by the report, and no complaints have been received from organisations of employers or workers.

*Italy.* — The report states that, according to the information published in the number of the monthly review *Sindacato e Corporazione* for October 1934 concerning the work of the corporative inspection service during 1933, 16,875 ordinary visits of inspection and 13,086 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, 1,339 were carried out during the night, with a view to checking certain breaches of the law, and 949 cases of infringement gave rise to proceedings during 1933. No observations or complaints were made by the trade union organisations with regard to the practical application of the provisions of the Convention or of the national legislation which implements it.

*Lithuania.* — The report states that the number of women employed in industry is about 6,000. No difficulties have arisen with regard to the application of the

Convention, and no cases of infringement have been reported.

*Luxemburg.* — The report states that no cases of contravention have been reported during the period under review. 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 those provisions.

*Netherlands.* — During 1933, no cases of infringement of the provisions concerning the nightly rest period of 11 consecutive hours were reported. Some cases were mentioned where women were employed between 10 p.m. and 5 a.m. It appears, from complaints which have been received, that this provision is not always observed, for example, in preserved vegetable and fruit factories, if it is necessary to deal with large consignments on their arrival. During 1933, the option of employing women during certain hours of the night for spitting herrings was not exercised. In the same year, the approximate number of women employed in factories or workshops as defined in the Labour Act was 89,500. Neither employers' nor workers' organisations have formulated any observations concerning the practical application of the Convention or of the national legislation which implements it.

*Portugal.* — The report refers to § 31 of Decree No. 23048 of 23 September 1933 to promulgate the National Labour Code, which states that "the employment of women and children outside their home shall be governed by special provisions in conformity with the requirements of morality, health, maternity, domestic life, education and social welfare." The Government of Portugal has complied with this principle. The Preamble to the Decree states that "regulations concerning the employment of women and young persons were urgently required. When there are men who cannot find employment, it should not be permissible for so large a number of industries to seek a supply of cheap labour by engaging women and young persons. Moreover, the consequences of such employment in regard to the health and moral welfare of those concerned are really deplorable. It is useless to try to enhance the dignity and raise the moral standards of working class families so long as married women have to leave their homes and work at night in factories, and so long as young persons of both sexes are compelled at a very early age to perform arduous work and are exposed to dangers against which they have no protection."

*Rumania.* — The reports of the labour inspectors indicate that the legal provisions are applied. When they discover breaches

of the law they institute legal proceedings and inform the labour judges, or the justices of the peace if there is no labour judge in the district, in order that sanctions may be applied.

*Spain.* — The Convention is fully applied, and 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. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

*Switzerland.* — The Convention concerning night work of women is still observed throughout the whole of Switzerland. The tables published in the reports of the Federal factory inspectors show a total of 314,481 persons (including 109,894 women) employed in undertakings under the Factory Act. The reports also mention certain cases where women have been employed on night work. But only isolated infringements are reported and these do not always affect the whole night period. (For penalties inflicted, see also above under V). The reports of the cantonal Governments concerning the enforcement of the Federal Act concerning the employment of young persons and women in industry during the years 1932 and 1933 mention the following particulars: one canton notes that the enforcement of the observance of the uninterrupted rest of 11 hours requires great vigilance on the part of the authorities responsible for enforcing the law. It should also be noted that the enforcement of the observance of the prohibition of night work in so far as it concerns women and young persons meets with certain difficulties when the wage-earner is lodged and boarded with the employer, since it is possible for infringements to escape unnoticed. One canton remarks that as a result of the shortage of work the need to reduce the period of nightly rest no longer makes itself felt. One case was reported where the wage-earners, unknown to the employers, had worked beyond the limits of the daily hours of work. The employer was punished, but the fact that the workers had acted on their own initiative was taken into account as an extenuating circumstance. 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.

*Union of South Africa.* — The report refers to the last report of the Department of Labour, which contains full details of the general administration of the Factories Act.

*Yugoslavia.* — According to the report of the Central Labour Inspection Service,

## 5. Minimum age (industry).

the number of undertakings visited during 1933 was 5,042, the number of men employed in these undertakings was 97,184, and the number of women was 28,923. The labour inspectors inflicted 33 fines for breaches of the provisions concerning the prohibition of night work for women and young persons.

### 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 1934, and from which annual reports under Article 408 were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Albania . . . . .	17. 3.1932	25. 3.1935 <sup>1</sup>
Argentine Republic.	30.11.1933	23. 3.1935 <sup>1</sup>
Belgium . . . . .	12. 7.1923	2.11.1934
Brazil . . . . .	26. 4. 1934	28. 1.1935
Bulgaria . . . . .	14. 2.1922	23.10.1934
Chile . . . . .	15. 9.1925	26.12.1934
Colombia . . . . .	20. 6.1933	4. 3.1935
Cuba . . . . .	6. 8.1928	4. 3.1935 <sup>1</sup>
Czechoslovakia . .	24. 8.1921	15. 2.1935
Denmark . . . . .	4. 1.1923	20.11.1934
Dominican Republic	4. 2.1933	
Estonia . . . . .	20.12.1922	20.10.1934
Great Britain . . .	14. 7.1921	15.12.1934
Greece . . . . .	19.11.1920	
Irish Free State . .	4. 9.1925	22.11.1934
Japan . . . . .	7. 8.1926	14. 2.1935
Latvia . . . . .	3. 6.1926	24. 1.1935
Luxemburg . . . . .	16. 4.1928	28. 1.1935
Netherlands . . . .	21. 7.1928	25.10.1934
Nicaragua . . . . .	12.4.1934	
Poland . . . . .	21. 6.1924	23.11.1934
Rumania . . . . .	13. 6.1921	12. 1.1935
Spain . . . . .	29. 9.1932	19.11.1934
Switzerland . . . . .	9.10.1922	1.11.1934
Uruguay . . . . .	6. 6.1933	
Yugoslavia . . . . .	1. 4.1927	26.11.1934

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

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 received.

The Government of *Latvia* states in its report that in order to ensure the practical application of Article 3 of the Convention the Committee of Social Affairs of the Saeima has drafted a Bill concerning apprenticeship, which has not yet been approved by the Saeima.

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

The *Spanish* Government stated in its report for the period 1 October 1932-30 September 1933 that the legislative provisions necessary to adapt Spanish legislation to the terms of the Convention had 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 for the period 1 October 1933-30 September 1934 states that no legislation with reference to the application of the Convention has been passed during the period under review, and that, since the Statistical Department of the Ministry of Labour, Health and Social Welfare is at present being reorganised, there is nothing to add to the report for last year.

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 immediate future, in order to bring the provisions of § 453 (2) of the Act into full agreement with the provisions of Article 2 of the Convention. In the meantime, the Minister has issued a Circular explaining that these provisions of the Act 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.*

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

### Belgium.

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

### Brazil.

Decree No. 22,042 of 3 November 1932 to determine the conditions of employment of young persons in industry (L. S. 1932, Braz. 8).

### 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 No. 178 of 13 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.

### Colombia.

Act No. 48 of 29 November 1924 respecting child welfare (L. S. 1924, Col. 1).

Act No. 56 of 10 November 1927 to lay down certain provisions respecting education (L. S. 1927, Col. 2).

### 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), amended by Act of 10 March 1934.

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.

*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).

Federal Act of 26 June 1930 concerning vocational training (L. S. 1930, Switz. 5).

*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.*

*Brazil.* — Decree No. 22,042 of 3 November 1932 applies to industry in general, and does not specifically define the term "industrial undertaking."

*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.

*Colombia.* — The legislation mentioned in the report does not define the term "industrial undertaking". See also below, under ARTICLE 2.

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

*Rumania.* — The Act of 9 April 1928 applies (§ 2 (1)) to all industrial and commercial undertakings. It has not therefore been necessary to define the line of demarcation between industry and commerce. Provision is made, however, in § 4 of the Act for the settlement of contested cases by the Ministry of Labour, after consultation with a committee composed of employers' and workers' representatives, appointed by the Ministry of Labour on the recommendation of the most representative organisations of employers and workers, and representatives of the Ministry itself.

*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.

*Brazil.* — Decree No. 22,042 of 3 November 1932 lays down in § 1 that children under the age of fourteen shall not be employed in industry in general. This prohibition does not apply to children of twelve to fourteen years of age employed in undertakings in which only members of the same family are employed, under the authority of the parents, grandparents or an elder brother (§ 3).

*Colombia.* — § 7 of Act No. 56 of 1927 lays down that parents or guardians of children of either sex under the age of fourteen years shall not hire out such children to perform work of any kind for third parties unless the children have attained the age of eleven years and produce the elementary school-leaving certificate issued to children who pass the required examination. This provision is without prejudice to the provisions of § 4 of Act No. 48 of 1924 respecting child welfare, which lays down that children under the age of fourteen years shall not be employed on work which may endanger their life or health, particularly in the manufacture of glass or other substances containing lead, phosphorus, arsenic, mercury or gunpowder, in the working of mines of all kinds (including oil wells) or in bakeries during the night. § 5 of Act No. 48 lays down that the Departmental Assemblies shall issue Orders containing regulations for the employment of children under the age of fourteen years in the industries in which they may be employed, provided that their hours of work shall not exceed six in the day.

*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. The report adds that in practice the inspectors always apply the provisions of § 20 of the Act of 28 February 1922. 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.

*Brazil.* — § 3 of Decree No. 22,042 of 3 November 1932 lays down that the provisions which prohibit the employment of children in industry in general do not apply to children of from twelve to fourteen years of age who are employed in institutions for vocational education or of a philanthropic character which are supervised by public authority.

*Colombia.* — The report does not refer to this point, and the legislation contains no provisions of this nature. See above under ARTICLE 2.

*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 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.*

*Brazil.* — Decree No. 22,042 of 3 November 1932 lays down in § 15 that employers shall transmit annually to the National Department of Labour or to the authorities which represent it, by 31 March at latest, a complete list of the young persons (that is to say, persons under eighteen years of age) employed by them, giving their names and the dates and places of their births. The employers are further required to keep a special register of the lists in question, which shall include the information supplied by them.

*Colombia.* — The report does not refer to this Article and Colombian legislation does not appear to contain any analogous provisions.

*Spain.* — See introductory note.

*Switzerland.* — § 10 of the Factory Act requires occupiers of factories to keep a list of the whole staff. The Factory Act further provides in § 73 that any factory owner employing young persons under the age of 18 must demand from them an age certificate which he must keep ready at the works at the disposal of the inspectors. The reports of the Federal factory inspectors on their work for the year 1933 indicate that there are always cases where the certificate is missing or incomplete, but these are the exception, and the authorities are taking the necessary steps to avoid their repetition. § 7 of the Act relating to the employment of young persons and women in industry provides that in every undertaking covered by the Act a register must be kept of the young persons under 18 years of age employed therein, showing their dates of birth. The Federal Council may also order the submission of an age certificate or other measures for purposes of supervision. The report adds that some of the reports submitted by the cantons with regard to the enforcement of the Act concerning the employment of young persons and women in industry are not in favour of a literal application of § 7 of the Act. In some cantons the provisions of this section are not directly observed, since the register of young persons is kept by the authorities for the whole of the district. The competent Federal officials do not fail to point out to the authorities concerned that this method is not strictly in accordance with the Act, but at the same time the officials in question are of the opinion that, so long as there is no abuse, certain exceptions may be allowed, since,

as a matter of fact, most of the undertakings under the Federal Act in question employ only a very small number of young persons, and often only one. Under such conditions it would appear permissible for the head of the undertaking to show proof of the names and ages of the young persons employed by him in some other way than by keeping a register properly so-called. Further, the majority of young persons registered under the above Act are apprentices and therefore come under the system of supervision and protection set up by the legislation on apprenticeship.

#### 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, which was brought into operation on 16 October 1933. *St. Helena* . . . *Mauritius*: The Convention is applied by Ordinance 37 of 1934. *Fiji* . . . *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. *Kelantan*: Enactments 16 and 17 of 1933 (with the modification that the minimum age is 12 years instead of 14). *Trengganu*: Labour Enactment, 1352. *Grenada*: Ordinance 8 of 1934 (with the modification that the minimum age is 12 years instead of 14). The Ordinance has not yet been brought into force.

*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 1933, 33 cases of infraction of the provisions relating to the employment of children were reported. From January to August 1934, the number of breaches of the provisions was 18.

*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.*

*Brazil*. — § 19 of Decree No. 22,042 of 3 November 1932 lays down that cases of infringement shall be punished by a fine of from 20 to 200 milreis for each young person employed in contravention of the provisions of the Decree. The fine shall be doubled for a second offence, provided that it does not exceed 2,000 milreis. The penalties laid down by the Decree are enforced by the National Department of Labour or by the authorities which represent it (§ 20).

*Colombia*. — § 7 of Act No. 48 of 1924 respecting child welfare provides that a Board shall be set up entitled "National Child Welfare Board", which shall consist of three medical practitioners who are specialists in children's ailments and of such other members as may be deemed necessary by the Government, which shall nominate the members. The Board shall have its headquarters in Bogotá, and its duties shall be to advise the Ministry of Education and Public Health in all matters relating to the carrying out of the provisions of the Act in question and in all other matters relating to child welfare.

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

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

*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.*

*Chile*. — The report transmits a copy of a decision of the Labour Court of Linares inflicting a fine of one hundred pesos on the proprietor of a factory for the manufacture of mineral waters, for having employed in the factory a girl of thirteen years of age.

*Switzerland*. — During the period covered by the report, two cases where sentence had been pronounced with regard to the employment of children in violation of § 70 of the Factory Act were reported to the Federal authorities. The sentences were pronounced by the administrative authorities, who recognised the guilt of the accused persons, and in both cases the penalty inflicted was a fine.

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

*Brazil.* — The report does not refer to this point.

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

*Chile.* — The Department of Welfare of the General Labour Inspectorate states that no difficulties have arisen in regard to the application of the legislative provisions fixing the minimum age of admission to industrial employment at fourteen years and requiring an authorisation from the parents or guardians. The registers prescribed by the Regulations are now being sent to the employers, but a good deal of difficulty has been met with in this matter, owing to the fact that the parents often do not possess the necessary documents for registering their children. About 20 per cent. only of the industries satisfy this obligation. 80 per cent. of the industrial undertakings do not engage young persons of under 18

years of age unless they have completed their compulsory school attendance. No information is available with regard to the number and nature of breaches of the law.

*Colombia.* — The report does not refer to this point.

*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 1933, which will be transmitted to the International Labour Office as soon as possible.

*Denmark.* — The report states that during 1933 five infringements were 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 1933 was 442. The reports of the labour inspectors for the year 1933 record no complaints of non-observance of the provisions of the Act concerning the age for admission of children to industrial employment. Only one case of infringement was recorded, which resulted in a simple warning. No observations were made by employers' or workers' organisations on the practical application of the national legislation which gives effect to the provisions of the Convention.

*Great Britain.* — See the summary of the report on *Convention No. 4 (Night work, women)*. In 1933 there were two cases in which it was necessary to prosecute an employer for an offence involving a breach of this Convention, and one similar case in Northern Ireland. 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 Factory Inspection Services are attached to the Industries Branch of the Department of Industry and Commerce. Inspectors of factories hold certificates under the Factory and Workshop Act, 1901, and are entitled to enter and inspect factories or workshops at all reasonable times by day and by night. These inspectors have the right of exercising all powers necessary for carrying into effect the Factory and Workshop Act, 1901-1920, and the Employment of Women, Young Persons and Children Act, 1920. During the period covered by the report, 9 children under 14 years were found to be employed in industrial undertakings in the Irish Free State. No observations have been

received from the employers' and workers' organisations.

*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. 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 its provisions.

*Netherlands.* — The report states that in 1933, 396 actions were brought for the illegal employment of children protected by the Act. 23 of these actions were brought by the labour inspection service, 215 by the provincial police authorities, 73 by the State police and 85 by the rural police. The actions may be classified as follows: 109 cases of employment in a factory or workshop; 91 cases of employment in distributing bread, milk and newspapers; 121 cases of employment on distributive work of other kinds; 75 cases of employment in other occupations. It should be noted that the last 75 cases did not concern employment covered by the Convention, and that a certain number of the 212 actions in cases of distributive work did not concern work prohibited by the Convention, since "transport by hand" is permitted. The fines imposed varied as a rule from 0.5 florins to 8 florins. One of the fines imposed was 45 florins, and in one case the person guilty of the contravention was sentenced to a term of imprisonment. Neither employers' nor workers' organisations have formulated any observations concerning the application of the Convention or of the legislation which implements it.

*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. The labour inspection report for 1933 indicates that the decrease in the number of cases of infringement has continued throughout the year.

*Rumania.* — The Ministry of Labour has sent Ministerial Circulars to the labour inspectors, the public authorities, the chambers of labour, the chambers of commerce and industry, and the employers' and workers' organisations which are corporate bodies, requesting them to take the necessary steps to prevent the engagement of young persons under the age limit of fourteen years which is prescribed by law. Similar notices have been published in the daily and commercial press, and posters reproducing the text of the law and the penalties involved in case of infringement have been drawn up, in particular by the chambers of labour, and are posted up wherever possible, and especially in the neighbourhood of industrial and commercial undertakings. This popularisation of the law, and also the supervision exercised by the labour inspection services and the chambers of labour — in particular when contracts of apprenticeship are being registered by the chambers — the economic depression, the result of which has been to increase the amount of labour available for employers and to make it unnecessary for them to engage young persons of under fourteen years of age, the development of supplementary elementary education and of vocational education organised by the Ministries of Public Instructions, Labour, Agriculture, and Industry and Commerce, have all contributed to a large extent to the general respect paid to the legal provisions in question. A certain number of small employers suggested that the age of admission should be fixed at less than fourteen years for certain easy occupations, but the proposal was rejected by the Ministry of Labour. Very few breaches of the law are recorded. The intensive

## 6. Night work (young persons).

work of the labour inspectors and chambers of labour has had very happy results, and the labour inspectors regularly emphasise in their annual reports the good results obtained, while reporting the rare cases of contravention which they have discovered.

*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 1933, out of a total of 314,481 workers subject to Federal inspection, 20,926 (6.7 per cent.) persons were between 14 and 18 years of age, of whom 10,374 were of the male sex (5.1 per cent. of the total number of male workers), and 10,552 were of the female sex (9.6 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 a certain number of warnings, mostly with reference to the observance of the provisions for the declaration of age (see above, under ARTICLE 4). With regard to the enforcement of the Federal Act of 31 March 1922 relating to the employment of young persons and women in industry, the reports of the cantonal Governments for the years 1932-1933 state that the observance of the rule concerning the minimum age of admission has been considerably facilitated, in the first place by the depression, as a result of which young persons having finished their time at school find it difficult to obtain employment, and in the second place by the tendency, which is becoming more and more marked, to raise the age of compulsory school attendance above 14 years. For example, in the canton of Neuchâtel the communes have been authorised to extend the period of compulsory school attendance for young persons who are unable to find appropriate work by an additional year. On the other hand, however, when the young workers are living with the employers' household, it is not easy to discover whether the provisions relating to the minimum age of admission are duly observed. The Federal authorities have not received from any groups of employers and workers any suggestions, complaints or observations on the subject of the application of the Convention and the legislative provisions which implement it.

*Yugoslavia.* — The Government states that, according to the report of the central labour inspection service, the number of workers employed in the 5,024 undertakings inspected in 1933 was 127,107. The number of infringements of the provisions of § 20 of the Labour Protection Act was 4.

## 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 1934, and from which annual reports under Article 408 were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Albania . . . . .	17. 3.1932	25. 3.1935 <sup>1</sup>
Argentine Republic.	30.11.1933	23. 3.1935 <sup>1</sup>
Austria . . . . .	12. 6.1924	30.11.1934
Belgium . . . . .	12. 7.1924	2.11.1934
Brazil . . . . .	26. 4.1934	28. 1.1935
Bulgaria . . . . .	14. 2.1922	23.10.1934
Chile . . . . .	15. 9.1925	26.12.1934
Cuba . . . . .	6. 8.1928	4. 3.1935 <sup>1</sup>
Denmark . . . . .	4. 1.1923	20.11.1934
Estonia . . . . .	20.12.1922	20.10.1934
France . . . . .	25. 8.1925	22. 1.1935
Great Britain . . .	14. 7.1921	15.11.1934
Greece . . . . .	19.11.1920	
Hungary . . . . .	19. 4.1928	24. 1.1935
India . . . . .	14. 7.1921	14.12.1934
Irish Free State . .	4. 9.1925	22.11.1934
Italy . . . . .	10. 4.1923	11. 1.1935
Latvia . . . . .	3. 6.1926	24. 1.1935
Lithuania . . . . .	19. 6.1931	27.10.1934
Luxemburg . . . . .	16. 4.1928	28. 1.1935
Netherlands . . . .	17. 3.1924	25.10.1934
Nicaragua . . . . .	12. 4.1934	
Poland . . . . .	21. 6.1924	23.11.1934
Portugal . . . . .	10. 5.1932	27. 2.1935
Rumania . . . . .	13. 6.1921	12. 1.1935
Spain . . . . .	29. 9.1932	19.11.1934
Switzerland . . . . .	9.10.1922	1.11.1934
Uruguay . . . . .	6. 6.1933	
Venezuela . . . . .	7. 3.1933	25. 3.1935 <sup>1</sup>
Yugoslavia . . . . .	1. 4.1927	26.11.1934

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

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

The Government of *India* states in its report that § 54 of the Factories Act, 1934, which was to come into force on 1 January 1935, brings the law of British India into line with the Convention. § 54 (3) of the Act lays down that no child shall be allowed to work in a factory except between 6 a.m. and 7 p.m., with the proviso that the Local Government may, in certain specified circumstances, vary these limits to any span of thirteen hours between 5 a.m. and 7.30 p.m.

The *Italian* Government states in its report that, during the period under review, the Act of 26 April 1934 was published. This Act is a consolidated text of the provisions in force up to now with regard to the protection of the work of young persons and children, and, in particular, with regard to the prohibition of night work, viz. the Act of 10 November 1907 and the Regulations which apply it, and the Royal Legislative Decree of 15 March 1923. The new Act has not yet been applied, however, since under its § 26 the entry into force is fixed at ninety days after the publication of the Ministerial Decree prescribed by § 8, which concerns the form and contents of the work book. The Decree has not yet been published.

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

The *Spanish* Government stated in its report for the period 1 October 1932-30 September 1933 that it had not been found possible up till then to take the necessary measures in order to adapt Spanish legislation to the terms of the Convention. The report for the period 1 October 1933-30 September 1934 indicates that no legislation with regard to the application of the Convention has been passed during the period in question.

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 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).

### *Brazil.*

Decree No. 22,042 of 3 November 1932 to determine the conditions of employment of young persons in industry (L. S. 1932, Braz. 8).

Decree No. 21,364 of 4 May 1932 to regulate hours of work in industry (L.S. 1932, Braz. 3).

### *Bulgaria.*

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

### *Chile.*

Legislative Decree No. 178 of 13 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).

## 6. Night work (young persons).

### *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. (L.S. 1930, Hung. 5).

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.

### *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.*

Act of 11 November 1933 concerning the employment of industrial wage-earning employees (L. S. 1933, Lith. 4).

Act of 31 October 1931 concerning night work in bakeries.

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

### *Luxemburg.*

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

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

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

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.

### *Portugal.*

Legislative Decree No. 24,402 of 24 August 1934 to regulate hours of work in commercial and industrial undertakings (L.S. 1934, Port. 5).

Legislative Decree No. 24,403 of 24 August 1934 concerning the supervision of hours of work.

## 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.

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

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

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

*Austria.* — . . . The report further adds that a regulation in conformity with paragraph 2 of Article 1 of the Convention has not been required in Austria, since the terms "industry, commerce and agriculture" are exactly defined in the national legislation. The term "industrial undertaking" used in the Act of 14 May 1919, however, 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.

*Brazil.* — Decree No. 22,402 of 3 November 1932 applies to industry in general, and does not specifically define the term "industrial undertaking".

*Lithuania.* — The Act of 11 November 1933 applies to factories and all similar industrial undertakings. Under § 1 of the Act, the Minister of the Interior, in agreement with the Minister of Finance, decides which industrial undertakings shall be considered as assimilable to factories. The report adds that, since no night work is done either in commerce or agriculture, it has not been considered necessary to define the line of division provided for in the last paragraph of the present Article of the Convention.

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

*Portugal.* — See under *Convention No. 4 (Night work, women)*, ARTICLE 1.

*Rumania.* — The Act of 9 April 1928 that Act applies (§ 2 (1) to all industrial and commercial undertakings. It has not therefore been necessary to define the line of demarcation between industry and commerce. § 4 of the Act, however, provides that contested cases may be settled by the Ministry of Labour, after consultation with a committee composed of employers' and workers' representatives, appointed by the Ministry of Labour on the recommendation of the most representative organisations of employers and workers, and representatives of the Ministry itself.

*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.*

### 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.

## 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.*

**Brazil.** — § 8 of Decree No. 22,042 of 3 November 1932 prohibits the employment of young persons of fourteen to eighteen years of age on night work, that is to say, work done between 10 p.m. and 5 a.m. Under § 3, undertakings in which only members of the same family are employed, under the authority of the parents, grandparents or an elder brother, are excluded from this prohibition. § 9 provides that, if an authorisation is obtained from the National Department of Labour or the authority which represents it, young persons from sixteen to eighteen years of age may be employed on night work in undertakings where the work must be carried on continuously, provided that the restrictions prescribed by § 7 are observed. The section in question lays down that the authorities responsible for labour inspection may order a medical examination of young persons under eighteen employed in industry, in order to ensure that the work which they are doing is not prejudicial to their physical development, and, if the examination shows it to be necessary, to stop them working or give them other work suitable to their capacity.

**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.

**Lithuania.** — § 18 of the Act of 11 November 1933 lays down that young persons of 14 to 18 years of age shall not be employed between the hours of 10 p.m. and 5 a.m. except in undertakings in

which only members of the same family are employed. Under § 19, this prohibition is not applicable to young persons of 16 to 18 years of age employed in factories on work which, by reason of the nature of the process, is required to be carried on continuously day and night. The report adds that the processes covered by this exception have not been defined.

**Portugal.** — § 7 of Legislative Decree No. 24,402 provides that persons under sixteen years of age shall not normally be employed in industrial establishments beyond the limits of hours laid down in § 9. The latter section prescribes that, as a general rule, work in industrial establishments shall not begin before 7 a.m. or end later than 8 p.m. § 3 provides for the possibility of excluding from the application of the provisions governing hours of work persons employed in small undertakings and closely related to their employers. § 7(1) lays down that the employment of young persons of under sixteen years of age may be permitted with the express authorisation of the National Institute of Labour and Social Welfare, but only in exceptional cases for which justifiable reasons have been advanced, or when prescribed in contracts of employment which have been approved by the Under-Secretary of State for Corporations and Social Welfare. § 9(1) provides that special regulations may be made to arrange time-tables for certain commercial and industrial services of public interest. These regulations, once they have been approved by the Under-Secretary of State for Corporations and Social Welfare and published in the Bulletin of the National Institute of Labour and Social Welfare, shall have force of law.

**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.

**Brazil.** — Decree No. 22,042 of 3 November 1932 lays down in § 8 that the employment of young persons of fourteen to eighteen years of age on night work, that is to say work done between 10 p.m. and 5 a.m., is prohibited. The Decree contains no definition of the term "night" similar to that given in this Article of the Convention. Decree No. 21,364 of 4 May 1932 to regulate hours of work in industry fixes normal hours of work at eight a day and forty-eight a week (§ 1). These limits may be extended in certain cases to ten hours a day or sixty hours a week, and in exceptional cases to twelve hours a day (§§ 3 and 4). Decree No. 22,042 contains no provisions with regard to mines, bakeries, or tropical countries, similar to those contained in this Article of the Convention.

**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.

**Lithuania.** — § 18 of the Act of 11 November 1933 provides that young persons of 14 to 18 years of age may not be employed between the hours of 10 p.m. and 5 a.m. The Act contains no provisions with regard to a minimum nightly rest period of eleven consecutive hours. The report adds that no advantage has been taken of the exceptions permitted by this Article of the Convention.

**Portugal.** — See above, under ARTICLE 2.

**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.*

**Brazil.** — § 10 of Decree No. 22,042 of 3 November 1932 allows the employment of male young persons over sixteen years of age on night work when, in cases of *force majeure* which it was impossible to foresee and which are not of a recurring character, the normal operations of the undertaking are interrupted, or to preserve from loss raw materials or substances which are subject to rapid deterioration. The permission is valid for four consecutive days or for a maximum of seven days in any one month.

**Lithuania.** — Under § 19 of the Act of 11 November 1933, the prohibition of employment of young persons of 14 to 18 years of age between 10 p.m. and 5 p.m. does not apply to young persons of 16 to 18 years of age in cases of *force majeure* which are unforeseen and not of a periodical character, and which interfere with the normal working of the undertaking. The report adds that no special conditions have been fixed under which advantage may be taken of this exception.

**Portugal.** — See above, under ARTICLE 2.

**Rumania.** — § 13 of the Act of 9 April 1928 provides that the labour inspectors for their respective areas, or the Ministry of Labour, in consultation with a committee composed of employers' and workers' representatives, appointed by the Ministry on the recommendation of the most representative organisations of employers and workers, and representatives of the Ministry itself, for several areas, may authorise employment during the night of young persons of 16 to 18 years when the normal working of the undertaking is threatened or when it is interrupted by *force majeure* which could not have been foreseen or prevented and which is not a recurring character . . .

**Spain.** — See introductory note.

**Switzerland.** — ... The report adds that, taking as a basis § 4 of the Federal Act concerning the employment of young



persons and women in industry, the authorities of one canton gave permission for a young man who was nearly 18 years of age to do night work once a week in the motor garage where he was employed. If this exception had not been allowed, the person concerned, whose situation was precarious, would have lost his place.

#### 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.*

*Brazil.* — § 10 of Decree No. 22,042 of 3 November 1932 lays down that young persons between the ages of sixteen and eighteen years may be employed on night work when, in case of serious emergency, the public interest demands it.

*Lithuania.* — No advantage has been taken of this provision of the Convention.

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

*Portugal.* — See above, under ARTICLE 2.

*Rumania.* — The Act of 9 April 1928 provides in § 13 that the labour inspectors for their respective areas, or the Ministry of Labour, in consultation with a committee composed of employers' and workers' representatives, appointed by the Ministry on the recommendation of the most representative organisations of employers and workers, and representatives of the Ministry itself, for several areas, may authorise the employment during the night of young persons of 16 to 18 years in all cases where exceptional circumstances or the public interest require it . . .

*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 was brought into operation on 16 October 1933 ; *British Honduras* :

Ordinance 12 of 1933; *Kelantan*: Enactments 16 and 17 of 1933 (with the modification that "night" is defined as the interval between 10 p.m. and 5 a.m.); *Mauritius*: Ordinance 37 of 1934; *Trengganu*: Labour Enactment, 1352; *Straits Settlements*: Ordinance 33 of 1933; *Grenada*: Ordinance 8 of 1934 (with the modification that the minimum age is 16 years instead of 18); the Ordinance has not yet been brought into force; *St. Helena*: the Convention may be regarded as applying by virtue of § 24 of the Interpretation and General Law Ordinance, 1895.

*Portugal*. — The Convention was ratified by Portugal with a reservation concerning its application to Portuguese colonies. In this connection the report refers to the statements made in previous reports and also to the statements made by the Delegates of the Portuguese Government during the Sessions of the International Labour Conference and of its Committee on Article 408 (see *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 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.*

*Brazil*. — See under *Convention No. 5 (Minimum age, industry)*, point V.

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

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

*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.*

*Switzerland*. — During the period covered by the report, the following sentences have been reported to the Federal authorities: 4 sentences pronounced in cases of infringement of the prohibition of night work under the Factories Act, with reference to young persons; 21 sentences pronounced in cases of infringement of the same prohibition

under the Act concerning the employment of young persons and women in industry. All the sentences recognised the guilt of the accused persons, and in every case without exception the penalty inflicted was a fine. Several of the sentences concerned not only violation of the prohibition of night work, but also infringement of other legislative provisions. Of the 25 sentences, 14 were pronounced by the legal authorities and the rest by the administrative authorities.

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.*

*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 1933 states that, during 1933, 564 cases of illegal employment of women or children were reported. The number of workers employed in mines at the end of 1933 was 13,941, including 86 young persons of male sex. Out of these 86, 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*. — According to observations made during visits of inspection by the Labour Inspection Service, it may be concluded that the provisions of the Act concerning women's and children's work are observed in an entirely satisfactory manner. A statement of reported breaches of the law is published monthly in the

*Revue du Travail.* Statistics prepared on 31 October 1926 by the Department of Labour showed that 136,706 young persons from 14 to 21 years were employed in establishments employing at least 10 workers. No observations have been made by employers' and workers' organisations with regard to the practical application of the Convention or of the national legislation which implements its provisions.

*Brazil.* — The report does not refer to this point.

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

*Chile.* — 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 1933, 20 cases of infringement of the prohibition of night work were recorded, 16 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 1933 the number of children protected by the Act was 442. The reports of the labour inspection services for 1933 do not record any complaints of non-observance of the Act; two cases of infringement were recorded, both of which gave rise to a simple warning. The Government has not received any observations from employers' or workers' organisations regarding the practical application of the national legislation which implements the provisions of the Convention.

*France.* — The Government reports that in 1933 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 1933:

Industry	No. of establishments.	Staff on night-duty	
		Boys. 16-18 yrs.	Adult males.
Paper factories .	388	513	14,082
Sugar (factories and refineries)	125	121	13,040
Iron and steel works . . . .	139	714	45,147
Glass works . .	122	396	7,228
<i>Total</i> . .	774	1,654	79,497

The report states that, as regards breaches of the provisions of the Convention, during the year 1933 the Factory Inspection Service prosecuted in 13 cases out of 17 breaches of the prohibition of night work of children, and in 1 case of a breach of the regulations concerning nightly rest. 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 1933, 702,766 young persons were employed in factories in Great Britain, and in Northern Ireland 16,610 were employed in factories and 58 in mines. In 1933 the number of young persons employed as wage-earners above ground at mines and quarries more than 20 feet deep in Great Britain was 67,234. See also under *Convention No. 4 (Night work, women)*, point VI.

*Hungary.* — The report states that in 1933 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 11 cases of infringement during 1933, in all of which legal proceedings were taken against the employers concerned. 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 states that information of a general character is contained in the Statistics of Factories and in the Note published by the Government on the working of the Indian Factories Act. These documents are regularly communicated to the International Labour Office. 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 provisions of the legislation obtaining in Saorstát Éireann prior to the ratification of the Convention were more stringent in regard to the prohibition of employment of young persons at night and the application of the terms of the Convention has consequently not caused any alteration. The legislation implementing the ratification of the Convention is in addition to, and not in derogation of, any previous laws. The earlier provisions, therefore, which are more

restrictive in their nature, still obtain. No observations have been received from employers' or workers' organisations.

*Italy.* — During 1933, the inspection services made 16,875 ordinary inspections and 18,096 exceptional inspections, 1,339 of which were made by night, owing to certain infringements of the Act. The number of cases in which proceedings were taken in 1933 for breaches of the Act reached a total of 949. 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 states that no disputes have arisen with regard to the application of the Convention, and no cases of infringement have been recorded. The number of children covered by the legislation which applies the Convention is about 500.

*Luxemburg.* — No infringements have been reported. The Government has not received any observations from the employers' and workers' organisations concerned with regard to the application of the national legislation which implements the provisions of the Convention.

*Netherlands.* — No cases of infringement of the provisions concerning nightly rest have been reported. Most of the cases of infringement of the prohibition of work between 10 p.m. and 5 a.m. took place in bakeries, particularly undertakings with staff living-in. In such cases it is always difficult to prove infringement. No information is available to show the number of cases of infringement. During 1933, 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.* — See under *Convention No. 5 (Minimum age, industry)*, point V. § 4 of the Order of 24 December 1931 superseding the Order of 14 December 1924 provides that the register of young persons must indicate the beginning and the end of working hours and the rest period. The Decrees of 16 March 1928 have introduced new provisions in connection with the workshop regulations and the posting up

of these regulations. The report states that the Act of 7 December 1931 amending and completing certain provisions of the Act of 2 July 1924 concerning the work of young persons and women, lays down that the Minister of Labour and Social Welfare may decide, for certain fixed undertakings, the percentage of young persons to be employed in relation to the total number of adult workers. The Act further prohibits the employment of young persons without payment of wages and also of apprentices paying a premium. 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.

*Portugal.* — See under *Convention No. 4 (Night work, women)*, point VI.

*Rumania.* — The reports of the labour inspectors indicate that the legal provisions in question are applied. During the year 1933, they visited 6,800 industrial and commercial undertakings employing 287,247 workers. Of this number 29,495, including 413 young persons from fourteen to eighteen years of age, were occupied in night work.

*Spain.* — See introductory note.

*Switzerland.* — The Convention is completely observed in Switzerland. The reports of the federal factory inspectors give the following figures for the year 1933: the number of workers subject to federal factory legislation was 314,481, distributed as follows: 14 to 18 years of age: men 10,374 (5.1 per cent. of the total number of men workers), women 10,552 (9.6 per cent. of the total number of women workers), total 20,926 (6.7 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. One canton reports that certain undertakings are trying to engage only persons over 18 years of age, in order to avoid the legal restrictions with regard to the employment of young persons. On the other hand, the enforcement of the observance of the prohibition of night work often encounters certain difficulties, especially when the

#### 6. Night work (young persons).

apprentice (male or female) boards and lodges with his employer. One canton gave permission, as an exception, for bakers' apprentices to begin work at 4.30 a.m., since it considered that, if an apprentice was to learn his trade thoroughly, he should be present every day from the beginning of the day's work. Thanks to the supervision exercised by the cantonal office for the protection of apprentices, over-work of apprentices is precluded. The report adds that during the period covered by the report 25 convictions were pronounced for violation of the night work prohibition (see above under V). 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 1933 was 5,024, the number of workers employed in these undertakings was 127,107, and the number of breaches of the provisions concerning night work of women and young persons was 33.

## 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 1934, and from which annual reports under Article 408 were due in respect of the period 1 October 1933—30 September 1934 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	23. 3.1935 <sup>1</sup>
Belgium . . . . .	2. 2.1925	2.11.1934
Bulgaria . . . . .	16. 3.1923	23.10.1934
Canada . . . . .	31. 3.1926	24.10.1934
Colombia . . . . .	20. 6.1933	4. 3.1935
Cuba . . . . .	6. 8.1928	4. 3.1935 <sup>1</sup>
Denmark . . . . .	12. 5.1924	20.11.1934
Dominican Republic	4. 2.1933	
Estonia . . . . .	3. 3.1923	20.10.1934
Finland . . . . .	10.10.1925	8.11.1934
Germany . . . . .	11. 6.1929	8.11.1934
Great Britain . . .	14. 7.1921	25.10.1934
Greece . . . . .	16.12.1925	
Hungary . . . . .	1. 3.1928	24. 1.1935
Irish Free State . .	4. 9.1925	17.11.1934
Italy . . . . .	14. 7.1932	11. 1.1935
Japan . . . . .	7. 6.1924	14. 2.1935
Latvia . . . . .	3. 6.1926	24. 1.1935
Luxemburg . . . .	16. 4.1928	28. 1.1935
Netherlands . . . .	26. 3.1925	25.10.1934
Nicaragua. . . . .	12. 4.1934	
Norway . . . . .	7.10.1927	29.10.1934
Poland . . . . .	21. 6.1924	23.11.1934
Rumania . . . . .	8. 5.1922	12. 1.1935
Spain . . . . .	20. 6.1924	19.11.1934
Sweden . . . . .	27. 9.1921	3.11.1934
Uruguay . . . . .	6. 6.1933	
Yugoslavia . . . .	1. 4.1927	26.11.1934

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

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 received.

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

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

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.*

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

**Belgium.**

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

**Bulgaria.**

Act of 1917 respecting the health and safety of workers (B. B. Vol. XIII, 1918, p. 27).

Regulations of 8 August 1923 of the Bulgarian Navigation Company.

**Canada.**

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

**Colombia.**

Act No. 48 of 29 November 1924 respecting child welfare (L.S. 1924, Col. 1).

Act No. 56 of 10 November 1927 to lay down certain provisions respecting education (L.S. 1927, Col. 2).

**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 fixing the minimum age for admission of children to employment at sea, fixing the minimum age for 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).

**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 No. 482 of 19 November 1923 providing for exceptions to the Act of 29 March 1923 (L.S. 1923, Jap. 4 B), amended by Imperial Ordinance No. 13 of 10 February 1928 (L.S. 1928, Jap. 2 B).

Regulations for the enforcement of the Act concerning the minimum age and health certificate for seamen (Ordinance No. 96 of the Department of Communications, of 19 November 1923, revised by Ordinance No. 6 of the Department of Communications, of 13 February 1928—L.S. 1928, Jap. 2 C and D).

**Latvia.**

Seamen's Order of 30 October 1923 (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).

**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.

*Colombia.* — The report does not refer to this Article.

*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.

*Colombia.* — § 7 of Act No. 56 of 1927 lays down that parents or guardians of children of either sex under the age of fourteen years shall not hire out such children to perform work of any kind for

third parties unless the children have attained the age of eleven years and produce the elementary school-leaving certificate issued to children who pass the required examination. This provision shall be without prejudice to the provisions of § 4 of Act No. 48 of 1924 respecting child welfare, which provides that children under the age of fourteen years shall not be employed on work which may endanger their life or health, particularly in the manufacture of glass or other substances containing lead, phosphorus, arsenic, mercury or gunpowder, in the working of mines of all kinds (including oil wells), or in bakeries during the night. § 5 provides that the Departmental Assemblies shall issue orders containing regulations for the employment of children under the age of fourteen years in the industries in which they may be employed, provided that their hours of work shall not exceed six in the day.

*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.

*Colombia.* — The report does not refer to this Article.

*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 port authority 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 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.*

*Colombia.* — The report does not refer to 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 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, which was brought into operation on 16 October 1933); *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 Notification No. 7010 of 23 September 1932); *Sarawak* (Order L-6 of 1933); *Mauritius* (Ordinance 37 of 1934); *Grenada* (Ordinance 8 of 1934, with the modification that the minimum age is 12 years instead of 14; the Ordinance has not yet been brought into force); *St. Helena* (The Convention may be regarded as applying by virtue of § 24 of the "Interpretation and General Law Ordinance, 1895" and the "Elementary Education Ordinance, 1903").

*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 of 9 November 1931 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.*

*Colombia.* — § 7 of Act No. 48 of 1924 respecting child welfare lays down that a board shall be set up entitled "National Child Welfare Board"; it shall consist of three medical practitioners who are specialists in children's ailments and of such other members as may be deemed necessary by the Government, which shall nominate the member. The Board shall have its headquarters in Bogotá, and its duties shall be to advise the Ministry of Education and Public Health in all matters relating to the carrying out of the provisions of this Act and in all other matters relating to child welfare.

*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 which implement 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 observations were received from the organisations of employers or workers concerned regarding the practical application of the Convention or of the national legislation which implements it.

*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, legal or otherwise, was reported during the period from 1 October 1933 to 30 September 1934. The report adds that no statistics are compiled by the Department of Marine in connection with the operation of the Convention.

*Colombia.* — No information.

*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. No infringements of the relevant legislation have been recorded during the period covered by the report, nor has the Ministry received any observations from employers' or workers' organisations with reference to the practical application of the national legislation which implements the Convention.

*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 of the relevant legislation have been reported to the Government during the period under review. No reports on this question by the seamen's offices or consuls exist. No observations regarding the application of the Convention or of the national legislation which implements it have been made by the circles of individuals concerned.

*Great Britain.* — No reports of inspection or registration services are available, and no relevant statistics are compiled. The report states that the Government is satisfied that the Convention is in effective operation. 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, during the period under review, no minors under 18 years of age were employed on board Hungarian vessels, and consequently no breaches of the provisions in question were recorded. The report adds that no observations were made by the employers' and workers' organisations concerned with regard to the practical application of the provisions of the Convention or of the national legislation which implements them.

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

*Italy.* — The report states that there are no statistics available with regard to the application of the Convention, but that its provisions are strictly observed, owing to the continuous and rigorous supervision of the maritime authorities. The trade union 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 25 in Japan proper and 2 in Taiwan. The cities, towns or villages handling the business of coastal offices number 160 in Japan proper and 14 in Taiwan. Four cases of contravention were reported during the period January-September 1934. 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 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.

*Luxembourg.* — See introductory note.

*Netherlands.* — The report states that the enforcement of the prohibition to employ children in fishing boats leaves much to be desired in many cases, and that, since in such cases it is extremely difficult to prove that an infringement has taken place, it is often impossible to apply sanctions. 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 complaints or 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 Harbours and Waterways Board attached to the Ministry of Communications and Public Works has sent circulars to the port authorities requesting them not to allow the engagement of young persons under 14 years of age for work on board ship. The report adds that the legal provisions in question are applied throughout the country.

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

*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 satisfactorily 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. The report adds that the executive authorities have not reported any cases of infringement.

#### 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 1934, and from which annual reports under Article 408 were due in respect of the period 1 October 1933—30 September 1934 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	23. 3.1935 <sup>1</sup>
Belgium . . . . .	2. 2.1925	2.11.1934
Bulgaria . . . . .	16. 3.1923	23.10.1934
Canada . . . . .	31. 3.1926	24.10.1934
Colombia . . . . .	20. 6.1933	4. 3.1935
Cuba . . . . .	6. 8.1928	4. 3.1935 <sup>1</sup>
Estonia . . . . .	3. 8.1923	20.10.1934
France . . . . .	2. 3.1929	14. 1.1935
Germany . . . . .	4. 3.1930	8.11.1934
Great Britain . . .	12. 3.1926	25.10.1934
Greece . . . . .	16.12.1925	
Irish Free State . .	5. 7.1930	12.12.1934
Italy . . . . .	8. 9.1924	11. 1.1935
Latvia . . . . .	29. 8.1930	24. 1.1935
Luxemburg . . . .	16. 4.1928	28. 1.1935
Nicaragua . . . .	12. 4.1934	
Poland . . . . .	21. 6.1924	23.11.1934
Rumania . . . . .	10.11.1930	12. 1.1935
Spain . . . . .	20. 6.1924	19.11.1934
Uruguay . . . . .	6. 6.1933	
Yugoslavia . . . .	30. 9.1929	26.11.1934

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

The Government of *Colombia* states in its report that it is carefully studying the Convention in the light of the economic, racial, psychological and social characteristics of the country. It proposes to consider the possibility of giving effect to it in its legislation.

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

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

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

The *Rumanian* Government states in its report that the Act of 17 May 1934 to consolidate the salvage taxes in seaports and Danubian seaports has repealed §§ 1-5 of the 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 loss from foundering, breaking up or capture of the ship. § 7 of the Act of 24 April 1933, which implements the provisions of the Convention, remains in force.

The *Spanish* Government stated, in its report for the year 1932-1933, that the National Maritime Conference which was held at Madrid in 1932, taking into account the fact that the Convention had acquired force of law in virtue of § 65 of the Spanish Constitution, had submitted to the Government a draft measure which the Government was examining. According to this draft measure all members of the crew would have the right to a minimum indemnity of one month's wages; in cases where the period of unemployment caused by the shipwreck exceeded one month the crew would have the right to a maximum of three months' wages. The report added 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, provided for the application of these provisions also to officers and masters by extending the regulations to cover all members of the crew. The report for the period 1 October 1933-30 September 1934 states that no legislation with regard to the application of the Convention has been adopted during the period in question.

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

The Government of *Yugoslavia* states in its report that the Ministry of Communications, as empowered by § 41 (7) of the

## 8. Unemployment indemnity (shipwreck).

Finance Act for 1934-1935, has drafted a Decree regulating conditions of work on board vessels. This Decree, the object of which is to enforce the provisions of the maritime Conventions ratified by Yugoslavia, will be communicated in the near future to the Ministry of Social Policy and Public Health for its opinion, with a view to drafting it subsequently in a definitive form. The above-mentioned section of the Finance Act provides for the publication of the Decree, since the Committee for the codification of private maritime law set up at the Ministry of Justice insisted that the regulation of conditions of work on board vessels should be carried out at the same time as 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).

#### Canada.

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

#### Colombia.

See introductory note.

#### 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).

#### 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 (§ 7) (L. S. 1933, Rum. 4).

Act of 17 May 1934 to consolidate the salvage taxes in seaports and Danubian seaports.

#### Spain.

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

See also 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.

*Colombia.* — See introductory note.

*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, 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.

1. *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) *damage so substantial that, although the ship is physically capable of being repaired, it would not, commercially speaking, be worth while repairing it, 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?*

2. *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 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?*

3. *Please indicate the manner in which the term "wages" is interpreted in your country for the purpose of this Article, with particular reference to the possible inclusion of an allowance for food in addition to the money wage mentioned in the muster-roll.*

4. *Please state whether the indemnity payable under this Article has been limited to two months' wages.*

*Canada.* — ... With regard to the interpretation of the term "loss or foundering", it is considered that when a crew abandons a ship at sea on order of the master, notwithstanding the fact that the ship may subsequently be refloated, the seamen are regarded as shipwrecked and consequently entitled to compensation according to the Act. As to payment of indemnity to shipwrecked seamen, in any case which has come to the notice of the Department of Marine, the rate of pay has continued until the seamen obtained further employment or for a

period not exceeding two months from the day of the wreck or loss of the ship. In general, wages are paid up to the time of the seamen's arrival at their home port in addition to conveyance and maintenance expenses, and the seamen are usually willing to accept this as full settlement.

*Colombia.* — See introductory note.

*Estonia.* — ... 1. The interpretation of the words "loss or foundering" for the purpose of applying Article 2 of the Convention covers: (a) total loss; (b) the case of a ship which is declared to be damaged beyond repair owing to foundering or some other accident, where the master and crew have consequently abandoned the ship or the place where the ship is situated. 2. The Act does not contain any provision for reducing the two months' indemnity in cases where the contract would have terminated, if ship had not foundered, before the two months in question expired. It would therefore appear that in such cases the indemnity is due in full. 3. The Act states explicitly that the shipowner shall pay the seamen his wages in cash as unemployment indemnity; this indemnity, therefore, must be calculated only on the basis of the wages as entered in the payroll, without any supplementary allowance for food. 4. The indemnity payable under Article 2 is limited to two months' wages.

*France.* — ... 1. The Act of 15 February 1929 entitles the seaman to unemployment indemnity in case of the capture or foundering of the ship or if it is declared unseaworthy. The report states that the Act thus provides for the payment of unemployment indemnity, not only in the case of foundering, but also in the case of capture and declaration of unseaworthiness. 2. The Act does not refer to this question, but the report states that every shipwrecked seaman is entitled to unemployment indemnity up to a limit of two months, even where, if he had not suffered shipwreck, his agreement would normally have terminated, owing to the voyage being finished, within a period of less than two months from the moment when the shipwreck actually took place. For the purposes of the Act, the mercantile marine authorities define "unemployment" as the failure to obtain any maritime employment and it is possible to discover this failure to obtain employment by an examination of the indications contained in the seaman's work-book. In case of dispute, however, it is the duty of the competent legal authorities to interpret the exact meaning of the text of the Act. The report adds that unemployment indemnity is consequently due in every case to a shipwrecked seaman for the whole period of his actual

unemployment, that is to say, as long as he does not sign on for any new maritime work. 3. The Act lays down that the benefit shall be equivalent to the rate of wages payable under the articles of agreement. The question has been raised, whether the unemployment indemnity should be calculated only on the basis of the wages as entered in the ship's roll, or if it should include the actual wages and an additional allowance for food. It has been decided to adopt the second interpretation, and the shipping superintendents have been informed of this interpretation by a Circular of 29 June 1932. This Circular has, however, only the force of an administrative interpretation and is in no way binding, therefore, on any court which may be called upon to deal with a dispute as to the carrying out of the Act. In any such case, it will be for the court, in its judgment, to decide upon the meaning of the statutory provisions. 4. The Act provides that in no case shall "the total amount of indemnity exceed two months' wages".

*Germany.* — ... 1. The report states, with regard to the interpretation of the words "loss or foundering", that the Act grants a seaman an indemnity of a maximum of two months' wages, when the seaman's unemployment is caused by the total loss of the vessel; in other cases of damage (b and c) the seaman is entitled to half his wages for the probable time taken in repatriating him. 2. The words "unemployment resulting from the loss or foundering of the vessel" are understood to mean unemployment resulting directly from the loss of the vessel. Thus the seaman is considered as unemployed only during the period between the shipwreck and the termination of the voyage as originally fixed by the articles of agreement. After this date the unemployment is no longer attributable to the shipwreck, but is rather a consequence of the termination of the articles of agreement. The indemnity under Article 2 is only payable for the duration of the voyage as fixed by the agreement. 3. The word "wages" only includes wages in cash as fixed in the articles of agreement. 4. The indemnity payable under Article 2 is limited to two months' wages; if repatriation takes longer than two months, the seaman receives a sum equal to half his wages for the additional period.

*Great Britain.* — ... 1. The report states that the application in the United Kingdom of the words "loss or foundering" used in the Convention turns in practice upon the interpretation of the words "wreck or loss" used in § 1 of the Act. This interpretation covers (a) total loss (cf. the Judgment of the House of Lords in the "Celtic" and "Croxteth Hall" cases); (b) the report states that no such case has come before the Courts.

However, while the Courts alone have authority to interpret the law, the Government has no reason to doubt that cases of this kind would be covered by the words "wreck or loss" in § 1 of the Act. With regard to heading (c), the report refers to the Judgment of the House of Lords regarding the steam trawler "Strathclova", which indicates that in certain circumstances it would be possible for reparable damage to a vessel to amount to a "wreck" within the meaning of § 1 of the Act. 2. In the case of both the "Celtic" and the "Croxteth Hall", the unemployment indemnity for two months after the shipping casualty leading to the loss of the vessel was adjudged to be due in full, irrespective of the time which had 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. 3. The term "wages" has been interpreted so as not to include any allowance for food in addition to the money wage mentioned in the agreement with the crew. 4. The indemnity payable 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". 1. 2. and 3. The report states that no cases have come before the Department of Industry and Commerce or the Courts in the Saorstát for decision as to the interpretation of the terms referred to. 4. The report states that the indemnity is limited to two months' wages.

*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 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. With regard to the interpretation of the expressions used in Article 2 of the Convention, the report states: 1. Since no cases of shipwreck have taken place, the interpretation which will eventually be made by the legal authorities cannot be indicated at present. 2. The Government is of opinion that this question of interpretation should be examined in the light of the replies from the various Governments. It would appear that, for reasons of equity, an indemnity should not be paid if the loss by shipwreck takes place during the period of a contract concluded for the voyage or for a fixed period. 3. In the case of loss of a vessel by shipwreck, the seaman is entitled to repatriation or, if the master chooses, to a corresponding indemnity which shall include allowance for food. When he reaches a port in his home country, he receives an indemnity which, in accordance with the statutory provisions, is calculated according to the rate of his daily wage, but does not include an equivalent sum for allowance for food.

*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 in-



demnity 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.*

*Colombia.* — See introductory note.

*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, owing to local 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 dependencies: *Sarawak* (Order L-6 of 1933); *Kedah* (Enactment 1 of 1953); *St. Helena*: (the Convention may be regarded as applying by virtue of § 24 of the "Interpretation and General Law Ordinance, 1895", see under *Convention No. 4 (Night work, women)*, point III.

*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.*

*Colombia.* — See introductory note.

*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 Welfare.

*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.*

*Italy.* — The report mentions a judgment pronounced on 6 November 1933 by the Supreme Court of Appeal of the Kingdom of Italy with regard to an appeal lodged by the shipowners of the S.S. "Cosmona" against a decision of the Court of Appeal at Naples. The Supreme Court of Appeal rejected the view adopted by the Naples Court of Appeal, to the effect that it was impossible for the seamen who had escaped from the shipwreck of the "Cosmona" to find employment, owing to the fact that: (1) there was no vessel available to offer them employment; (2) the shipwrecked seamen were entitled to be present at the enquiry on the disaster; and (3) the loss of their clothing justified the shipwrecked seamen in considering it impossible to accept immediate employment on board another ship. The Supreme Court of Appeal, considering, in regard to point (1), that the shipowners had requested on two occasions to be allowed to supply proof that employment had been offered to all the shipwrecked seamen and that the latter had refused these offers; in regard to point (2), that, taking into account that fact that enquiries of this nature were often prolonged, the right to attend the enquiry did not entitle the shipwrecked seamen to remain unemployed, and that it was possible for them to be present at the enquiry by proxy; and, in regard to point (3), that this was an *a posteriori* argument; ruled that the judge who was rehearing the case should determine whether employment on board ship had been offered to the shipwrecked seamen, as the shipowners claimed, and should decide whether the seamen in question had been voluntarily or involuntarily unemployed.

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.*

*Belgium.* — No observations were made by the organisations of employers or workers regarding the practical application of the Convention or of the national legislation which implements it.

*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, legal or otherwise, was reported during the period from 1 October 1933 to 30 September 1934. The report adds that no statistics in connection with the operation of the Convention are compiled by the Department of Marine.

*Colombia.* — See introductory note.

*Estonia.* — The Government states that the provisions of the Convention are strictly enforced and that no difficulties of a practical kind have been recorded during the period covered by the report. The number of seamen enrolled in December 1932 was 1,160, classified as follows: officers of the bridge, 224; engineering officers, 181; wireless telegraphists, 21; deck hands, 380; engineering hands, 231; and general service staff, 123. The number of vessels damaged or lost in some other way in 1933 and up to 20 August 1934 was 14. Indemnities payable under Article 2 of the Convention were granted in six cases to 102 seamen; the crews of the other vessels which were lost have not so far demanded indemnities. The Ministry has not received any observations from the employers' and workers' organisations concerned with regard to the

practical application of the national legislation which implements the provisions of the Convention.

*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 1934 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 of the relevant legislation have been reported to the Government during the period under review. Reports on the subject from the seamen's offices or the consuls do not exist. No observations have been made by the circles of individuals concerned regarding the application of the Convention or of the national legislation which implements it.

*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 1934.

*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 1933 the number of seamen registered as being eligible for employment on board was

240,663. The number of wrecks suffered by national vessels during 1933 was 21. Information regarding the number of seamen who benefited by the indemnity provided by the Convention is not available. The report adds that no observations or complaints were submitted by the trade union associations concerned regarding the application of the Convention.

*Latvia.* — The report states that there were three shipwrecks during the year 1934, and that the total amount of indemnity paid to shipwrecked seamen during the same period was 8,921.43 lats, of which 7,900 lats was paid to 21 seamen by the General Insurance Society. The Ministry of Social Welfare received only a few 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.

*Luxembourg.* — See introductory note.

*Poland.* — The report states that no shipwrecks have taken place during the year in question.

*Rumania.* — The report states that there were no shipwrecks during the period 1 October 1933 to 30 September 1934, and adds that the General Inspectorate of Navigation and Harbours of the Ministry of Communications has sent a Circular (No. 11,746/1934) to the port authorities reminding them of the principles laid down by the various Articles of the Convention, and requesting ship-owners, and commanding officers and pilots of ships to observe these principles. The supervision of the application of this Circular, which applies to vessels flying the Rumanian flag or belonging to States which have ratified the Convention, is the business of the port authorities.

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

*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 1934, and from which annual reports under Article 408 were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	23. 3.1935 <sup>1</sup>
Australia . . . . .	3. 8.1925	24.11.1934
Belgium . . . . .	2. 2.1925	2.11.1934
Bulgaria . . . . .	16. 3.1923	23.10.1934
Colombia . . . . .	20. 6.1933	4. 3.1935
Cuba . . . . .	6. 8.1928	4. 3.1935 <sup>1</sup>
Estonia . . . . .	3. 3.1923	20.10.1934
Finland . . . . .	7.10.1922	8.11.1934
France . . . . .	25. 1.1928	14. 1.1935
Germany . . . . .	6. 6.1925	8.11.1934
Greece . . . . .	16.12.1925	
Italy . . . . .	8. 9.1924	11. 1.1935
Japan . . . . .	23.11.1922	14. 2.1935
Latvia . . . . .	3. 6.1926	24. 1.1935
Luxemburg . . . . .	16. 4.1928	28. 1.1935
Nicaragua . . . . .	12. 4.1934	
Norway . . . . .	23.11.1921	29.10.1934
Poland . . . . .	21. 6.1924	23.11.1934
Rumania . . . . .	10.11.1930	12. 1.1935
Spain . . . . .	23. 2.1931	19.11.1934
Sweden . . . . .	27. 9.1921	3.11.1934
Uruguay . . . . .	6. 6.1933	
Yugoslavia . . . . .	30. 9.1929	26.11.1934

The Government of *Colombia* states in its report that it is carefully studying the Convention in the light of the economic, racial, psychological and social characteristics of the country. It proposes to consider the possibility of giving effect to it in its legislation.

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

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

The *Rumanian* Government states in its report that the Ministries of Labour and of Communications are at present examining the possibility of setting up employment exchanges for seamen in the following ports as from 1 January 1935: Constanza, Braila, Galatz, Giurgiu and Turnu-Severin. The management and supervision of the work of these special exchanges will be undertaken by the General Inspectorate of Navigation and

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

Harbours attached to the Ministry of Communications.

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 provisions enacted by the Joint Board of Maritime Transport on 6 January 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.*

### *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).

### *Colombia.*

See introductory note.

## 9. Placing of seamen.

### *Estonia.*

- Seamen's Institute Act of 31 January 1928 (L. S. 1928, Est. 1 A).
- Seamen's Act of 22 March 1928 (L. S. 1928, Est. 1 B).

### *Finland.*

- Act of 27 March 1926 respecting the finding of employment (L. S. 1926, Fin. 1).
- Resolution of the Council of Ministers of 22 April 1926 respecting the inspection of employment offices and the payment of grants to employment exchanges and agents (L. S. 1926, Fin. 1).
- Seamen's Act of 8 March 1924 (L. S. 1924, Fin. 1).
- Act of 26 April 1924 respecting seamen's hours of work (L. S. 1924, Fin. 3).
- Order of 23 December 1924 respecting the signing on and off of the crews of vessels (L. S. 1924, Fin. 4).

### *France.*

- Act of 13 December 1926 to issue a Seamen's Code (L. S. 1926, Fr. 13).
- Decree of 29 January 1928 for organising joint maritime employment offices.
- Act of 28 December 1910 to codify the labour laws (Book I of the Code of Labour and Social Welfare) modified by a series of amending Acts, in particular, by the Act of 2 February 1925 to amend § 85 of Book I of the Labour Code with regard to employment exchanges and departmental employment offices (L. S. 1925, Fr. 4).

### *Germany.*

- Act of 16 July 1927 respecting the finding of employment and unemployment insurance (L. S. 1927, Ger. 5).
- Act of 12 October 1929 respecting employment exchanges and unemployment insurance (L. S. 1929, Ger. 5).
- Order of 8 November 1924 respecting seamen's employment exchanges (L. S. 1924, Ger. 8) as amended by Order of 20 September 1927.
- Act of 2 June 1910 relating to employment agents (B. B. Vol. V, 1910, p. 171).

### *Italy.*

- Royal Legislative Decree of 24 May 1925 to prohibit the charging of fees for the placing of seamen (L. S. 1925, It. 2).
- Royal Decree of 27 December 1925 bringing the Convention into force in Italy.
- Regulations of 27 March 1920 relating to model articles of agreement and rules of service for steamships.
- Commercial Code (§ 522).

### *Japan.*

- Seamen's Act of 8 March 1899.
- Regulation for the Seamen's Act of 8 March 1899.
- Seamen's Employment Exchange Act of 11 April 1922 (L. S. 1922, Jap. 2).
- Imperial Ordinance No. 496, concerning the granting of a subsidy in accordance with § 3 of the Seamen's Employment Exchange Act, issued in November 1922.
- Regulations for the enforcement of the Seamen's Employment Exchange Act (Ordinance of the Department of Communications, No. 65, issued on 18 November 1922, amended by Ordinances No. 41, dated October 1930 and No. 50, dated May 1934).
- Instructions for administering the Seamen's Employment Exchange Act (Notification No. 128, dated November 1922, amended by Notifications No. 923, dated October 1930 and No. 378, of the Department of Communications, dated May 1934).
- 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.
- Provisions enacted on 6 September 1933 by the Joint Board of Maritime Transport.

### *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.

## 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.

*Colombia.* — See introductory note.

*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.

*Colombia.* — See introductory note.

*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.*

*Colombia.* — See introductory note.

*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. See also introductory note.

## 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 1934, 3,631 Australians, 4,882 British, 549 seamen belonging to British Dominions or possessions, and 706 seamen of other nationalities were engaged in Australian ports for service in Australian and other British ships. The number of seamen in employment on board Australian ships on 30 June 1934 was 5,695. The average numbers of seamen, excluding officers, unemployed at the principal ports during the year are estimated to be approximately: Sydney, 1,358; Melbourne, 518; Newcastle, 261; Port Adelaide, 52; Brisbane, 142; Fremantle, 19; Hobart, 12.

*Belgium.* — ... During the year 1933 recruitment included 12,441 Belgian seamen and 718 foreign seamen.

*Colombia.* — See introductory note.

*Estonia.* — ... The report gives the following figures with regard to the operations of the employment office of the Seamen's Home at Tallinn for the period 1 July 1933 to 30 June 1934: deck officers: 102 applications, 74 vacancies filled; engineer officers: 135 applications, 119 vacancies filled; deck crew: 193 applications, 164 vacancies filled; engine-room crew: 178 applications, 128 vacancies filled; general service staff: 77 applications, 57 vacancies filled; wireless telegraphists: 8 applications, 7 vacancies filled. Total number of applications, 693; total number of vacancies filled, 549.

*France.* — ... The activities of the Joint Maritime Employment Offices during the year 1933 may be summarised as follows: Dunkirk, 1,027 applications, 489 vacancies notified and 489 vacancies filled; Le Havre, 3,996 applications, 797 vacancies notified, 796 vacancies filled; Rouen, 7,845 applications, 2,977 vacancies notified, 2,977 vacancies filled; Brest, 974 applications, 475 vacancies notified, 453 vacancies filled; Nantes, 1,701 applications, 986 vacancies notified, 910 vacancies filled; Bordeaux, 777 applications, 389 vacancies notified, 389 vacancies filled; Sète, 1,724 applications, 842 vacancies notified, 833 vacancies filled; Marseilles, 7,665 applications, 4,755 vacancies notified, 4,702 vacancies filled. Total number of applications, 25,709; vacancies notified, 11,710; vacancies filled, 11,549.

*Germany.* — ... According to the figures supplied by the Government, in October 1933 the seamen's recruiting offices and the other offices which provide facilities for employment finding in the case of seamen registered 25,554 applications and 2,892 vacancies. The number of persons placed in employment during this period was 2,892. The figures for September 1934 are as follows: applications, 14,680; vacancies 3,352; workers placed, 3,340.

*Italy.* — In the ports of Savona, Genoa, Spezia, Leghorn, Portoferraio, Civita-

vecchia, 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 port authorities. . . . The report gives the following information with regard to the work of the seamen's employment exchanges in 1933 and during the first six months of 1934:

	Officers	Crew
Number of persons registered as applying for employment on board ship at 1 January 1933	614	31,630
Number registered during 1933	3,053	27,677
Total	3,667	59,307
Number of applications struck off in 1933:		
(a) by cancelling	127	8,908
(b) owing to obtaining employment on board ship	2,954	18,663
Total	3,081	27,571
Number of persons registered as applying for employment on board ship at 1 January 1934	586	31,736
Number registered during the first six months of 1934	1,622	11,799
Total	2,208	43,535
Number of applications struck off during the first six months of 1934:		
(a) by cancelling	47	2,175
(b) owing to obtaining employment on board ship	1,594	9,028
Total	1,641	11,203
Number of persons registered as applying for employment on board ship at 1 July 1934	567	32,332

*Japan.* — ... The report states that the number of employment exchange agencies is 30, including 21 free agencies with 3 branches and 9 agencies charging fees. The record of the seamen's employment exchange service for the period from October 1933 to June 1934 is as follows: vacancies notified: free agencies, 18,474; fee-charging agencies, 281; applications for work: free agencies, 21,784; fee-charging agencies, 284; applications satisfied: free agencies, 18,156; fee-charging agencies, 281. During the period from July to September 1934 the number of applications satisfied was as follows: free agencies, 6,352; fee-charging agencies, 117. At the end of September the number of offers of employment registered was: free agencies, 4,572; fee-charging agencies, 20.

*Latvia.* — ... There are 3 seamen's employment offices in Latvia: (1) in Riga, attached to the Seamen's Society of Latvia

(*Latvijas jūrn arodbiedriba*); (2) in Liepaja; and (3) in Ventspils, attached to the offices of "*Watershouts*". During 1934 these three offices registered and placed in employment about 500 persons.

*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 about 1,000 placings. The Order of the Ministry of Social Welfare of 15 March 1934 ensures the co-ordination of the whole system of placing under the management of the Unemployment Fund.

*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. During the year 1933, the seamen's employment sections of the Braila and Constanza exchanges registered 584 applications for and 139 offers of employment and effected 139 placings. See also introductory note.

*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 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. Point 2 of the provisions enacted by the Joint Board of Maritime Transport provides that posts which fall vacant in any port where there is an official labour exchange must be filled by persons registered with the exchange, unless there are persons available who have been provisionally discharged by their ship or by the shipping firm, in which case these latter persons, wherever they may be, must be given the preference for the posts, provided that not more than six months have elapsed since their discharge. Point 3 adds that the engagement of boatswains and donkey engine boilermen is not subject to any restrictions. 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, Hålsingborg, Halmstad, Göteborg, Lysekil, Uddevalla. For the period 1 October 1933-30 September 1934, there were 87,904 applications, 18,027 vacancies and 17,621 vacancies filled.

*Yugoslavia.* — . . . Under the Regulations of 26 November 1927 public employment offices staffed by persons experienced in maritime questions have been set up at Sušak, Split, Šibenik, Gruže and Kotor. These are the most important ports on



the Adriatic, where the majority of the workers applying to the employment offices are seamen. During the period 1 October 1933-30 September 1934 these offices registered 3,431 applications for employment and 210 vacancies; 202 placings were effected.

#### 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.*

*Colombia.* — See introductory note.

*Poland.* — For information concerning the constitution of joint committees see under *Convention No. 2 (Unemployment)*, ARTICLE 2.

*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 port authority 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 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.

*Colombia.* — See introductory note.

*Poland.* — § 19 of the Order of the Ministry of Social Welfare of 15 March 1934 concerning employment exchanges attached to the Unemployment Fund lays down that a person in search of employment is not bound to accept the work which is offered to him, if he gives a valid reason for his refusal. § 9 (4) gives the employer the right to choose from among the candidates for a vacant post; he may, if necessary, ask the exchange to send him other candidates.

*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. Point 1 of the provisions enacted by the Joint Board of Maritime Transport lays down that freedom of choice of crew for their ships shall be assured to shipowners, and, reciprocally, freedom

to accept or refuse employment on board ship shall be assured to seamen. Point 4 adds that if the freedom of choice referred to in point 1 seems likely to be compromised at any time or for any reason, the shipowners reserve the right to set up special employment exchanges, the organisation of such exchanges being permissible under the Act for the ratification of the Genoa Convention on employment facilities for seamen. 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.*

*Colombia.* — See introductory note.

*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.*

*Australia.* — ... See the information summarised above under ARTICLE 4.

*Belgium.* — ... During the year 1933, 718 foreign seamen were embarked on Belgian vessels through the intermediary of the recruitment office of the Belgian Shipowners' Union.

*Colombia.* — See introductory note.

*Poland.* — The employment exchanges are available for both national and foreign workers without any distinction, under § 6 (1) of the Order of the Ministry of Social Welfare of 15 March 1934.

*Rumania.* — ... For the definition of the term "seamen" contained in Ministerial Decision No. 244358/1933, see under ARTICLE 1 above. The Act of 27 April 1934 to amend § 7 of the Act of 21 February 1907 concerning the organisation of the mercantile marine lays down that at least 90 per cent of the crew of any ship flying the Rumanian flag shall be Rumanian nationals.

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

*Sweden.* — ... 261 foreign seamen applied to the Employment Service, and 51 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.*

*Colombia.* — See introductory note.

*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.*

*Australia.* — ... For the latest statistics, which refer to the year 1 July 1933-30 June 1934, see above under ARTICLE 4.

*Colombia.* — See introductory note.

*France.* — The report supplies statistical details of the activities of the joint employment exchanges for seamen during

the year 1938, and also information concerning the measures taken for assisting seamen who have become unemployed owing to the economic depression. For a summary of these statistics, see above under ARTICLE 4 . . .

*Rumania.* — § 3 of Ministerial Decision No. 244358/1938 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 at present being examined.

*Japan.* — In *Taiwan (Formosa)*, the Seamen's Act and the Act concerning the minimum age and health certificate for seamen came into force on 25 May 1933, and preparations have been begun for the enforcement of the Seamen's Employment Exchange Act. As regards the other colonies, conditions in them are so markedly different that the application to them of the Convention is not yet regarded as suitable.

*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.*

*Colombia.* — See introductory note.

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

*Rumania.* — The authority responsible for supervising the application of the implementing legislation is the Employment Exchange and Migration Service of the Ministry of Labour and the General Inspectorate of Navigation and Harbours attached to the Ministry of Communications, which operates through the port authorities.

*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.* — Mercantile marine employees of all ranks and ratings are organised into recognised unions. These bodies take an active interest in placing their members in employment and require little assistance from the Government. As mentioned under Article 4, employment registers are kept, but these are availed of mostly by masters and seamen of ships from overseas. The employment agency is of considerable benefit to these men and is in fact the only available means of obtaining employment, excepting where they make direct application to the ship. The report adds that no cases of infringement of the relevant legislation have been recorded. No observations on the Convention or on the relevant legislation 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 that no observations have been received from the organisations of employers or workers with regard to the practical application of the Convention. See also under ARTICLE 4.

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

*Colombia.* — See introductory note.

*Estonia.* — See under ARTICLE 4. The Ministry has not received any observations from employers' or workers' organisations with regard to the practical application of the national legislation which implements the provisions of the Convention.

*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 under ARTICLE 4.

*Germany.* — The Government states that it is applying the Convention both in the spirit and in the letter, and that it is unaware of any infringements of the relevant legislation during the period covered by the report. No observations with regard to the application of the Convention or of the relevant provisions of the national legislation were received from the circles of individuals concerned. See also under ARTICLE 4.

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

*Japan.* — For information on the working of the employment exchanges, see under ARTICLE 4. The report states 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.

*Luxembourg.* — The report states that the question of employment-finding facilities for seamen has no practical application in the Grand Duchy, and that no cases of infringement have been reported. The Government has not received any observations from the employers' and workers' organisations concerned with regard to the practical application of the national legislation which implements the provisions of the Convention.

*Norway.* — No cases of infringement of the legislation relating to the Convention have been reported. The Government has not received from the organisations of employers or workers any observations or

## 9. Placing of seamen.

complaints 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.* — See under ARTICLE 4.

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

*Sweden.* — The Swedish Government states that it is possible to say, as a general observation, that the Conventions ratified by Sweden are being applied satisfactorily. 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. See also under ARTICLE 4.

*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 1934, and from which annual reports under Article 408 were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Austria . . . . .	12. 6.1924	30.11.1934
Belgium . . . . .	13. 6.1928	2.11.1934
Bulgaria . . . . .	6. 3.1925	23.10.1934
Czechoslovakia . .	31. 8.1923	15. 2.1935
Dominican Republic	4. 2.1933	
Estonia . . . . .	8. 9.1922	20.10.1934
Hungary . . . . .	2. 2.1927	15.12.1934
Irish Free State . .	26. 5.1925	28.11.1934
Italy . . . . .	8. 9.1924	11.1.1935
Japan . . . . .	19.12.1923	14. 2.1935
Luxemburg . . . . .	16. 4.1928	28. 1.1935
Nicaragua. . . . .	12. 4.1934	
Poland . . . . .	21. 6.1924	23.11.1934
Rumania . . . . .	10.11.1930	12. 1.1935
Spain . . . . .	29. 8.1932	19.11.1934
Sweden . . . . .	27.11.1923	3.11.1934
Uruguay . . . . .	6. 6.1933	

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

The report of the Government of *Nicaragua* 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.*

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 A).

Order of 10 August 1919 of the Federal Ministry of Public Education.

Administrative Instruction of 23 January 1920 respecting the supervision of child labour (L. S. 1920, Aus. 17).

Text of the Convention published in the *Bundesgesetzblatt* of 19 July 1924.

Various Acts passed by the federated provinces.

#### *Belgium.*

Act of 19 May 1914 concerning primary education.

#### *Bulgaria.*

Act of 1924 respecting public education.

#### *Czechoslovakia.*

Act of 19 December 1918 respecting the eight-hour working day (L. S. 1919, Cz. 1, 2 and 3).

Act of 17 July 1919 respecting child labour (L. S. 1920, Cz. 2).

Act of 13 July 1922 amending and supplementing the Acts respecting elementary and upper-elementary schools.

*Estonia.*

Act of 1 November 1921 to regulate the hours of work and wages of agricultural workers (L. S. 1921, Part II, Est. 1).

Act of 7 May 1920 concerning public elementary schools.

*Hungary.*

Act No. XLV of 30 July 1907 regulating the legal relations between masters and agricultural servants (B. B. Vol. II, 1907, p. 273).

Act No. XXX of 25 July 1921 guaranteeing compulsory education.

Order No. 130700 of 1922, of the Minister for Public Instruction, concerning the application of Act No. XXX of 1921.

Act No. II of 15 April 1927 for the ratification of the Convention.

Circular Order No. 85800 of 1929 of the Minister of Agriculture respecting agricultural labour.

*Irish Free State.*

School Attendance Act, 1926.

*Italy.*

Consolidated text of the laws relating to elementary, post-elementary, and continued education of 5 February 1928.

Royal Decree of 27 December 1925 bringing the Convention into force in Italy.

*Japan.*

Imperial Ordinance of 20 August 1900 concerning elementary schools.

Regulations for the enforcement of the above Imperial Ordinance (Ordinance of the Department of Education of 21 August 1900).

Imperial Ordinance of 7 February 1899 concerning technical schools.

Regulations concerning the establishment and abolition of technical schools (Ordinance of the Department of Education of 3 March 1899).

Regulations concerning agricultural schools (Ordinance of the Department of Education of 15 January 1921).

Regulations for encouraging the attendance at school of children of school age (Order of the Department of Education dated 4 October 1928; amended by Order of the Department of Education dated 27 November 1930).

*Luxembourg.*

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, amended on 10 August 1929, 7 March, 22 April and 18 May 1932 and 5 July 1934.

*Spain.*

Decree of 25 September 1934 to prohibit the employment of children under the age of fourteen years in any public or private agricultural undertaking, or in any branch of such undertaking, during the hours fixed for school attendance in the state schools of each district (L. S. 1934, Sp. 1).

*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.

*Luxembourg.* — ... Under § 1 of the Act of 10 August 1912 concerning the organisation of elementary education, every child who has completed its sixth year by 1 November shall receive elementary education for seven consecutive years, with the proviso that for the seventh scholastic year may be substituted two six-monthly periods in succeeding winters. The local authorities may prolong the compulsory school period, with the approval of the Government, by the addition either of a complete eighth year, or of a six-monthly period either in the summer or the winter of the eighth year. § 54 lays down that on leaving the elementary school each child shall be obliged to attend a continuation school for two years, or for one year only if the child in question has attended the elementary school for the eighth year or for six months of the eighth year. The Government may exempt children of eleven years and over from compulsory school attendance for a fixed period, either for the whole day or for part of the day, in order that they may help their parents or guardians (§ 8). By a Circular of 28 May 1923 this exemption was limited to cases of strict necessity. The report adds that the Act does not provide for general exemptions from the continuation schools.

10. Minimum age (agriculture).

*Spain.* — § 1 of the Decree of 25 September 1934 lays down that children under the age of fourteen years shall not be employed in any public or private agricultural undertaking, or in any branch thereof, save outside the hours fixed for school attendance in the state schools of each district.

#### 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.*

*Luxemburg.* — The report states that, under the terms of a Circular of 28 May 1923 which was sent to the local authorities, the school time-table may be altered during the summer months (May to August) in such a way as to permit the employment of children on light agricultural work. See also under ARTICLE 1 above.

*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.* — § 2 of the Decree of 25 September 1934 provides that the joint boards for agriculture or, in default of these, the offices of the Labour Council, may authorise the employment of children for purposes of practical vocational instruction during the hours of school attendance on light agricultural work or light work connected with the harvest, provided that the children continue to attend school for the hours during which they are not employed. § 3 of the Decree lays down that this permission shall not be given for a longer period than four months in any one year.

#### 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.

*Rumania.* — ... §§ 75 and 76 of the Act provide that practical agricultural instruction shall be given to pupils, and that for this purpose the schools shall be provided with small gardens for the scholars and, in the country, with land which shall be cultivated by the pupils under the supervision of the teachers.

*Spain.* — § 4 of the Decree of 25 September 1934 lays down that the provisions of § 1 of the Decree (see above under ARTICLE 1) shall not apply to work done by children in technical schools of agriculture, provided that such work is approved and supervised by the competent public authority.

### 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.* — The Government points out that the Decree mentioned above is of very recent date, and that in consequence no supplementary measures have yet been taken to make its provisions applicable to territories outside the home country.



## 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.* — Under § 5 of the Decree of 25 September 1934, it is the duty of the Ministry of Instruction and Fine Arts to give the necessary instructions to school authorities for giving effect to the Decree. The labour inspectors are responsible for the supervision of its application. Employers must keep certificates showing the ages of all minors in their employment, and must produce these certificates at the request of the labour inspectors. Further, employers must keep the inspectors informed as to the hours during which minors are employed, and these hours must be compatible with the school time-table, which is communicated to the inspectors in advance.

## 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 1934 volume of the *Vierteljahrshefte für Erziehung und Unterricht*, which will shortly be published by the Official Publishers for Education, Science and Arts in Austria. No contraventions of the legal provisions in question have been recorded during the period covered by the report. 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 or of the national legislation which implements its provisions.

*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 1933, which will be forwarded to the International Labour Office as soon as possible.

*Estonia.* — During 1933, the inspection services reported one case of infringement of the legal provisions concerning the age for admission of children to employment in agriculture. The offender was

given a simple warning. The Ministry has not received any observations from the employers' or workers' organisations concerned with regard to the practical application of the national legislation which implements the provisions of the Convention.

*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 under review no cases of infringement of the legislation in question were reported. 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 contraventions are few and that the offenders are suitably dealt with. Taking this in conjunction with the power which the Minister has to make Regulations forbidding the employment of children under 14, if he has reason to think that such employment is in any way detrimental to their education, the Government is of opinion that the provisions of the Convention are adequately implemented in the existing legislation. About 37.6 % 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 0.6 % for children between 6 and 12 years of age and 1.0 % 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 during the period under review 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 Conven-

tion are not available. However, in view of the fact that 99.57 % 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 an intensive effort has been made by the Ministry of Public Instruction to organise elementary and vocational schools and to combat illiteracy. The number of teachers in the elementary schools has been considerably increased during the last year. Under the Act it is the business of the teachers to ensure that the largest possible number of children attend school. The report adds that the legal provisions are applied throughout the country.

*Spain.* — The Decree to give effect to the provisions of the Convention has not been in force long enough for the inspectors to submit reports or collect statistics, or for the employers' and workers' organisations to communicate any observations.

*Sweden.* — The Government states that no general statistical information is available as required under this heading. The report adds that the Convention may be considered to be satisfactorily 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 1934 and from which annual reports under Article 408 were due in respect of the period 1 October 1933—30 September 1934 or of a part of that period :

# 11. Right of association (agriculture).

COUNTRIES	Date of registration of ratification	Reports received
Austria . . . . .	12. 6.1924	30.11.1934
Belgium . . . . .	19. 7.1926	2.11.1934
Bulgaria . . . . .	6. 3.1925	23.10.1934
Chile . . . . .	15. 9.1925	26.12.1934
China . . . . .	27. 4.1934	
Colombia . . . . .	20. 6.1933	4. 3.1935
Czechoslovakia . . .	31. 8.1923	15. 2.1935
Denmark . . . . .	20. 6.1930	20.11.1934
Estonia . . . . .	8. 9.1922	20.10.1934
Finland . . . . .	19. 6.1923	8.11.1934
France . . . . .	23. 3.1929	22. 1.1935
Germany . . . . .	6. 6.1925	8.11.1934
Great Britain . . . .	6. 8.1923	15.11.1934
India . . . . .	11. 5.1923	14.12.1934
Irish Free State . . .	17. 6.1924	8.12.1934
Italy . . . . .	8. 9.1924	11. 1.1935
Latvia . . . . .	9. 9.1924	24. 1.1935
Luxemburg . . . . .	16. 4.1928	28. 1.1935
Netherlands . . . . .	20. 8.1926	25.10.1934
Nicaragua . . . . .	12. 4.1934	
Norway . . . . .	11. 6.1929	29.10.1934
Poland . . . . .	21. 6.1924	23.11.1934
Rumania . . . . .	10.11.1930	12. 1.1935
Spain . . . . .	29. 8.1932	19.11.1934
Sweden . . . . .	27.11.1923	3.11.1934
Uruguay . . . . .	6. 6.1933	
Yugoslavia . . . . .	30. 9.1929	26.11.1934

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

The *Latvian* Government states in its report that the Act of 18 July 1923 concerning associations, federations and political organisations has been amended by the Act of 12 June 1934 concerning the closing down, dissolution and registration of associations, federations and political organisations during the period of national emergency, and the additions to the Act of 25 July and 27 November 1934. The Government adds that these amendments only concern the period of national emergency, and do not in any way abolish the provisions of the Act of 18 July 1923 which refer to the rights of association and combination of agricultural workers.

The report of the Government of *Nicaragua* 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*<sup>1</sup> and adds that since this 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.

Federal Constitution of 1934 (§ 24).

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.

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

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

## *Colombia.*

Act No. 78 of 19 November 1919 concerning strikes.

Act No. 21 of 4 October 1920 concerning conciliation and arbitration in collective labour disputes, supplementing Act No. 78 of 1919 concerning strikes (L. S. 1920, Col. 1).

Act No. 83 of 23 June 1931 concerning industrial associations (L. S. 1931, Col. 2).

## *Czechoslovakia.*

Constitutional Act of 29 February 1920.

## *Denmark.*

§ 85 of the Danish Constitution of 5 June 1915.

## *Estonia.*

Constitution of 15 June 1920.

Act of 1 June 1922 on the right of public meeting.

Act of 26 March 1926 respecting associations and federations thereof (L. S. 1926, Est. 1 A).

Act of 26 March 1926 respecting the registration of associations, societies, and federations thereof (L. S. 1926, Est. 1 B).

## *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, 10 January 1930 and 25 May 1934.

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, Chapter I 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), amended by the Act of 12 June 1934 concerning the closing down, dissolution and registration of associations, federations and political organisations during the period of national emergency, and the additions to the Act of 25 July and 27 November 1934.

## *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.*

Rumanian Constitution of 29 March 1923 (§§ 5 and 29).

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.

*Austria.* — The report states that under the Federal Constitution agricultural workers in Austria enjoy the same rights of association and combination as industrial workers and, indeed, all citizens of Austria without exception. In the old Constitution these rights were secured by § 12 of the Act of 21 December 1867, which had the force of a constitutional law of the Austrian Republic. This Act of 21 December 1867 was not embodied in the Federal Constitution of 1934, but § 24 of the new Constitution contains the following provision, drafted on the same lines as § 12 of the Act mentioned above: "Federal citizens shall have the right to hold meetings and form associations for lawful purposes." This provision came into force on 1 July 1934. The exercise of this right is regulated by the Act of 15 November 1867 relating to the right of association and by the Act of 15 November 1867 relating to the right of assembly...

*Colombia.* — § 1 of the Act of 23 June 1931 concerning industrial associations lays down that "the law recognises the right of employees to associate freely for the protection of their interests and to form unions, industrial associations, etc... formed exclusively for the study, advancement and protection of the mutual interests of the occupation in question, but which do not distribute profits." § 3 lays down that "unions shall be either craft unions or industrial unions. The former shall be those formed by persons engaged in one and the same occupation, trade or special employment; the latter shall be those formed by persons engaged in different trades, occupations or special employments who contribute towards the preparation, working up or utilisation of one and the same product in one and the same undertaking." § 4 authorises employees in different occupations to constitute associations "where there is not in the district or industry in question the number of employees required by the Act" (25 members, according to § 6) "for the formation of a craft union or industrial union." § 11 provides that "unions shall have the right to form federations even if they belong to different

districts or occupations." The report adds that it has not been necessary to enact legal provisions to assimilate agricultural workers to industrial workers.

*Latvia.* — ... See also introductory note.

*Rumania.* — §§ 5 and 29 of the Constitution lay down that all Rumanians, irrespective of racial origin, language, or religion, possess the right of association, with due regard to the laws which regulate this right.

*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.*

*Colombia.* — Under the terms of §§ 19, 22 and 23 of the Act of 23 June 1931 concerning industrial associations, the enforcement of the Act is entrusted to the public prosecutor or the General Labour Office, in collaboration with the district judges and the labour inspectors, or, in default of the latter, the mayors.

*Finland.* — The Ministry of Justice is responsible for supervising the application of the Convention and for keeping a register of societies.

*Italy.* — The report states that the Ministry of Corporations, operating through the local authorities which depend on it, is responsible for supervising the application of the provisions which ensure equality of treatment between industrial and agricultural workers in the exercise of their rights of association and combination.

*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.* — The Government states that no cases of infringement of the relevant legal provisions have been recorded during the period under review. The report adds 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 or of the national legislation which implements its provisions.

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

*Chile.* — The report states that the idea of occupational association has fallen on stony ground among the agricultural workers of Chile; this may be attributed to the isolation in which they generally live, their lack of education and the absence of any inducement to widen their horizon beyond the scope of their immediate daily routine. Consequently, although they enjoy the same rights of association and combination as industrial workers, the number of them who are affiliated to trade unions is slowly falling. Chile now possesses 7 agricultural trade unions with a total of 499 members. Four of these unions are corporate bodies at civil law.

*Colombia.* — No information.

*Czechoslovakia.* — The report refers to the report of the Labour Inspection Service for 1933, which will be sent to the International Labour Office in due course.

*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 no cases of contravention of relevant legislation have been recorded during the period under review. The reports adds that the Ministry has not received any observations from the employers' or workers' organisations concerned with regard to the practical application of the national legislation which implements the provisions of the Convention.

*Finland.* — No general observations. The report states that the employers' and workers' organisations concerned have not made any observations with regard to the application of the Convention or of the national legislation which implements it. The Government adds that, after the dissolution of the old Federation of Trade Unions in 1931, the trade unions were re-organised and that they now operate perfectly normally on a basis of freedom of speech, assembly and association.

*France.* — The report refers to the statistics of occupational associations on 1 January 1930, which may be found in previous reports. 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, nor has the Government been informed of any cases of infringement of the relevant legislation during the period covered by the report. No observations have been made by the circles of individuals concerned 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 during the period under review 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. See also introductory note.

*Luxembourg.* — The report states that no attack on the freedom of association of agricultural workers has been reported. The Government has not received any observations from the employers' or workers' organisations concerned with regard to the application of the national legislation which implements the provisions of the Convention.

*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. No cases of infringement have been recorded. The report adds that the Government has not received any observations or complaints 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 legislation which implements it.

*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 there are very few occupational associations of agricultural workers, and those which do exist are mostly joint associations, i.e. composed of employers and workers. The spirit of organisation is not yet developed among peasants and agricultural workers, who prefer to form co-operative societies as prescribed by the Act concerning co-operative societies.

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

*Sweden.* — The Government states that, in general, the Convention may be deemed to be satisfactorily enforced in Sweden. This opinion is confirmed by the fact that no complaint as to the enforcement has been received from the occupational organisations.

*Yugoslavia.* — The report states that the most important association of agricultural workers is the National Union of Agricultural Workers, the offices of which are at Novi-Sad.

principles laid down by this Convention. This Code is still under consideration.

The report of the Government of *Nicaragua* 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 has been laid before the Diet. For details, see under Article 1.

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

## 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 1934, and from which annual reports under Article 408 were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium . . . . .	26.10.1932	2.11.1934
Bulgaria . . . . .	6. 3.1925	23.10.1934
Chile . . . . .	15. 9.1925	26.12.1934
Colombia . . . . .	20. 6.1933	4. 3.1935
Denmark . . . . .	26. 2.1923	20.11.1934
Estonia . . . . .	8. 9.1922	20.10.1934
France . . . . .	4. 4.1928	29.12.1934
Germany . . . . .	6. 6.1925	8.11.1934
Great Britain . . .	6. 8.1923	15.11.1934
Irish Free State . .	17. 6.1924	8.12.1934
Italy . . . . .	1. 9.1930	11. 1.1935
Latvia . . . . .	29.11.1929	24. 1.1935
Luxemburg . . . . .	16. 4.1928	28. 1.1935
Netherlands . . . .	20. 8.1926	25.10.1934
Nicaragua . . . . .	12. 4.1934	
Poland . . . . .	21. 6.1924	23.11.1934
Spain . . . . .	1.10.1931	19.11.1934
Sweden . . . . .	27.11.1923	3.11.1934
Uruguay . . . . .	6. 6.1933	

The Government of *Colombia* states in its report that it has submitted to the Legislative Chambers a Draft Labour Code containing most of the fundamental

### 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).

#### *Chile.*

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

#### *Colombia.*

See introductory note.

#### *Denmark.*

Act of 20 May 1933 concerning insurance against the consequences of accidents (L. S. 1933, Den. 5), to supersede the Act of 6 July 1916 and its amendments.

#### *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 Act, 1934 (L. S. 1934, I. F. S. 1), to consolidate the Workmen's Compensation Acts, 1906-1919.

*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.  
 Legislative Decree No. 264 of 23 March 1933 to unify 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 regulations for reducing the causes of malaria (L. S. 1933, It. 6).

*Latvia.*

- Act of 1 June 1927 concerning the insurance of paid employees against accidents and occupational diseases (L. S. 1927, Lat. 1).

*Luxemburg.*

- Act of 17 December 1925 respecting the Social Insurance Code (L. S. 1925, Lux. 2), as amended by the Act of 6 September 1933 (L. S. 1933, Lux. 3).  
 Grand Ducal Orders of 4 April and 23 December 1927, 3 April and 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), 2 July 1928 (L. S. 1928, Neth. 2), 7 February 1929 (L. S. 1929, Neth. 2 A) and 18 July 1930 (L. S. 1930, Neth. 3 B).

*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) which came into operation on 1 January 1934.

*Spain.*

- Royal Legislative Decree of 23 August 1926 approving the Labour Code (L. S. 1926, Sp. 5).  
 Decree of 12 June 1931 to approve the rules laid down therein for the application to agriculture of the Act concerning industrial accidents (L. S. 1931, Sp. 8 A).  
 Decree of 25 August 1931 to approve the Regulations for the application of the Industrial Accidents Act to agriculture (L. S. 1931, Sp. 8 B).  
 Act of 4 July 1932 to amend § 168 of the Labour Code (L. S. 1932, Sp. 4).  
 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), amended by the Acts of 14 June 1917, 26 April 1918, 19 June 1919, 18 June 1920, 15 June 1922 (L. S. 1922, Swe. 2), 18 June 1926 (L. S. 1926, Swe. 5), 24 May 1928 (L. S. 1928, Swe. 1) and 14 June 1933 (L. S. 1933, 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:*

- The manner in which the persons and undertakings covered are respectively determined;*
- 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 concerning workmen's compensation for industrial accidents, 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.

*Colombia.* — See introductory note.

*Denmark.* — § 70 of the Act of 20 May 1933 is identical with § 68 of the Act of 6 July 1916, which it supersedes. This Article is covered by the section in question.

*Irish Free State.* — The Workmen's Compensation Act, 1934, which consolidates the Workmen's Compensation Acts, 1906-1919, does not differentiate between agricultural and industrial workers.

*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 came into operation on 1 January 1934) suspends the application of its provisions with respect to insurance against 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 has been laid before the Diet.

*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 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 total incapacity for all work must 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. The application of the legislation on industrial accidents to Europeans and persons assimilated to Europeans in *Indo-China* is the subject of a Decree of 9 September 1934. These new provisions, the application of which it has seemed advisable for the moment to restrict to European and assimilated workers, cover the whole of the territory of the Indo-Chinese Union and also of the Kwangchow-wan concession. French citizens, subjects and protected persons, or foreigners who are heads of industrial, commercial, agricultural or forestry undertakings, whether public or private, are subject to these provisions. Chapter II of the Decree lays down a system of workmen's compensation similar to that which exists in the metropolitan country. Chapter III (§§ 16-25) relates to industrial accidents in agricultural undertakings. The Decree has not yet come into force.

*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* is under consideration. The legislation under consideration in *Kedah* (see annual report for 1932-1933) has now been enacted (Enactment 1 of 1933). Further legislation has now been enacted in the following dependencies: *British Guiana*: (Ordinance 7 of 1934; agricultural workers are excluded from the scope of the Ordinance unless they are employed in connection with any engine driven or machine worked by mechanical power. Such workers, however, are not excluded from the scope of Part II of the Accidental Deaths and Workmen's Injuries (Compensation) Ordinance, Chapter 265 of the Laws of British Guiana. Ordinance 7 of 1934 has not yet been brought into force); *Malta*: The legislation already referred to in previous reports has now been superseded by Ordinance XXVIII of 1934.

*Netherlands.* — The Governor-General of the *Dutch East Indies* states that the draft regulations on workmen's compensation for industrial accidents, the drawing-up of which will be completed in the near future, will cover workers in large agricultural undertakings. . .

## 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.

*Colombia.* — See introductory note.

*Denmark.* — The administration of the Act of 20 May 1933 is entrusted to the Directorate of Accident Insurance, which gives decisions on all questions relating to the Act. The decisions of the Directorate may be made the subject of an appeal to the Accident Insurance Council in certain cases, and more especially when the questions are not exclusively legal. The other decisions of the Directorate and certain decisions of the Council may be laid before the Ministry of Social Affairs. Every case of industrial accident which may lead to compensation under the Act must be reported to the Directorate by the employer concerned. In accordance with § 80 of the Act of 20 May 1933, it is the duty of the labour inspectors and municipal labour inspectors to see that the obligations relating to insurance are fulfilled in the undertakings which they inspect. In the case of other undertakings, the inspection in question is carried out by the police. The labour inspectors report to the Chief of Police of the district any deficiency with regard to the application of the law which has come to their notice.

*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 mutual benefit funds for accidents in agriculture, set up in each of the districts into which the country has been divided by a Royal Decree of 21 December 1933. 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 18 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 since accident insurance is very general in agriculture, no breaches of the law have been reported by the labour inspection service. The total number of agricultural workers is 352,727.

*Colombia.* — See introductory note.

*Denmark.* — The report states that insurance is so organised that compensation due to the victim under the Act is

assured to him in every case, since, in cases where the employer has neglected to insure himself against risk, the compensation may be paid by the Workers' Insurance Council. There is therefore no question of contravention. The employers' and workers' organisations have not made any observations with regard to the practical application of 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. The report adds that no cases of infringement of the relevant legislation have been reported during the period under review, and that the Government has not received any observations from the employers' or workers' organisations concerned in regard to the practical application of the Convention.

*France.* — The report 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 1933 (published in *Amtliche Nachrichten für Reichsversicherung*, 1934, p. IV 91) and in the *Statistik der Sozialversicherung* for 1932, published as appendix No. 12 to *Amtliche Nachrichten für Reichsversicherung*, 1933. From these publications it appears that in 1933 there were 38 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 1932. Indemnities paid for accidents in agriculture in 1933 amounted to 47,578,000 Reichsmark for a total of 269,695 accidents. Statistics for 1934 are not yet available. The Government is not aware of any observations from the circles of individuals concerned.

*Great Britain.* — The report states that the Convention is applied as a part of the general and well-recognised law of workmen's compensation, and agricultural workers enjoy its benefits on precisely the same footing as other classes of employees. There are no statistics available as to the number of agricultural workers covered or as to the number of accidents.

to such workers. 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 supplies the following information: contributions during 1933 amounted to the sum of 72,139,500 lira. The total number of accidents giving rise to compensation was 73,119, of which 1,414 were fatal cases, 21,745 resulted in permanent invalidity and 49,960 in temporary invalidity. The benefits paid or to be paid after verification for accidents which happened during or before the year 1933 amounted to a sum of 95,444,276 lira. During the period covered by the report no observations or reports were received from the trade union 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 10,287 accidents in agriculture during 1933. 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.

*Luxemburg.* — The report of the Accident Insurance Association for 1933, in the section relating to agriculture and forestry, gives detailed information respecting the causes of accidents and injuries caused thereby. It states that 2,547 accidents were notified and that compensation was paid in 2,185 cases. Death resulted in 14 cases. The number of permanent pensions at the end of 1933 was 716.

*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 1932. The activities of the Bank, however, cover only a very small number of the total of persons insured, since the large majority of agricultural workers are insured with occupational

associations set up for this purpose by the employers concerned. The report gives the following statistics with regard to these occupational associations: the number of accidents reported in 1932 was 150,000, 540 of which terminated fatally and 730 resulted in permanent incapacity. The employers affiliated to these associations subscribed a total sum of 17,000,000 florins. The workers do not subscribe. 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 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 Accidents 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. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

*Sweden.* — The Government states that, in general, the Convention may be said to be satisfactorily 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 1934, and from which annual reports under Article 408 were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria . . . . .	12. 6.1924	30.11.1934
Belgium . . . . .	19. 7.1926	2.11.1934
Bulgaria . . . . .	6. 3.1925	23.10.1934
Chile . . . . .	15. 9.1925	26.12.1934
Colombia . . . . .	20. 6.1933	4. 3.1935
Cuba . . . . .	7. 7.1928	4. 3.1935 <sup>1</sup>
Czechoslovakia . .	31. 8.1923	15. 2.1935
Estonia . . . . .	8. 9.1922	20.10.1934
Finland . . . . .	5. 4.1929	8.11.1934
France . . . . .	19. 2.1926	28.12.1934
Greece . . . . .	22.12.1926	
Latvia . . . . .	9. 9.1924	24. 1.1935
Luxemburg . . . .	16. 4.1928	28. 1.1935
Nicaragua . . . .	12. 4.1934	
Norway . . . . .	11. 6.1929	29.10.1934
Poland . . . . .	21. 6.1924	23.11.1934
Rumania . . . . .	4.12.1925	12. 1.1935
Spain . . . . .	20. 6.1924	19.11.1934
Sweden . . . . .	27.11.1923	3.11.1934
Uruguay . . . . .	6. 6.1933	
Venezuela . . . .	28. 4.1933	25. 3.1935 <sup>1</sup>
Yugoslavia . . . .	30. 9.1929	26.11.1934

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 Government of *Colombia* states in its report that it is carefully studying the Convention in the light of the economic, racial, psychological and social characteristics of the country. It proposes to consider the possibility of giving effect to it in its legislation.

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

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

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

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

## 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.

*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).

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

See also introductory note.

### *Colombia.*

See introductory note.

### *Czechoslovakia.*

Act of 12 June 1924 issuing regulations for the protection of the life and health of persons employed in painting, varnishing and decorating (L. S. 1924, Cz. 1).

### *Estonia.*

Act of 25 May 1928 respecting the use of white lead in painting (L. S. 1928, Est. 2).

Ministerial Order of 12 April 1930 concerning the use of white lead in painting (L. S. 1930, Est. 1 A).

Ministerial Order of 30 July 1930 concerning the supervision of general health and medical examination in places where white lead, sulphate of lead and other products containing these pigments are used (L. S. 1930, Est. 1 B).

Ministerial Order of 20 May 1931 amending Ministerial Order of 12 April 1930.

### *Finland.*

Act of 1 March 1929 prohibiting the use of white lead and sulphate of lead in certain kinds of painting (L. S. 1929, Fin. 1 A).

Decision of the Ministry of Social Affairs dated 22 June 1929 laying down detailed provisions concerning the use of white lead in painting (L. S. 1929, Fin. 1 B).

Order of 1 March 1929 concerning the putting into force of the Convention concerning the use of white lead in painting.

Sanitary regulations of 24 September 1929 for workers employed in painting work in which the use of white lead, sulphate of lead and products containing those pigments is necessary.

Resolution of the Council of State dated 14 March 1919 specifying the trades and branches thereof which must be deemed to be specially dangerous and issuing detailed regulations concerning the employments liable to injure the health of children and young persons or hinder their physical development (L. S. 1924, Fin. 5, Appendix).

### *France.*

Code of Labour and Social Welfare, Book II, §§ 78, 79 and 80, as amended by the Act of 31 January 1926 (special provisions respecting the use of lead compounds in painting work) (L. S. 1926, Fr. 1).

Decree of 8 August 1930 respecting the use of white lead and sulphate of lead in painting work (L. S. 1930, Fr. 13 B).

Decree of 21 March 1914 (B. B. 1915, Vol. X, p. 103), amended by the Decrees of 24 September 1926 (L. S. 1926, Fr. 10A) and 8 August 1930 (L. S. 1930, Fr. 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 13 February 1931.

Decree of the President of the Republic of 22 August 1927 respecting the prevention of occupational diseases and the fight against these diseases (L. S. 1927, Pol. 9), extended to the Province of Silesia by Act of 16 September 1930.

Decree of the President of the Republic of 16 March 1928 concerning industrial safety and hygiene (L. S. 1928, Pol. 4), extended to the Province of Silesia by Act of 18 March 1931.

Ministerial Order of 17 December 1928 concerning the application of certain provisions of the Presidential Decree of 22 August 1927 (L. S. 1928, Pol. 8).

Ministerial Decree of 13 September 1930 concerning the health and safety measures which are obligatory in the preparation of paints and pastes containing white lead, etc., and in painting work involving the use of such paints and pastes (L. S. 1930, Pol. 6).

### *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).

Ministerial Decision No. 18,858 of 12 May 1934 concerning accident prevention, to approve, *inter alia*, provisions with regard to occupations in industrial undertakings and in foundries, and with regard to soldering apparatus and dye factories.

## *Spain.*

Royal Decree of 19 February 1926 to provide that the use of white lead, sulphate of lead and all products containing these pigments shall be prohibited in Spain in the interior painting of buildings as from 1 November 1928, subject to the exceptions laid down in this Decree (L. S. 1926, Sp. 3).

Decree of 28 May 1931 with Regulations for the application of the Convention (L. S. 1931, Sp. 4).

## *Sweden.*

Act of 19 February 1926 to prohibit in certain cases the employment of workers in painting work in which lead colours are used (L. S. 1926, Swe. 1).

Decree of the Royal Department of Labour and Social Welfare of 30 June 1926 concerning the form to be used for reports on cases of lead poisoning in the painting industry.

Royal Decree of 10 December 1926 concerning the payment of the expense of medical examination of working painters, examined in accordance with the above-mentioned Act.

Workers' Protection Act of 29 June 1912 (B. B. Vol. VIII, 1913, p. 84).

## *Yugoslavia.*

Act of 20 December 1921 respecting labour inspection (L. S. 1921, II, S. C. S. 2).

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

Regulations of 7 May 1931 respecting the use of white lead in painting.

See also, under *Convention 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 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.

*Colombia.* — See introductory note.

*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 Ministry of Labour, Health and Social Welfare, which is required to take this decision after consulting the committee which is provided for by the Act of 30 April 1934 concerning chambers of labour. It is nevertheless permissible to use white pigments containing a maximum of 2 per cent. of lead expressed in terms of metallic lead. No use has been made of this permission during the period under review. The Ministry of Labour, Health and Social Welfare shall determine where necessary by a Ministerial decision the line of demarcation between different kinds of painting. Up to the present, no need has arisen for any decision of this kind. The report adds that in addition to the consultation of the committee mentioned above, the consultation of the most important occupational associations of employers and workers is obligatory for the Ministry 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.

*Colombia.* — See introductory note.



*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. The report adds, however, that, since the organising of employers and workers undertaken by the State is not yet completed, the question of the methods by which this consultation may be assured does not arise at present in Bulgaria.

*Colombia.* — See introductory note.

*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 cer-

tificate 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 in addition to 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 Ministry 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.

*Colombia.* — See introductory note.

#### 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.

*Colombia.* — See introductory note.

*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 em-

ployers 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.

**Colombia.** — See introductory note.

**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.

**Colombia.** — See introductory note.

**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.

**Colombia.** — See introductory note.

**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 concerned, 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 Ministry 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 observations of the medical inspector with regard to the reports made by the labour inspectors on the undertakings visited by them may be found on pp. 107 and 108 of the report on labour inspection for 1933. The statistics of lead poisoning affecting working painters, etc., for the period comprised between 1 October 1933 and 1 October 1934 show that no deaths occurred during the period in question. The total number of cases of sickness was 16, but a note is

appended on one of them, viz. "does not appear to have been caused by lead poisoning". In spite of this, however, the case is included in the statistics, as the sick person frequently handled red and white lead. Five of the cases were working painters, one was a navvy and one a fitter. The ages of the persons in question were 29, 30, 31, 33, 40, 42 and 57 years. In five cases the attack reported was the first, and in two cases the second. The second attacks took place respectively five and three years after the first attacks. The symptoms notified were the following: colic (5 cases), anaemia (1 case), modification of the composition of the blood (2 cases), encephalopathy (1 case) and paralysis (1 case). It is important to note that practically in every case more than one symptom of lead poisoning was notified. 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 Fund 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. No observations have been received by the Government from the employers' and workers' organisations concerned with regard to the practical application of the Convention or of the national legislation which implements its provisions.

*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 demand the strict observance of the provisions and the regulations respecting hygiene and industrial safety. The reports of the inspectorate show that no case of a working painter suffering from lead poisoning was recorded, since white lead is not employed.

*Colombia.* — See introductory note.

*Czechoslovakia.* — The report states that detailed information concerning the supervision of the application of the Convention during 1932 is contained in the report of the labour inspection service for the year 1933, which will be transmitted to the International Labour Office later.

*Estonia.* — The report states that the administration of the Act and regulations thereunder has not so far given rise to any difficulty and that the labour inspectors have not reported any cases of contravention of the provisions in question during the period under review. The Ministry has not received any observations from the employers' and workers' organisations concerned with regard to the practical application of the national legislation which implements the provisions of the Convention.

*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 1933 of the Act of 25 October 1919 respecting industrial diseases. The number of cases of lead poisoning notified in 1933 was 704 (against 913 in 1932) of which 23 cases (against 28 in 1932) were working painters (metal painters 11 cases; painters in the building trade 3 cases; vehicle painters 9 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 1933 proceedings were taken in 3 cases out of 4 cases of 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 7 warnings; no proceedings were taken and no fines inflicted. During the period covered by the 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 report states that the Public Health Department recorded 13 cases of lead poisoning in 1934.

*Luxemburg.* — The report of the Labour Inspectorate for the period in question

does not record any cases of contravention. The report of the Accident Insurance Association for 1933 indicates that one case of lead poisoning was considered to give rise to compensation. The Government has not received any observations from the employers' or workers' organisations concerned with regard to the application of the national legislation which implements the provisions of the Convention.

*Norway.* — No infringements of the relevant legislation have been reported, and no observations or complaints have been received from the employers' or workers' organisations.

*Poland.* — The labour inspection report for 1933 states that 11 cases of lead poisoning were notified during the year, and that these cases, for the first time on record, were working painters.

*Rumania.* — The report states that, according to the information supplied by the Central Social Insurance Fund and the competent department of the Ministry of Public Health, no cases of lead poisoning among working painters were registered during the year 1933. No observations have been received from the employers' and workers' organisations with regard to the practical application of the provisions of the Convention and of the Decree of 30 January 1933.

*Spain.* — The report for 1932-1933 stated 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 were explained mainly by the refusal of the workers themselves to use the working clothes and special respirators and observe certain health regulations. This was doubtless due to the fact that the legislation in question had 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 recorded 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 were the pigments most frequently used. A slight decrease in the use of white lead was recorded. The report for this year states that there is nothing to add to last year's report. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

*Sweden.* — The Government states that, in general, the Convention may be said to be satisfactorily applied. This is confirmed by the fact that no complaints have been received from the occupational organisations with regard to its application.

*Yugoslavia.* — The report states that the labour inspectors have not reported any cases of infringement.

#### 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 1934, and from which annual reports under Article 408 were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Belgium . . . . .	19. 7.1926	2.11.1934
Bulgaria . . . . .	6. 3.1925	23.10.1934
Chile . . . . .	15. 9.1925	26.12.1934
China . . . . .	17. 5.1934	
Colombia . . . . .	20. 6.1933	4. 3.1935
Czechoslovakia . .	31. 8.1923	15. 2.1935
Estonia . . . . .	29.11.1923	20.10.1934
Finland . . . . .	19. 6.1923	8.11.1934
France . . . . .	3. 9.1926	8. 1.1935
Greece . . . . .	11. 5.1929	
India . . . . .	11. 5.1923	14.12.1934
Irish Free State . .	22. 7.1930	25.10.1934
Italy . . . . .	8. 9.1924	11. 1.1935
Latvia . . . . .	9. 9.1924	24. 1.1935
Lithuania . . . . .	19. 6.1931	27.10.1934
Luxemburg . . . . .	16. 4.1928	28. 1.1935
Nicaragua . . . . .	12. 4.1934	
Poland . . . . .	21. 6.1924	23.11.1934
Portugal . . . . .	3. 7.1928	22. 2.1935
Rumania . . . . .	18. 8.1923	12. 1.1935
Spain . . . . .	20. 6.1924	19.11.1934
Sweden . . . . .	22.12.1931	3.11.1934
Uruguay . . . . .	6. 6.1933	
Yugoslavia . . . . .	1. 4.1927	26.11.1934

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

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

The Government of the *Irish Free State* states in its report that the Factory and Workshop Act, 1901 prohibits the employment on Sundays in factories or workshops of women and of young persons of either sex under 18 years. No necessity has arisen for legislation in regard to males of 18 years and upwards employed in 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 Saorstát that the act of ratification may be regarded as the reaffirmation of a recognised principle.

The *Italian* Government states in its report that the new Act No. 370 of 22 February 1934 concerning weekly rest and public holidays came into force on 13 September 1934. This Act consolidates all the previous Acts and Regulations on this subject without amending them in essentials. Information with regard to the enforcement of the Act will be given in next year's report.

The report of the Government of *Nicaragua* 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.*

#### *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 No. 178 of 13 May 1931 to ratify the Labour Code (L. S. 1931, Chile 1).
- Regulations of 16 January 1918.

*Colombia.*

- Act No. 57 of 16 November 1926 to establish Sunday rest and to issue other provisions respecting labour legislation (L. S. 1926, Col. 2).
- Act No. 72 of 28 May 1931 to amend Act No. 57 of 1926 respecting Sunday rest (L. S. 1931, Col. 1 A).
- Decree No. 1278 of 23 July 1931 to issue regulations under Acts No. 57 of 1926 and No. 72 of 1931 respecting Sunday rest (L. S. 1931, Col. 1 B).

*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 21 December 1933 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 21 December 1933 respecting hours of work in continuous undertakings.
- Factory Inspection Act of 4 March 1927 (L. S. 1927, Fin. 1.)

*France.*

- Code of Labour and Social Welfare, Book II, §§ 30 and following.
- Decree of 24 August 1906, amended by the Decree of 13 July 1907, relating to the supervision of the enforcement of the Act relating to the weekly day of rest (B. B. Vol. I, 1906, p. 291 and Vol. II, 1907, p. 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.
- See also introductory note.

*Latvia.*

- Act of 24 March 1922 respecting hours of work (L. S. 1922, Lat. 1) as amended by the Act of 15 May 1929 (L. S. 1929, Lat. 3).

*Lithuania.*

- Act of 30 November 1919 respecting hours of work (L. S. 1920, Lith. 2), amended by Acts of 24 November 1925 (L. S. 1925, Lith. 1) and 2 April 1931 (L. S. 1931, Lith. 2).
- Act of 14 May 1930 concerning public holidays and days of rest (L. S. 1930, Lith. 1).



*Luxemburg.*

Act of 31 August 1913 concerning the weekly day of rest for employees and workmen (B. B. 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 Ministry of Labour and Social Welfare of 26 January 1922 (L. S. 1922, Pol. 1) concerning the hours of work of persons employed in watching as defined by the Decree of 3 October 1930.

Order of the President of the Republic of 15 November 1924 concerning public holidays (L. S. 1924, Pol. 1 G), amended by the Act of 18 March 1925 (L. S. 1925, Pol. 3 B).

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

Decree of the President of the Republic dated 16 March 1928, concerning the contract of employment of intellectual workers (L. S. 1928, Pol. 2).

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).

Order of the Ministry of Labour and Social Welfare of 13 August 1930 concerning the hours of work of the traffic staff of tramways (L. S. 1930, Pol. 1 B).

Décree of the Minister of Labour and Social Welfare of 13 August 1930 respecting the hours of work of tramway workers (L. S. 1930, Pol. 1 B), replacing the Decree of 16 March 1925.

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 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), replacing the Order of 5 June 1921.

Act of 22 March 1933 to amend and supplement certain provisions of the Act of 18 December 1919 concerning hours of work in industry and commerce, as amended by the Act of 7 November 1931.

Decree of 13 December 1933 concerning the hours of work of persons employed in the transport industry.

Decree of 20 December 1933 concerning the hours of work of persons employed in hospital undertakings.

*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).

Legislative Decree No. 23,053 of 23 September 1933 to set up a Labour and Provident Institution (L. S. 1933, Por. 8).

Legislative Decree No. 24,402 of 24 August 1934 concerning hours of work in industrial and commercial undertakings (L. S. 1934, Por. 5 A).

*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 and 2 December 1925, 1 February, 4 and 15 March, 21 April, 4 August, 29 September and 22 December 1928, 28 June, 3 July and 24 August 1929.

Various decisions issued between 6 June 1930 and 16 June 1931 concerning hours of work in banks, large industrial undertakings in Bucarest and commercial undertakings.

*Spain.*

Royal Legislative Decree of 8 June 1925 prohibiting Sunday work (L. S. 1925, Sp. 3).

Regulations of 17 December 1926 in application of the Royal Legislative Decree of 8 June 1925 (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.*

*Colombia.* — § 1 of the Act of 28 May 1931 provides that a person who is entitled to require another to exercise his vocational skill or productive power shall not be entitled to require or accept such service on Sunday. § 1 of the Decree of 23 July 1931 lays down that in conformity with the provisions of § 1 of Act No. 72 of 1931, a person entitled to require another to perform or carry out intellectual or manual work shall not be entitled to require or accept such service on Sunday, except as provided in Act No. 72 of 1931 and in the Decree.

*Portugal.* — . . . § 26 of the Legislative Decree of 23 September 1933 to promulgate the National Labour Code lays down that employees in agriculture, industry and commerce shall be entitled to one rest day a week. § 16 of Legislative Decree No. 24,402 of 24 August 1934 provides that persons employed in commercial or industrial establishments shall be entitled to one day of rest weekly.

## 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.

*Colombia.* — § 1 of the Act of 28 May 1931 provides for Sunday rest, and prescribes that the rest period shall not be less than twenty-four hours. § 13 of the Decree of 23 July 1931 lays down that the Sunday rest shall be deemed to comprise the period between the usual hour for ceasing work on Saturday and the usual hour for beginning work on the next Monday. For the purposes of the Sunday rest, Saturday's work shall not in any case be prolonged beyond midnight on Saturday, and Monday's work shall not begin before midnight on the preceding Sunday. § 14 provides that where work is carried on day and night without interruption, the change of shifts shall be effected at the times laid down by the undertaking, and the rest period (which shall not be less than twenty-four hours) shall begin and end in rotation at the said times.

*Portugal.* — § 26 of Legislative Decree No. 23,048 of 23 September 1933 to promulgate the National Labour Code lays down that employees in agriculture, industry and commerce shall be entitled to one rest day a week, which shall be Sunday, save in exceptional cases and for sufficient reasons. Service requirements shall be brought into harmony whenever possible with the observance of the civil and religious holidays kept in the localities concerned. The rate of pay shall be doubled for work performed on Sunday or on the day specified by way of exception for the weekly rest, except in the case of persons employed in continuous operations. § 16 of Legislative Decree No. 24,402 of 24 August 1934 lays down that persons employed in commercial or industrial establishments shall be entitled to one day of rest weekly; save in exceptional cases and for very important reasons, this rest day shall coincide with Sunday.

## 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.

*Colombia.* — The report does not mention any provision of this kind.

*Portugal.* — The report does not mention any provision of this kind.

## 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.*

**Colombia.** — Under §1 of the Act of 28 May 1931, the following are exempt from the prohibition of work on Sunday, in accordance with the provisions and regulations issued by the Ministry of Industry through the General Labour Office: (a) work which cannot be interrupted owing to the nature of the needs which it satisfies, for technical reasons or to avoid injury to public interests or to the industry or trade concerned; (b) industries in respect of which it is possible to prove the necessity or urgency of a certain amount of work on Sunday, whether for the indispensable repairing or cleaning of machinery or tools, or in order to prevent the total or partial loss of the materials used, or on account of the necessity for finishing work already begun in order to avoid the spoiling of the product, or on account of *force majeure*, such as possible or imminent damage, or when natural phenomena or other temporary circumstances require it; (c) industries or trades supplying articles which are daily or indispensable necessities for the food supply; (d) any industry or undertaking in respect of which it is proved that a simultaneous Sunday rest for the whole of the staff of the establishment is prejudicial to the interests of the public, or endangers the normal working of processes which must be carried on continuously on account of their nature.

**Portugal.** — § 17 of Legislative Decree No. 24,402 of 24 August 1934 lays down that in special cases, on adequate reasons being given, the Department of Labour and Corporations or the district delegate shall have power to permit work on Sunday or on any other day which may, by way of exception, have been intended as the weekly holiday.

#### 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.*

**Colombia.** — § 2 of the Act of 16 November 1926 lays down that persons exempt from the Sunday rest shall be entitled to a weekly compensatory rest period equal to that of which they were deprived.

In this case the rest period may be granted: (a) on another day of the week, either to the whole staff of the establishment simultaneously, or in rotation; (b) from midday or 1 p.m. on Sunday to midday or 1 p.m. on Monday; (c) in rotation, replacing the one day's rest a week by two half-days. Under § 5, any wage-earning or salaried employee who is employed by way of exception on a holiday shall be entitled to a compensatory rest period or to compensation in money at his discretion. In such case the wages shall not be less than twice the normal wages. Nevertheless, a wage-earning or salaried employee shall not be employed on a rest day without his consent, which shall be obtained afresh on each occasion. § 9 of the Decree of 23 July 1931 provides that wage-earning and salaried employees who as a rule work on Sunday in the employments specified in §§ 4, 5 and 8 of the Decree (see below under ARTICLE 6), shall be entitled to a compensatory rest equal to that of which they have been deprived, which shall be granted during the next week according to any of the three methods laid down in § 2 of Act No. 57 of 1926. Nevertheless, there shall be no obligation to grant a compensatory rest to persons who owing to their technical qualifications or the functions proper to their post cannot be replaced without grave prejudice to the undertaking. Such persons shall be entitled to pecuniary compensation, not being less than twice their ordinary rate of pay, for their Sunday work. Under § 10, if a wage-earning or salaried employee is employed by way of exception on a Sunday or on the compensatory rest day for any of the reasons mentioned in §§ 6 and 7 of the Decree, he shall be entitled, at his choice, to pecuniary compensation not less than twice his ordinary rate of pay or to a rest period in compensation for the exceptional work performed. § 11 lays down that in case of work which cannot be interrupted, such as voyages on inland waterways or at sea, when the employees are unable to avail themselves of the rest period for one or more weeks, the rest days shall be granted together during the week following the termination of the work, or the corresponding pecuniary compensation shall be paid, at the choice of the employee.

**Estonia.** — ... The Minister of Education and Social Welfare issued two Orders on 26 January 1933, respecting the granting 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.

*Poland.* — ... § 13 of the Act of 22 March 1933 provides that salaried employees who work on Sunday in undertakings where Sunday work is authorised, are entitled to a free day during the week in compensation.

*Portugal.* — ... § 17 of Legislative Decree No. 24,402 of 24 August 1934 lays down that workers who have been obliged to work (due permission having been obtained) on a Sunday or other day intended as their weekly rest day, shall be entitled to a holiday on one of the three following days. The rate of pay for work done on Sunday or on any other day chosen, by way of exception, for the weekly rest, with the exception of work performed by persons employed on continuous processes, shall be double the normal rate. Exceptions to this rate are only possible when authorisation has been granted subject to certain conditions by the Under-Secretary for Corporations and Social Welfare. § 18 provides that continuous process industries and others working in shifts shall so arrange the

shifts that one day of rest every week may be ensured for the whole shift. Failing this, compensation shall be given for all days of rest lost by granting an equal number of days of leave with pay annually, quite apart from the principle of holidays with pay laid down in § 28 of the National Labour Code. This substitution of leave for days of rest shall be lawful only when expressly approved by the National Institute of Labour and Social Welfare or when it constitutes a clause in a collective agreement. §§ 27-43, 44, 48, 49 and 52 of Legislative Decree No. 23,053 of 23 September 1933 to set up a National Labour and Provident Institution lay down provisions for the reorganisation of the labour courts and labour magistracy.

#### 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.*

*Colombia.* — The industries, undertakings and employments which are exempted from granting Sunday rest to their employees, under the Act of 28 May 1931 (see above under ARTICLE 4), are enumerated in the Decree of 23 July 1931, § 4 of which mentions the following occupations corresponding in part to § 1 (a) of the Act:

*A. Work which cannot be interrupted owing to the nature of the needs which it satisfies, or to avoid prejudice to public interests.*

In railway undertakings: the work involved in the running of passenger and goods trains, the reception and delivery of luggage, parcels and perishable goods, and of goods in general at times of exceptional pressure of work: in public tramway, overhead cableway and funicular railway undertakings: the work involved in the regular passenger service; motor-car, carriage, hackney carriage and bicycle undertakings and undertakers' establishments; maritime, inland and air navigation services and undertakings; in harbours: work in the embarkation and landing of passengers, luggage, mails and perishable goods; the transit of trains and of tugs for vessels both entering and leaving harbour; steamers, launches and small pleasure craft, and (at times of exceptional pressure of work) loading and unloading in general; postal, telephone, telegraph, wireless telephone, wireless telegraph, submarine cable and wireless broadcasting services and undertakings; undertakings for the generation and distribution of power or electric light, and lighting undertakings in general... work necessary for the publication and distribution of newspapers and the sale of periodicals and reviews...

§ 5 of the Decree mentions the following occupations corresponding to the remaining classes in § 1 (a) of the Act :

B. *Work which cannot be interrupted either for technical reasons or to avoid serious prejudice to the industry or trade concerned.*

In the operation of mines, and in particular that of deposits of hydrocarbons, all work which owing to its nature cannot be interrupted; in glass and crystal factories: charging and attending to the furnaces, the preparation of the materials to be worked up and the blowing and annealing of glass and crystal; in glazed tile and enamelled ware factories: charging and attending to the furnaces; in the manufacture of bricks, tiles and other ceramic products and pottery: charging and attending to the kilns; in cement, lime and plaster works: charging and attending to the kilns; in powder and explosives factories: the drying of the products; in foundries: charging and attending to the furnaces and work connected with the preparation of the materials, tapping and rolling; in the manufacture of chemical products in general: charging and attending to furnaces, condensing, concentrating, crystallising, refrigerating, precipitating, drying and pressing apparatus; stovedrying and oxidising and the packing of the products and their transportation to the warehouse when their nature requires this; in compressed oxygen and gas factories: work at the gas generators and the compression pumps; in soap works: attending to the fires under the boiling pans; in cardboard and paper factories: drying by air or heat; in tanneries: work to complete rapid mechanical tanning processes; in starch factories: the elimination of the gluten and the completion of processes which have been begun; in cigar factories: watching and regulating the heating apparatus in the rooms for the drying of damp cigars; in ice factories and cold storage plant: work necessary for the production of ice and freezing processes; in industrial and agricultural distilleries: the artificial germination of the grain, the fermentation of the wash and the distillation of alcohol; in tallow and edible fat refineries and stearine factories: the reception and melting of the fat; in breweries and malt-houses: the germination of the barley, the fermentation of the wash and cooling; in salt factories: charging the furnaces and other indispensable work to prevent loss or deterioration of the substances employed; in sugar and petroleum refineries: the refining processes; in condensed milk factories: the reception of the milk, pasteurising and the manufacture of the product; the conveyance of petroleum by pipe-line.

§ 6 of the Decree of 23 July 1931. mentions the following occupations corresponding to § 1 (b) of the Act:

C. *Work on account of the necessity of casual or temporary work on Sunday, either for the repairing or cleaning of machinery, or to prevent loss of material, or to finish work already begun in order to avoid spoiling the product.*

Work for the maintenance, repairing and cleaning of buildings which it is essential to carry out on rest days on account of the danger to the employees or hindrance or stoppage in the operation of the undertaking involved therein, and the watching of establishments; the readjustment and cleaning of machinery and boilers, gas-pipes, wiring for electricity, drains, and other urgent maintenance and repair work, in so far as may be necessary to prevent an interruption of the work of the undertaking; work necessary to ensure the safety of buildings, in order to prevent damage and accidents; work necessary for the preservation of raw materials or products liable to rapid deterioration, provided that such work cannot be postponed without loss to the undertaking; the careening of ships, and urgent repairs to vessels in general; urgent repairs to public thoroughfares; the sowing

and harvesting of grain, roots, fruit, vegetables and forage, and the storage, preservation and preparation of such products, if there is a serious risk of total or partial loss or deterioration for any unforeseen reason; the care of cattle in case of sickness, accident or other similar reasons, and in general the care of cattle in byres and stockyards; the conveyance of passengers and their luggage, and of cattle, and the conveyance of goods on pack animals; work to complete the preparation of raw materials already worked up which are liable to spontaneous deterioration if not submitted to industrial processes, and the preparation of raw materials which on account of their nature must be used within a limited time; work necessary to maintain a constant or specific temperature in rooms or apparatus when this is required by the nature of the processes of working up or preparing industrial products.

*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), 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), and amended and completed on 23 April 1934, in virtue of § 6 the Act respecting the weekly rest in industrial undertakings.

(5) Woodworking industry: in the manufacture of veneers: the steaming of pieces of wood, the preparation and drying of veneers and the work connected therewith in the power-house, at the pumps and in the boiler-house. In the drying of planks in the steam dryers: the production of steam and of power to provide steam and hot air dryers, and the supervision of the process of drying; urgent repairs when necessary.

(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.

(15) Charcoal burning, distilling and manufacture of peat briquettes: 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.

*Finland.* — ... The period of validity of the two decisions of the Council of State dated 21 December 1931 has been

prolonged by two decisions of the Council of State dated 21 December 1933.

*Italy.* — ... The report states that during the period covered an exception was authorised in favour of the manufacture and sale of *schiacciate* (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.

*Portugal.* — § 19 of Legislative Decree No. 24,402 of 24 August 1934 lays down that all commercial and industrial establishments shall remain closed for one complete day each week. The fixing of the closing day, which, save in exceptional circumstances, shall be Sunday, shall be in the hands of the municipal councils, which shall consult the corporative bodies concerned and submit their decision for approval to the National Institute of Labour and Social Welfare. Continuous process undertakings, public urban transport services and others which receive express permission from the National Institute of Labour and Social Welfare are exempt from these provisions.

*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 electro-thermic factories; paper pulp factories; newspaper printing factories; flour mills (large); raw sugar 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.*

*Colombia.* — § 9 of the Act of 16 November 1926 lays down that in every office, undertaking or establishment exempt from Sunday rest, lists shall be drawn up showing the days and times when the rest period is to be given and the names of the employees who are entitled thereto. These lists shall be affixed in a conspicuous position in order that the supervision of the inspectors may be effective. § 16 of the Decree of 23 July 1931 provides that in the case of work habitually or regularly performed on Sunday the directors, managers or heads of departments shall draw up and display in an accessible place in the establishment, at least twelve hours in advance, a list of the wage-earning and salaried employees who for reasons connected with the service cannot take the Sunday rest. The said list shall also state the date and hours of the compensatory rest period.

*Portugal.* — The report contains no indications on this point.

### 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 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.*

*Colombia.* — The Decree of 23 July 1931 lays down, in § 29, that the national labour inspectors, and in default of them the mayors, shall be responsible for imposing the penalties laid down in § 1 of Act No. 72 of 1931; they shall follow the procedure mentioned in the preceding sections to enforce the said penalties. The labour inspectors may empower the mayors to effect the requisite notifications and summonses and to close establishments. Under § 30, appeals effecting a stay shall lie to the Director of the General Labour Office against the decisions of the national inspectors, and to the immediate superiors of the mayors against the decisions of the latter. The decision on the appeal shall be given by the superior authority within a time limit not exceeding three days from the date of receipt of the relevant file. § 33 provides that if any official responsible for ensuring the observance of the Acts respecting Sunday rest and the provisions of the Decree is guilty of omission or delay in the performance of the duties laid down in the said provisions, he shall be liable to a fine of not less than 20 nor more than 200 pesos imposed by the Minister of Industry in conformity with the general regulations. The penalties mentioned above as laid down in § 1 of the Act of 28 May 1931 are there indicated as follows: if any employer or person engaged in commerce requires or allows his workers, clerks or wage-earning or salaried employees to work on Sunday contrary to this section, he shall be liable to a fine not exceeding 200 pesos for the first offence, and in the event of a repetition of the offence the establishment shall be closed for a period not exceeding one month in addition to the fine. In the capital of the Republic, the General Labour Office shall impose these penalties either *ex officio* or on the application of any citizen, and in other cities the general labour inspectors, or in default of them the mayor, shall impose the said penalties—in both cases by summary procedure.

*Portugal.* — . . . §§ 28 and 29 of Legislative Decree No. 24,402 of 24 August 1934 lay down that commercial or industrial establishments which fail to pay their employees for night work, overtime or the weekly rest day in accordance with the provisions of the Decree shall be liable to a fine of from 200 to 5,000 escudos,

and shall, in addition, pay the sums owing to the employees in question.

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

*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 twelve specimens of such decisions.

*Spain.* — The report indicates that the decisions of the joint labour boards are published in the *Anuario Español de Política Social*.

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 1,171,300, excluding civil servants and domestic servants.

*Colombia.* — The report does not refer to this point.

*Czechoslovakia.* — The report states that information concerning the supervision of the application of the Convention during 1932 will be found in the labour inspection report for 1933, which will be transmitted in due course to the International Labour Office.

*Estonia.* — In 1933 the number of workers protected by the Act was 42,513. During that year the factory inspectors received 8 complaints of non-observance of the Act. In their reports they noted 115 cases of contravention of the legal provisions, of which 99 were the subject of a warning and 16 entailed legal proceedings. The Ministry has not received any observations from the employers' and workers' organisations concerned with regard to the practical application of the national legislation which implements the Convention.

*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. The statistics of contraventions of the weekly rest provisions in industrial establishments during the year 1932-1933 are as follows: 1932: 2,227 contraventions notified; 1933: 2,450 contraventions notified. The classification of 331,270 industrial undertakings the weekly rest systems of which are known to the labour inspection service was as follows in 1933: normal system: collective rest on Sundays: 317,198 undertakings. Exceptions: collective rest on a day other than Sunday: 2,193 undertakings; collective rest from Sunday noon to Monday noon: 448 undertakings; collective rest from Sunday afternoon with compensatory rest: 1,099 undertakings; rest by rotation: 9,602 undertakings; special rest in continuous process undertakings (Decree of 31 August 1910): 730 undertakings. Total: 14,072 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 given under *Convention No. 1 (Hours of work, industry)*, point VII. 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. No observations have been received from organisations of employers or workers in regard to the fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention.

*Italy.* — The Government states that, according to the report concerning the work of the corporative inspectors during 1933, 38,490 undertakings (33,557 of which were industrial, 4,543 commercial and 390 agricultural), employing in all 917,932 workers (881,309 employed in different industries, 17,712 in commerce and 18,911 in agriculture), 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 12,825 undertakings. A total of 837 contraventions of the above-mentioned provisions were noted. The trade union organisations concerned have not made any observations or complaints 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 states that no disputes have arisen in regard to the application of the Convention and no contraventions of its provisions have been reported.

*Luxembourg.* — During the period under review the labour inspection service reported two contraventions. The Government did not receive any observations from the employers' and workers' organisations concerned with regard to the application of the national legislation which implements the provisions of the Convention.

*Poland.* — On 1 January 1934 the number of workers protected by the legislation was 816,944 persons, employed in 34,090 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: 624,188 men, 169,197 women, 19,071 boys, and 4,488 girls.

*Portugal.* — The report for last year referred to the information supplied previously, and added 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 the Act is everywhere applied in industrial undertakings. The rare cases of breaches of the law are punished with sanctions under the Act. The reports of the labour inspectors show that most of the breaches are committed by employers of commer-

cial undertakings in villages and small towns. During the period 1 January-30 September 1934, the labour inspectors instituted 2,162 prosecutions for breaches of the Act concerning Sunday rest and public holidays, and during the same period they authorised 348 exemptions under the Act, 14 of which concerned industrial undertakings and 334 commercial undertakings.

*Spain.* — The Government stated in last year's report that the representatives of the employers and workers constituting the joint boards had done useful work. Certain joint boards, as for example the railways' joint boards, had 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. The report for this year refers to the statistics published in the official bulletin of the Ministry of Labour and in the *Anuario Español de Política Social*. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

*Sweden.* — The Government declares that in a general way the Convention is satisfactorily applied in Sweden. This opinion is confirmed by the fact that the industrial organisations concerned have made no complaints with respect to its application. The Department of Labour and Social Welfare has decided to undertake an enquiry with regard to the application of the provisions concerning weekly rest. As soon as this enquiry is concluded, its chief results will be communicated to the International Labour Office.

*Yugoslavia.* — The report states that, according to the report of the central labour inspectorate, the labour inspectors visited 5,024 undertakings during 1933. The number of workers employed in these undertakings was 127,107. The number of contraventions noted was 89 (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 1934, and from which annual reports under Article 408 were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period:



COUNTRIES	Date of registration of ratification	Reports received
Belgium . . . . .	19. 7.1926	2.11.1934
Bulgaria . . . . .	6. 3.1925	23.10.1934
Canada . . . . .	31. 3.1926	24.10.1934
Colombia . . . . .	20. 6.1933	4. 3.1935
Cuba . . . . .	7. 7.1928	4. 3.1935 <sup>1</sup>
Denmark . . . . .	12. 5.1924	20.11.1934
Estonia . . . . .	8. 9.1922	20.10.1934
Finland . . . . .	10.10.1925	8.11.1934
France . . . . .	16. 1.1928	14. 1.1935
Germany . . . . .	11. 6.1929	8.11.1934
Great Britain . . .	8. 3.1926	25.10.1934
Greece . . . . .	14. 6.1930	
Hungary . . . . .	1. 3.1928	24. 1.1935
India . . . . .	20.11.1922	14.12.1934
Irish Free State . .	5. 7.1930	17.11.1934
Italy . . . . .	8. 9.1924	11. 1.1935
Japan . . . . .	4.12.1930	14. 2.1935
Latvia . . . . .	9. 9.1924	24. 1.1935
Luxemburg . . . .	16. 4.1928	28. 1.1935
Netherlands . . . .	17. 6.1931	25.10.1934
Nicaragua . . . . .	12. 4.1934	
Norway . . . . .	7.10.1927	29.10.1934
Poland . . . . .	21. 6.1924	23.11.1934
Rumania . . . . .	18. 8.1923	12. 1.1935
Spain . . . . .	20. 6.1924	19.11.1934
Sweden . . . . .	14. 7.1925	3.11.1934
Uruguay . . . . .	6. 6.1933	
Yugoslavia . . . .	1. 4.1927	26.11.1934

The Government of *Colombia* states in its report that it is carefully studying the Convention in the light of the economic, racial, psychological and social characteristics of the country. It proposes to consider the possibility of giving effect to it in its legislation.

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

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

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

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

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

## 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.

*Canada.*

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

*Colombia.*

See introductory note.

*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, Ind. 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.

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 providing for exceptions to the Act of 29 March 1923 (L. S. 1923, Jap. 4 B), 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 Ordinance of the Department of Communications, No. 6 of 13 February 1928, L. S. 1928, Jap. 2 C and D).

## 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 *bis* 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 28 August 1926 (L. S. 1926, Sp. 5).

## Sweden.

Seamen's Act of 15 June 1922 (L. S. 1922, Swe. 1) amended by the Act of 27 February 1925 (L. S. 1925, Swe. 1).

Royal Order of 13 July 1911 concerning shipping offices and the engagement and discharge of seamen, etc., as amended by the Decree of 22 December 1922.

## Yugoslavia.

Orders No. 1300 of 20 October 1919, No. 1400 of 26 October 1919, No. 1450 of 30 October 1919 and No. 1500 of 31 October 1919, issued by the Directorate of Maritime Affairs.

Orders of the Ministry of Commerce of 15 October 1858 and 19 October 1883.

See also, under *Convention 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.

*Colombia.* — See introductory note.

*Hungary.* — § 7 of the Order No. 32043 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.

*Colombia.* — See introductory note.

*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 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.

*Colombia.* — See introductory note.

*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.

*Colombia.* — See introductory note.

*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.

*Colombia.* — See introductory note.

*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 to 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 ship in which there 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.

*Colombia.* — See introductory note.

*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 provisions of Articles 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

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

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

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

*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). The Convention may be regarded as applying to *St. Helena* by virtue of § 24 of the "Interpretation and General Law Ordinance, 1895". See also under *Convention No. 4 (Night work, women)*, point III.

*Italy.* — The Government reports that the Convention has not been applied to the colonies, but that legislative measures for extending the application of the provisions of the Convention to them are being considered.

*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.*

*Colombia.* — See introductory note.

*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 1933 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 or of the national legislation which implements it.

*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, legal or otherwise, was reported during the period under review. The report adds that no statistics in connection with the operation of the Convention are compiled by the Department of Marine.

*Colombia.* — See introductory note.

*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 of the relevant legislation have been recorded. The Ministry has not received any observations from the employers' or workers' organisations concerned with regard to the practical application of the national legislation which implements the provisions of the Convention.

*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*) protected by the legislation in question on 1 July 1934, as follows: ordinary seamen, 5,468; ship's boys, 5,039. 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 of the relevant legislation has been reported to the Government during the period under review, nor have any reports on contraventions been received either from the seamen's offices or from the German consuls. No observations have been made by the circles of individuals concerned with regard to the application of the Convention or of the national legislation which implements it.

*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 during the period 1 October 1933-30 September 1934 no young person of under 18 years of age was employed on board any Hungarian vessel, and consequently no cases of infringement of the relevant legislative provisions were recorded. The report adds that no observations were made by the employers' or workers' organisations concerned with regard to the practical application of the provisions of the Convention, and of the national legislation which implements those provisions.

*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 statistical information is available. No observations or complaints were received from the trade union associations with regard to the application of the Convention.

*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 number 25 in Japan proper and 2 in Taiwan. The cities, towns and villages which possess coastal offices number 160 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 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 of the legislation were reported to the authorities. The Government has not received from the organisations of employers or workers any observations or complaints regarding the practical fulfil-

ment 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.* — The report states that the law is strictly enforced; Rumanian vessels do not employ young persons under the age of 18 years as trimmers or stokers. The report adds that the General Inspectorate of Navigation and Harbours of the Ministry of Communication has sent out a Circular (No. 11,747/1934) to the port authorities reminding them of the principles contained in the various Articles of the Convention. The port authorities are responsible for supervising the carrying out of this Circular, which applies to vessels flying the Rumanian flag or belonging to States which have ratified the Convention.

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

*Sweden.* — The Government states that no general statistical information is available as required under this heading, but that the Convention may be considered to be satisfactorily 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 legislation in force 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 1934, and from which annual reports under Article 408 were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium . . . . .	19. 7.1926	2.11.1934
Bulgaria . . . . .	6. 3.1925	23.10.1934
Canada . . . . .	31. 3.1926	24.10.1934
Colombia . . . . .	20. 6.1933	4. 1.1935
Cuba . . . . .	7. 7.1928	4. 1.1935 <sup>1</sup>
Estonia . . . . .	8. 9.1922	20.10.1934
Finland . . . . .	10.10.1925	8.11.1934
France . . . . .	22. 3.1928	14. 1.1935
Germany . . . . .	11. 6.1929	8.11.1934
Great Britain . . .	8. 3.1926	25.10.1934
Greece . . . . .	23. 6.1930	
Hungary . . . . .	1. 3.1928	24. 1.1935
India . . . . .	20.11.1922	14.12.1934
Irish Free State . .	5. 7.1930	8.12.1934
Italy . . . . .	8. 9.1924	11. 1.1935
Japan . . . . .	7. 6.1924	14. 2.1935
Latvia . . . . .	9. 9.1924	24. 1.1935
Luxemburg . . . .	16. 4.1928	23. 1.1935
Netherlands . . . .	9. 3.1928	25.10.1934
Nicaragua . . . . .	12. 4.1934	
Poland . . . . .	21. 6.1924	23.11.1934
Rumania . . . . .	18. 8.1923	12. 1.1935
Spain . . . . .	20. 6.1924	19.11.1934
Sweden . . . . .	14. 7.1925	3.11.1934
Uruguay . . . . .	6. 6.1933	
Yugoslavia . . . . .	1. 4.1927	26.11.1934

The Government of *Colombia* states in its report that it is carefully studying the Convention in the light of the economic, racial, psychological and social characteristics of the country. It proposes to consider the possibility of giving effect to it in its legislation.

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

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

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

The report of the Government of *Nicaragua* 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.*

## *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.

## *Canada.*

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

## *Colombia.*

See introductory note.

## *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 18 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 of the Minister of Commerce, No. 82,048 of 1933, for the application, *inter alia*, 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 to issue rules for the registration of seamen (L. S. 1930, It. 6).

Royal Legislative Decree of 14 December 1933 concerning the procedure for determining the physical capacity of first class 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, providing for exceptions to the Act of 29 March 1923 (L. S. 1923, Jap. 4 B), amended by Imperial Ordinance No. 13 of 10 February 1928 (L. S. 1928, Jap. 2B).

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 Ordinance of the Department of Communications, No. 6 of 13 February 1928, L. S. 1928, Jap. 2 C and D).

## *Latvia.*

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

## *Luxemburg.*

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

## *Netherlands.*

Decree No. 368 of 1 December 1927 (L. S. 1927, Neth. 4) to amend the Labour Decree, 1920.



*Poland.*

- Act of 28 May 1920 concerning the Polish Mercantile Marine.
- Act of 2 July 1924 relating to the employment of women and young persons (L. S. 1924, Pol. 2), text of the Act of 7 November 1931 (L. S. 1931, Pol. 5).
- Order of the Minister of Labour and Social Welfare of 24 December 1931 respecting registers and lists of young persons (L. S. 1931, Pol. 5).
- Seamen's Code of 2 June 1902 (French text in B.B. 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 28 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.

*Colombia.* — See introductory note.

*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 Saorstát Éireann and includes any fishing boat entered under the fishing boat register in Saorstát Éireann, 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.

*Colombia.* — See introductory note.

*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.

*Italy.* — . . . § 2 of the Royal Legislative Decree of 14 December 1933 provides that the medical examination, on which the registration of seamen depends, shall be made by the medical officer of the port, or, if he is absent or prevented from acting, by a military medical officer of a rank not lower than that of captain. The examination is very strictly carried out, with the aid of lists giving the physical infirmities and defects which shall prevent persons from being registered as first class seamen, either permanently or temporarily. The person concerned can appeal against the result of such an examination to a Committee, the composition of which offers the widest possible guarantees to the seamen who are examined.

### 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.

*Colombia.* — See introductory note.

*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.

*Italy.* — The report states that the regular observance of the obligation laid down in this Article is ensured by the examinations made by the medical officers of the ports and of the seamen's accident and sickness insurance institutions. The attention of the maritime authorities was once more drawn to this obligation by a circular, dated 3 March 1934, of the Ministry of Communications.

### 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.

*Colombia.* — See introductory note.

*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). The Convention may be regarded as applying to *St. Helena* by virtue of § 24 of the "Interpretation and General Law Ordinance, 1895", see also under *Convention No. 4 (Night work, women)*, point III, in so far as the employment of persons under the age of 13 years is not prohibited by the "Elementary Education Ordinance, 1903", which prohibits employment of persons under the age of 13 years.

*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 the 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.*

*Colombia.* — See introductory note.

*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 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. No observations regarding the practical application of the Convention or of the national legislation which implements its provisions have been made by employers' or workers' organisation.

*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, legal or otherwise, was reported during the period under review. No statistics are compiled by the Department of Marine in connection with the operation of the Convention.

*Colombia.* — See introductory note.

*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 of the relevant legislation have been reported during the period under review. The report adds that the Ministry has not received any observations from the employers' and workers' organisations concerned with regard to the practical application of the national legislation which implements the provisions of the Convention.

*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 25 years, and has become a maritime custom which does not meet with any protests either from owners or seamen. The report states that on 1 July 1934, the total number of ordinary seamen protected by the legislation in question was 5,468 and the total number of ship's boys (*mousses*) similarly protected was 5,039. 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 during the period under review. Reports made by the shipping offices and the consuls have not been submitted to the Government. No observations have been made by the circles of individuals concerned with regard to the application of the Convention or of the national legislation which implements it.

*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 during the period 1 October 1931 to 30 September 1934 no young person of under eighteen years of age was employed on board any Hungarian vessel, and consequently no cases of infringement of the relevant legislative provisions were recorded. The report adds that no observations were made by the employers' or workers' organisations concerned with regard to the practical application of the provisions of the Convention, and of the national legislation which implements those provisions.

*India.* — The report states that no contraventions have occurred or have been reported at any of the ports. At the port of Bombay, 50 young persons were medically examined, none of whom 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 discharge certificate for engagement on a vessel. At the port of Aden, two young persons who were engaged as deck boys 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 Go-

vernment 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 has been reported. The report adds that no observations have been forwarded by seamen's or employers' organisations.

*Italy.* — No statistical information is available with regard to the application of the Convention, and no observations or complaints were made by the trade union associations concerned with regard to its application.

*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 25 in Japan and 2 in Taiwan. The cities, towns and villages which possess coastal offices number 160 in Japan proper and 14 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.* — The report states that no cases of infringement have been reported by the labour inspectorate, and adds that there is nothing special to report with regard to the application of the Convention.

*Luxemburg.* — See introductory note.

*Netherlands.* — During 1933, 790 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, 14 were rejected as unfit for employment at sea. In one of the ports, proceedings

were taken in 9 cases of absence of medical certificate, and in 4 cases fines were inflicted. The report adds that no observations by the organisations of employers 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. The report adds that the General Inspectorate of Navigation and Harbours of the Ministry of Communications has sent out a Circular (No. 11,427/1934) to the port authorities reminding them of the principles contained in the various Articles of the Convention. The port authorities are responsible for supervising the carrying out of this Circular, which applies to vessels flying the Rumanian flag, or belonging to States which have ratified the Convention.

*Spain.* — The report states that no difficulty has arisen in the application of the relevant legislation. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

*Sweden.* — The Government states that no general statistical information is available as required under this heading, but that the Convention may be considered to be satisfactorily 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.* — No information.

## 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 1934 and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium . . . . .	3.10.1927	2.11.1934
Bulgaria . . . . .	5. 9.1929	23.10.1934
Chile . . . . .	8.10.1931	26.12.1934
Colombia . . . . .	20. 6.1933	4. 3.1935
Cuba . . . . .	6. 8.1928	4. 3.1935 <sup>1</sup>
Hungary . . . . .	19. 4.1928	15.12.1934
Latvia . . . . .	29. 5.1928	24. 1.1935
Luxemburg . . . . .	16. 4.1928	28. 1.1935
Mexico . . . . .	12. 5.1934	
Netherlands . . . . .	13. 9.1927	25.10.1934
Nicaragua . . . . .	12. 4.1934	
Portugal . . . . .	27. 3.1929	22. 2.1935
Spain . . . . .	22. 2.1929	19.11.1934
Sweden . . . . .	8. 9.1926	3.11.1934
Uruguay . . . . .	6. 6.1933	
Yugoslavia . . . . .	1. 4.1927	26.11.1934

The Government of *Colombia* states in its report that it has submitted to the Legislative Chambers a Draft Labour Code containing most of the fundamental principles laid down by the Convention. This Code is still under consideration.

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

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

The report of the Government of *Nicaragua* 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.*

#### *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, Belg. 9).

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).

#### *Chile.*

Legislation Decree No. 178 of 13 May 1931 to ratify the Labour Code (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).

#### *Colombia.*

See introductory note.

*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 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, 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 B), 7 February 1929 (L. S. 1929, Neth. 2 B) and 18 July 1930 (L. S. 1930, Neth. 3 A).

*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.
- Legislative Decree No. 23,048 of 23 September 1933 to promulgate the National Labour Code (L. S. 1933, Por. 5).
- Legislative Decree No. 23,053 of 23 September 1933 to set up a National Labour and Provident Institution (L. S. 1933, Por. 8).
- Legislative Decree No. 24,363 of 15 August 1934 to supersede Legislative Decree No. 24,194 concerning the procedure and work of the labour courts (L. S. 1934, Por. 3).

*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.
- Orders of 3 February and 13 June 1934 to extend the provisions of the above legislation to professional journalists and office employees earning not more than 15 pesetas a day.

*Sweden.*

- Act of 17 June 1916 (B.B. Vol. XI, p. 267) respecting insurance against industrial accidents, as amended by the Acts of 14 June 1917, 26 April 1918, 19 June 1919, 18 June 1920, 15 June 1922 (L. S. 1922, Swe. 2), 18 June 1926 (L. S. 1926, Swe. 5), 24 May 1928 (L. S. 1928, Swe. 1) and 14 June 1933 (L. S. 1933, Swe. 1).
- Act of 29 June 1917 concerning the Insurance Council.
- 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, 9 November 1928, and 16 March 1934.
- Royal Decree of 1 December 1933 concerning the application of the Act of 17 June 1916 respecting insurance against industrial accidents to pupils in vocational education institutions, amended by Decree of 22 June 1934.
- Royal Decree of 9 November 1928 respecting reports upon industrial accidents, etc., amended by the Decrees of 4 December 1930 and 24 November 1932.
- Royal Decree 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 workers and salaried employees employed in undertakings covered by the Mines Act, issued by the Order of 16 February 1933 (L. S. 1933, Yug. 1).
- 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.

*Colombia.* — See introductory note.

*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 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 public servants in respect of any physical injury with which they 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 ; (4) the construction, repairing and maintenance of railways, harbours, roads, canals, embankments, aqueducts, sewers, streets in towns and other similar work . . . (6) cartage and the transportation of persons and goods by land, sea and inland waterways, and fishing ; (7) the cleaning of streets, cesspools and sewers ; (8) theatres, as regards their wage-earning staff. The artists 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. The Order of 13 June 1934 provides that the benefits of the legislation in force concerning compensation to victims of accidents shall apply equally to all office employees, irrespective of the establishment in which they work, provided that their earnings do not exceed 15 pesetas a day. The Order of 3 February 1934 extends these provisions to cover professional journalists earning less than 15 pesetas a day. The legislation concerning compensation for accidents does not apply to domestic service.



*Sweden.* — ...For the purpose of the Accident Insurance Act a worker is held to be any person who is employed for wages on work on account of another in such a manner that in his relations with the latter he cannot be regarded as an independent contractor. Pupils of vocational education institutions established by the Crown are also considered to be workers...

### ARTICLE 3.

This Convention shall not apply to

(1) seamen and fishermen for whom provision shall be made by a later Convention;

(2) persons covered by some special scheme, the terms of which are not less favourable than those of this Convention.

*If advantage has been taken of the exception provided for in paragraph 2 of this Article, please indicate the categories of persons exempted because they are covered by some special scheme the terms of which are not less favourable than those of the Convention, and give a list of the laws, regulations and statutes relating to the protection of such persons in case of accident, forwarding the texts of the said laws, regulations or statutes with this report where this has not already been done.*

*Colombia.* — See introductory note.

*Spain.* — (1) The legislation concerning compensation for accidents applies to transport by sea and inland waterways, and to fishing. The crews of fishing vessels are subject to the provisions of the Royal Legislative Decree of 5 April 1929, and the provisions supplementary thereto. (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.

*Belgium.* — The legislation concerning compensation for industrial accidents applies equally to agriculture. Belgium ratified the Convention concerning workmen's compensation in agriculture on 26 October 1932.

*Colombia.* — See introductory note.

*Spain.* — 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.*

*Colombia.* — See introductory note.

*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.

## 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.*

*Colombia.* — See introductory note.

*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.*

*Colombia.* — See introductory note.

*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.*

*Colombia.* — See introductory note.

*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.*

*Colombia.* — See introductory note.

*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 renewal of appliances, or to ensure that the additional compensation is utilised for this purpose.

*Please state :*

- (a) *the conditions applying to the supply and renewal of such artificial limbs and surgical appliances as are recognised to be necessary for injured workers ;*
- (b) *the conditions under which the supply and renewal of such artificial limbs and appliances is replaced by the award of additional compensation in cash ;*
- (c) *the supervisory measures to prevent abuses and to ensure that the additional compensation is utilised for the proper purpose.*

*Colombia.* — See introductory note.

*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.*

*Colombia.* — See introductory note.

*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 the insurance company or society fails to pay the capital necessary to constitute the pension which should be paid by way of compensation, 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.*

*Colombia.* — See introductory note.

*Portugal.* — Legislative Decree No. 23,053 of 23 September 1933 has set up a National Labour and Provident Institution in the Under-Secretariat of Corporations and Social Welfare to ensure the enforcement of the workers' protection laws and other laws of a social character. The labour courts, which work under the control of this Institution, are competent to deal with and pass judgment on all questions arising out of industrial accidents. Appeal made be made to the

Section for Labour Disputes and Social Welfare of the Supreme Council of Public Administration against those decisions of the labour courts which relate to legal questions. The Social Welfare Inspection Service is responsible for the supervision of welfare institutions in order to inspect their financial situation and the methods by which they conform to the relevant legislation.

*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.*

*Chile.* — ... Copies of fifteen decisions given by the labour courts are attached as appendices to the report.

*Luxemburg.* — The report states that a decision of the Supreme Court of Justice of 20 June 1933 lays down that the right to review pensions only applies to cases where the incapacity of the victim of the accident either increases or diminishes, and cannot involve reopening the question of the occupational character of the accident.

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 a triennial report for the years 1930-1932 will be published in the near future, which will contain detailed information on this point. No observations have been submitted by employers' or workers' organisations with regard to the practical application of the Convention or of the national legislation which implements its provisions.

*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 1,280,500 ; the staff of the State railways, for whom special provisions are in force, number 16,248. (2) (a) Benefits in cash amounted to 3,773,673.69 pesos. (b) The average expenditure per injured worker was 184.55

pesos. (3) No data are available as to benefits in kind. (4) The number of accidents reported was 20,447. (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.

*Colombia.* — See introductory note.

*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 1933 the number of paid workers covered by the legislation concerning workmen's compensation for accidents was 719,629 of which 141,477 were domestic servants. 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 with regard to accident insurance in 1933; benefits in cash: 8,060,473 pengö (11.20 per insured person); benefits in kind: 750,320 pengö (1.04 per insured person). The number of accidents notified to the National Insurance Institute was 23,781, of which 136 were fatal; 534 involved permanent diminution in earning capacity; 19,440 involved temporary consequences. The consequences of 3,671 accidents are not yet known. Of the 534 accidents involving permanent diminution in earning capacity, 65 were granted full invalidity pensions and 469 were treated as involving a partial diminution in earning capacity. The expenses involved in instituting proceedings and the expenses of administration amounted to 1,266,749 pengö. Of this amount, 335,568 pengö was borne by the State as a contribution to the administrative charges and 931,381 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 1933. This information may be summarised as follows:

*General Insurance Society.* Number of insured workers, 103,884; number of accidents reported, 13,498. Of the accidents, 2.69 per thousand resulted in death, 13.60 per thousand in permanent and 983.71 per thousand in temporary invalidity. The total cost of application was 2,777,431.39 lats, divided as follows: medical treatment, 396,936.30 lats; bene-

fits during medical treatment, 399,664.67 lats; accidents still under treatment, 335,415.71 lats; funeral benefit, 5,843.27 lats; pensions, 553,585.81 lats; pensions reserve fund, 448,103.50 lats; administrative costs, 297,951.69 lats; various, 339,930.44 lats.

*Insurance Section of the Ministry of Social Welfare.* Number of accidents reported, 16,853. Of these accidents, 3.52 per thousand resulted in death, 22.66 per thousand in permanent and 973.82 per thousand in temporary invalidity. Most of the accidents were light. The expenses of the Section in 1933 were 1,135,298.97 lats divided as follows: medical treatment, 347,222.53 lats; pensions, 621,114.46 lats; benefits, 113,798.78 lats; administrative and other costs, 53,163.20 lats. The report adds that the number of permanent pensioners in 1933 was 3,873, of whom 1,576 were in receipt of pensions from the General Insurance Society and 2,297 from the Ministry of Social Welfare.

*Luxemburg.* — According to the report of the Accident Insurance Association for 1933 the total number of accidents notified during the year was 11,097, 10,499 of which were compensated. The number of wage earners in regular employment was 35,573 and the number of accidents compensated was 295.14 per thousand insured persons. The number of fatal accidents was 25. The amount paid in pensions was 15,214,899.70 francs; the amount spent on curative treatment was 2,358,976.53 francs; and the cost of administration was 1,925,842.48 francs. The report states that, as regards commercial employees, no observations have so far been received from the persons concerned or their organisations; these workers are covered, in case of industrial accident, by compulsory sickness and invalidity insurance, and a certain number of them (414) are voluntarily affiliated to the accident insurance system. The Government has not received any observations from the employers' or workers' organisations concerned with regard to the practical application of the Convention.

*Netherlands.* — The report of the State Insurance Bank (*Rijksverzekeringsbank*) for 1932 contains the following information: 1. The number of full time workers (i.e. those working 300 days a year) in 1932 was 1,187,651. The number of undertakings covered by compulsory insurance on 31 December 1932 was 177,812. No such special scheme as that mentioned in Article 3 (2) of the Convention exists in the Netherlands. 2. The total cost of benefits (exclusive of the cost of administration) was 16,402,169.97 florins. This includes, *inter alia*, the cost of medical benefit, including benefits in kind (2,907,264.62 florins), the cost of temporary compensation (3,862,591.91 florins), provisional pensions (2,404,652.67 florins), pensions defi-

nately fixed (4,724,829.44 florins), funeral benefit (44,929.49 florins), survivors' benefit (2,372,425.79 florins), etc. 3. The number of accidents was 142,568. Temporary pensions were granted in 9,622 cases, and temporary grants or medical benefit in 89,971 cases. § 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 total administration costs (4,164,288.87 florins) paid by non-affiliated employers amounted to 2,735,088.52 florins. The Government states that no cases of infringement of the relevant legislation have been recorded during the period under review, and that the employers' and workers' organisations have not submitted any observations with regard to the practical application of the Convention.

*Portugal.* — § 49 of Legislative Decree No. 23,048 of 23 September 1933 to promulgate the National Labour Code provides that the principle of protection due to 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 which may occur.

*Spain.* — The report states that it is impossible to supply any information under this heading. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

*Sweden.* — In 1931, 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 1,576,262, including 122,634 State employees. The State Insurance Office, which includes the majority of insured persons — the remainder being insured with various mutual insurance companies — spent 9,708,707 crowns during the period covered by the report on benefits in kind. During the year 1931 the cost of

benefits in kind was 10.58 crowns per full-time worker. The cost of medical benefit for the period covered by the report was 2,468,057 crowns. During the year 1931 this cost represented 2.81 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 1933-30 September 1934, the State Insurance Office registered 129,596 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 1,746,875 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 satisfactorily. 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 1933, the total number of insured persons was 520,980, of which number 7,500 were employed in agriculture and navigation. This total figure does not however include miners and transport workers, who are insured with their own Insurance Funds. The total number of accidents during 1933 was 13,305. 766 persons received medical treatment at a cost of 12,769 *dinars* a day. The number of pensions awarded was as follows: 1,004 men, at a total value of 2,761,796 *dinars*, and 80 women, at a total value of 157,641 *dinars*. The number of family pensions was as follows: 115 widows, at a total annual cost of 280,593 *dinars*; 228 children, at a total annual cost of 368,868 *dinars*; 4 parents and grandparents, at a total annual cost of 9,231 *dinars*. The expenses of the Accident Insurance Section for 1933 were as follows: benefits in cash, 40,087,402 *dinars* (76.95 per insured person); benefits in kind, 3,686,093 *dinars* (7.08); cost of enquiries and legal proceedings, 848,724 *dinars* (1.63); endowment of capital for pensions, 16,639,569 *dinars* (31.94). The expenses of insurance were met by the following receipts: payments by employers 59,308,852 *dinars* (113.84 per insured person); other receipts, 17,499,308 *dinars* (33.59).

# 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 1934 and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria . . . . .	29. 9.1928	8. 3.1935
Belgium . . . . .	3.10.1927	2.11.1934
Bulgaria . . . . .	5. 9.1929	23.10.1934
Chile . . . . .	31. 5.1933	26.12.1934
Colombia . . . . .	20. 6.1933	4. 3.1935
Cuba . . . . .	6. 8.1928	4. 3.1935 <sup>1</sup>
Czechoslovakia . .	19. 9.1932	15. 2.1935
Denmark . . . . .	18. 6.1934	16. 3.1935 <sup>1</sup>
Finland . . . . .	17. 9.1927	8.11.1934
France . . . . .	13. 8.1931	26. 1.1935
Germany . . . . .	18. 9.1928	8.11.1934
Great Britain . . .	6.10.1926	15.10.1934
Hungary . . . . .	19. 4.1928	15.12.1934
India . . . . .	30. 9.1927	14.12.1934
Irish Free State . .	15.11.1927	17.11.1934
Italy . . . . .	22. 1.1934	11. 1.1935
Japan . . . . .	8.10.1928	14. 2.1935
Latvia . . . . .	29.11.1929	24. 1.1935
Luxemburg . . . . .	16. 4.1928	28. 1.1935
Netherlands . . . .	1.11.1928	25.10.1934
Nicaragua . . . . .	12. 4.1934	
Norway . . . . .	11. 6.1929	29.10.1934
Portugal . . . . .	27. 3.1929	22. 2.1935
Spain . . . . .	29. 9.1932	3.12.1934
Sweden . . . . .	15.10.1929	3.11.1934
Switzerland . . . .	16.11.1927	1.11.1934
Uruguay . . . . .	6. 6.1933	
Yugoslavia . . . . .	1. 4.1927	26.11.1934

The Government of *Colombia* states in its report that it has submitted to the Legislative Chambers a Draft Labour Code containing most of the fundamental

principles laid down by the Convention. This Code is still under consideration.

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

The *Spanish* Government states in its report that no legislation has been enacted in order to give effect to this Convention, because the workers are already duly protected, thanks to the wide interpretation that the law courts have given for many years past to the workmen's compensation legislation for accidents, which is made to cover many occupational diseases (see under V below).

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), modified by the amending Act of 21 December 1933 (L.S. 1933, Aus. 10), 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, 18 January 1932 and 21 December 1933.

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 21 January 1930.

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

*Belgium.*

Act of 24 July 1927 respecting compensation for injury caused by occupational diseases (L. S. 1927, Bel. 7).

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).

*Chile.*

Legislative 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).

*Colombia.*

See introductory note.

*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 the insurance fund 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.

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).

Fourth Order of the President of the Federation, of 8 December 1931, to make provision for ensuring economic and financial stability and the maintenance of internal order (L. S. 1931, Ger. 9).

Order of the President of the Federation of 14 June 1932 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 (L. S. 1932, Ger. 9).

*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 (L. S. 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), amended by Acts No. 29 of 1926 (L. S. 1926, Ind. 3 A) and No. 5 of 1929 (L. S. 1929, Ind. 3), and Act of 9 September 1933 (L. S. 1933, Ind. 2).

*Irish Free State.*

Workmen's Compensation Act, 1934 (L. S. 1934, I. F. S. 1).

Workmen's Compensation Act, 1934 (Industrial Diseases) Order, 1934, pursuant to § 76 of the Workmen's Compensation Act, 1934 (L. S. 1934, I. F. S. 2).



*Italy.*

- Royal Decree No. 928 of 13 May 1929 concerning compulsory insurance against occupational diseases (L. S. 1929, It. 4).
- Royal Decree No. 1565 of 5 October 1933 to approve the Regulations for the administration of the above Decree (L. S. 1933, It. 9).
- Codified text, No. 51, dated 31 January 1904, of the Acts relating to occupational accidents (L. S. 1921, It. 1), as amended, in particular by Legislative Decrees No. 2051 of 5 December 1926 (L. S. 1926, It. 1 C) and No. 264 of 23 March 1933 (L. S. 1933, It. 2 A).
- Legislative Decree No. 1450 of 23 August 1917 concerning compulsory insurance against accidents in agriculture (B.B., French ed., Vol. XVII, 1918, p. 9).
- Royal Decree No. 1792 of 4 December 1923 to approve the Convention.

*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 Ordinance for the enforcement of the Factory Act, promulgated on 2 August 1926 by Imperial Ordinance No. 193 (B. B. Vol. XII, 1917, p. 27), amended on 5 June 1926 by Imperial Ordinance No. 153 (L. S. 1926, Jap. 1 B) and on 25 June 1929 by Imperial Ordinance 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 relief of miners, promulgated on 3 August 1916, amended by the 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 (L. S. 1933, Jap. 2).
- Imperial Ordinance for the assistance of Government employees, promulgated in November 1918, amended by the Imperial Ordinances 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 accident (L. S. 1931, Jap. 1 A).
- Imperial Ordinance No. 276 of 27 November 1931 respecting the administration of Act No. 54 of 1 April 1931 concerning the relief of workers in case of accident (L. S. 1931, Jap. 2 A), amended by Imperial Ordinance No. 314 of 13 December 1933 (L. S. 1933, Jap. 3).
- Imperial Ordinance No. 2 of 7 January 1932 concerning the relief of workers supplied by contract (L. S. 1932, Jap. 1).
- Imperial Ordinance of 24 January 1934 concerning special measures dealing with the relief of workers in the Japanese Steel Company Ltd.

*Latvia.*

- Act of 1 June 1927 concerning the insurance of paid employees against accidents and occupational diseases (L. S. 1927, Lat. 1).

*Luxembourg.*

- 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 Acts of 2 July 1928 (L. S. 1928, Neth. 1 B), 7 February 1929 (L. S. 1929, Neth. 2 B) and 18 July 1930 (L. S. 1930, Neth. 3 A).
- 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 21 March 1924, 13 May 1927, 2 July 1928, 7 February 1929 and 18 July 1930.

*Norway.*

- Act of 24 June 1931 respecting the accident insurance of industrial employees, etc. (L. S. 1931, Nor. 3), superseding the Act of 13 August 1915 and its supplementary and amending Acts.
- Royal Decree of 7 December 1928 laying down that certain specified occupational diseases 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).
- Legislative Decree No. 23,053 of 23 September 1933 to set up a National Labour and Provident Institution (L. S. 1933, Por. 8).
- Legislative Decree No. 24,363 of 15 August 1934 to supersede Legislative Decree No. 24,194 concerning the procedure and work of the labour courts (L. S. 1934, Por. 3).

*Spain.*

- Decree of 8 October 1932 issuing the consolidated text of the legislation respecting industrial accidents (L. S. 1932, Sp. 6).
- Decree of 31 January 1933 issuing Regulations under the above Decree.
- See also 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. 4 A).
- 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 B) and 13 March 1931 (L. S. 1931, Swe. 2).

## Switzerland.

Federal Act of 13 June 1911 respecting sickness and accident insurance (summary in B. B. Vol. VII, 1912, p. CXXXIV), amended and supplemented by the Federal Acts of 18 June 1915 and 9 October 1920 (L. S. 1920, Switz. 7).

Orders No. 1 of 25 March 1916, No. 1 *bis* of 20 August 1920 (L. S. 1920, Switz. 8), No. 1 *ter* of 8 December 1922 and No. 1 *quater* of 8 November 1927 (L. S. 1927, Switz. 3 B) respecting accident insurance.

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 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 § 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.

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 compensa-

tion for industrial accidents, may make such modifications and adaptations as it thinks expedient.

*Please give*

(i) *a brief account of the general principles of the national legislation in your country relating to compensation for industrial accidents ;*

(ii) *information regarding the rates of compensation prescribed by national legislation for injury resulting from industrial accidents ; and*

(iii) *information regarding the conditions under which compensation for occupational diseases is payable, and the modifications and adaptations thought expedient in applying the legislation in regard to compensation for industrial accidents to the said diseases.*

*Austria.* — . . . (ii). Where working capacity is reduced owing to an industrial accident the Act concerning the insurance against accidents of *wage-earning workers* allows the following benefits: (1) surgical and orthopaedic appliances, (2) if, and for as long as, the working capacity is reduced by more than one-sixth, an accident benefit, payable as from the fifth week following the accident (during the four weeks following the accident the insured person is entitled to medical treatment and sickness benefit under the sickness insurance scheme). In the case of total incapacity and for the duration of such incapacity the benefit amounts to two-thirds of the yearly wage (full benefit). In the case of partial incapacity and for the duration of such incapacity the benefit amounts to a fraction of the full benefit corresponding to the extent of the reduction in working capacity (partial benefit). In the case of persons employed by the railway companies, whether or not they are entitled under the Act concerning the civil responsibility of railway undertakings to compensation as a result of an industrial accident, the full benefit amounts to three-quarters of the yearly wage and partial benefit is reckoned as a fraction of such full benefit. Where the working capacity is reduced by more than one-sixth but less than one quarter, the benefit is granted for a period of three years at most. The annual remuneration on which the benefit is to be based must be not less than 240 schillings and not more than 2,400 schillings, except in the case of railway employees for whom the latter limit is fixed at 4,800 schillings.

*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 insured persons in the case of 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 ex-

pense for the employers concerned, it is only possible to proceed slowly and with care and discretion, with due regard to the difficulties of the moment). . .

*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 permanent partial 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 30 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).

*Colombia.* — See introductory note.

*Czechoslovakia.* — (i). Accident insurance is regulated by three different legislative measures. 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 certain undertakings and industries enumerated in the Act, are

subject to insurance, without distinction as to age, sex or nationality. 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. Two insurance systems are in force in Slovakia and Sub-Carpathian Russia, one for industrial and the other for agricultural workers. Under Act No. XIX of 1907, all paid workers, including apprentices, employed in the undertakings or occupations specified in the Act, are subject to insurance, without distinction as to age, sex or nationality. The Act covers accidents sustained in the course of work performed by order of the employer or his representatives or in the interests of the undertaking. Accident insurance for agricultural workers is regulated by Act XVI of 1900 concerning the insurance fund for agricultural workers, under which all 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. 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 pengős. The earnings cannot be less than 300 pengős 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) The report states that the scope of the Workmen's Compensation Act of 1923 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. In accordance with this principle, certain new categories of workers have been added to the list of industries in Appendix II to the Act. . . . (ii) For

accidents sustained after 1 July 1934 the amount of compensation is as follows: where death results from the injury, in the case of an adult, a sum of from 500 to 4,000 rupees, according to the wages of the victim; in the case of a minor, 200 rupees. Where permanent total disablement results from the injury, in the case of an adult, a sum of from 700 to 5,600 rupees; in the case of a minor, 1,200 rupees. Where permanent partial disablement results from the injury, compensation in proportion to the loss of earning capacity. Where temporary disablement, whether total or partial, results from the injury, in the case of an adult, a fortnightly indemnity fixed according to a scale based on the wages of the victim; in the case of a minor, a fortnightly indemnity equal to his wages, but not exceeding in any case 30 rupees.

*Irish Free State.* — (i) The Workmen's Compensation Act, 1934, which supersedes the Act of 1906, imposes a statutory liability on employers to compensate workers who suffer either from personal injury by accident arising out of work and in the course of their employment or from certain industrial diseases due to the nature of their employment. If the accident or disease causes disablement, the compensation is in the form of weekly payments to the injured worker while disablement lasts; but if death results, the compensation is a lump sum for the benefit of the deceased worker's dependants. (ii) The report states that the rates of compensation prescribed by the legislation which has been superseded remain in force for accidents which happened before 1 August 1934. Compensation under the new Act is determined as follows: (a) If a worker dies as the result of an accident, the persons who were dependent on the wages of the worker are divided into different classes for the purpose of calculating the compensation. The compensation payable to adult dependants wholly dependent on the earnings of the worker is fixed with reference to the average earnings of the worker in question, and cannot be less than £200 nor more than £300. Special compensation is paid to children, and is fixed without reference to the earnings of the deceased worker, according to a scale which varies with the number of children and is proportionate to the number of calendar months between the date of the death of the worker and the date on which each child will attain the age of 15 years. The amount of compensation in the case of children cannot, however, exceed £600. If the deceased worker leaves only children as dependants and no adults, the compensation is fixed according to whichever of the two above methods is the more favourable. If the dependants were not wholly dependent on the earnings of the worker, the compensation paid them is

a fraction of the compensation rates mentioned above, and is determined by the Court, which takes into consideration, when fixing the sum, the loss sustained by the dependants owing to the death of the worker. If the worker leaves no dependants, compensation not exceeding £15 is paid, to meet the expenses of medical attendance and burial. (b) If the worker is disabled, he receives compensation in the form of weekly payments during the period of incapacity (except, where the incapacity lasts less than four weeks, for the first three days of such incapacity). This compensation must not exceed 30 shillings a week. In the case of total incapacity, compensation is fixed at 75 or 80 per cent. of the average weekly wage, according to which sum is more or less than £1 sterling, and, in the case of partial incapacity, at 75 or 80 per cent. of the difference between the average wage which the worker was earning before the accident and that which he is capable of earning after the accident, according to which difference is greater than £1 sterling. (iii) The above rates of compensation are paid, subject to certain conditions and with certain modifications provided for in §76 of the Act of 1934, in cases where a worker dies or is disabled through having contracted, owing to his employment, one of the occupational diseases which are compensable under the Act.

*Italy.* — (i) Workmen's compensation for industrial accidents is regulated by the Act (codified text) of 31 January 1904, the scope of which includes in general, with the exception of certain industries and occupations mentioned in §1, undertakings employing more than five workers and in which machinery not actuated directly by the worker is used. The workers who are covered by the Act must be insured at the expense of the employer against death resulting from an accident due to a violent physical cause in connection with employment, and against bodily injury due to such a cause the effects of which last more than five days. In case of permanent total disablement or permanent partial disablement to a serious degree the compensation payable to the victim is used for the purchase of a life pension. In case of death, the compensation guaranteed by the Act is divided among the dependants in accordance with rules laid down in §10 of the Act. Compulsory insurance against accidents in agriculture is organised on different lines by the Legislative Decree of 23 August 1917. (ii) Under §9 of the Act of 31 January 1904 the amount of compensation guaranteed to workers is fixed as follows: (1) in case of permanent total disablement, the compensation shall be equal to six times one year's wages, but in any case not less than 6,000 lire; (2) in case of permanent partial disablement, it shall be equal to six times the loss of annual

earning power, the full earning power being assessed for this purpose at not less than 1,000 lire; (3) in case of death, the compensation shall be equal to five times one year's wages, and in any case not less than 5,000 lire. §9(*bis*) provides that in case of temporary total disablement, the compensation shall be reckoned by the day, shall be equal to one-half the wages of which the worker was in receipt at the time of the accident, and shall be paid for the whole period during which the disablement lasts. Under §11, the insurance institute must pay, in addition to the compensation due in case of permanent total or partial disablement, the compensation due in case of temporary total disablement in respect of the whole period during which the worker is obliged to be absent from work, subject to a maximum of three months from the date of the accident. Any sums paid beyond this period are deemed to be instalments of the compensation due to the worker in case of permanent total or partial disablement. (iii) §1 of the Royal Decree of 13 May 1929 provides that insurance against occupational diseases shall be compulsory for wage-earning employees engaged in the processes specified in the Decree, provided that they are liable to insurance against industrial accidents in pursuance of §§1 and 2 of the Act of 31 January 1904. The essential provisions of the latter Act apply to insurance against occupational diseases, subject to the following main modifications laid down by the Decree: under §4, compensation in case of temporary total disablement is due as from the tenth day of disablement. Compensation for permanent disablement is due where the capacity for work is reduced by not less than 20 per cent. Under §5, compensation for permanent total disablement and for permanent partial disablement in which the capacity for work is reduced by not less than 50 per cent. is to be paid by the insurance carrier to the National Fascist Social Insurance Institution which, until the expiration of the period of three years during which the compensation awarded may be reviewed or until the issue of the final award in case of review, shall pay the employee a monthly allowance equal to the life pension corresponding to the compensation allocated to him. On the expiration of the time limit mentioned above, the compensation originally granted (decreased or increased, as the case may be, in pursuance of the award on review, and subject to reduction of the sums already paid in the form of a monthly allowance in conformity with the previous provisions) must be converted into a life pension, provided that the commutation of all or part of the balance of the said compensation for a capital sum shall not in any case be authorised. If the employee dies before the expiration of a

period of three years reckoned from the date of the appearance of the occupational disease and before the issue of the award on review, the compensation originally granted shall be paid to the surviving dependants referred to in §10 of the Act of 31 January 1904. §6 provides that compensation shall be due even if the employee has ceased to be employed in the processes in respect of which the right to compensation is allowed, provided in every case that incapacity for work or death occurs within a period of one year from the time when the victim ceased to work, in so far as concerns poisoning caused by lead and mercury and their compounds.

*Spain.* — (i) For a statement of the principles of the legislation with regard to workmen's compensation for industrial accidents, see under *Convention No. 17 (Workmen's compensation, accidents)*. (ii) §§23 and 28 of the Decree of 8 October 1932 issuing the consolidated text of the legislation respecting industrial accidents provide for compensation for accidents in accordance with the following rates: if the accident causes temporary disablement, the employer shall pay the victim compensation equal to three-quarters of his daily wage from the day when the accident occurred up to the day when the worker is either fit to return to work or is declared to be permanently disabled. If the disablement still continues after a year has elapsed, the compensation shall be fixed in accordance with the provisions relating to permanent disablement, without prejudice to the results of any subsequent review of the case. If the accident has resulted in permanent total incapacity for all work, the employer shall pay the victim a pension equal to 50 per cent. of his wages. If the accident has resulted in permanent total incapacity for the employee's habitual occupation, but is not such as to prevent his taking up work of another kind, the pension shall be equal to 37.5 per cent. of his wages. If the accident has resulted in permanent partial incapacity for the occupation or kind of work in which the victim was employed, the employer shall pay him a pension equal to 25 per cent. of his wages. If the accident results in the death of the employee, the employer shall pay the following sums: (1) a pension equal to 50 per cent. of the victim's wages if he leaves a widow and children or grandchildren unfit for work or orphans under 18 years of age who were under his care; (2) a pension equal to the above pension if the victim leaves only children or grandchildren unfit for work or orphans under 18 years of age or orphan brothers and sisters who are minors and maintained by him; (3) a pension equal to 25 per cent. of the wages to a widow without children or other descendants of the deceased; (4) a pension equal to



20 per cent. of the wages to the parents or grandparents of the victim, provided that they are indigent and not less than 60 years of age or incapable of work, and that he has not left a widow or descendants, but two or more relatives in the ascending line. If there is only one such relative, the compensation shall consist of a pension equal to 15 per cent. of the victim's wages. (iii) No special provisions exist with regard to workmen's compensation for occupational diseases. 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 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.

*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, which are to supersede the above Decree, have not yet been issued.

*Colombia.* — See 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 :

<i>Occupational diseases.</i>	<i>Insured undertakings.</i>
Diseases due to lead and its compounds Diseases due to mercury and its compounds  Anthrax	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.

*Irish Free State.* — The occupational diseases set out in the Schedule to Article 2 of the Convention are included in the Sixth Schedule to the Workmen's Compensation Act, 1934...

*Italy.* — §2 of the Royal Decree of 13 May 1929 provides that the diseases specified in the Schedule reproduced below which have been contracted in the course of and as a result of the processes specified in the said Schedule for each disease shall be deemed to be occupational diseases.

<i>Diseases.</i>	<i>Processes.</i>
Poisoning by lead, its alloys or compounds and their sequelae	Handling of minerals containing lead, including residues containing lead in zinc factories. Casting of old zinc and lead in ingots. Manufacture of articles made of lead or of lead alloys. Processes in the polygraphic industries in which lead or lead alloys are used. Manufacture of lead compounds. Manufacture and repair of electric accumulators.



## Diseases

## Processes.

## III.

Poisoning by lead, its alloys or compounds and their sequelae  
(*contd.*)

Preparation and use of enamels and varnishes containing lead.

Polishing by means of lead filings or paste with a lead content.

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, down to the bottling of the metal. Manufacture of mercury compounds.

Manufacture of measuring and laboratory apparatus containing mercury.

Preparation of raw materials for the hat-making industry (carrotting of fur for hats).

Fire gilding involving the use of mercury.

Use of mercury pumps.

Manufacture of fulminate of mercury primers.

Silvering of mirrors with mercury.

Under §14, anthrax infection is deemed to be an industrial accident for purposes of Act No. 51 (consolidated text) of 31 January 1904 (workmen's compensation for industrial accidents) and of Legislative Decree No. 1450 of 23 August 1917 (workmen's compensation for accidents in agriculture). The report adds that the Regulations of 5 October 1933 issued under the Act contain a table of symptoms of morbidity giving rise to compensation. These symptoms are as follows: (1) for lead poisoning; lead anaemia, arteriosclerosis, lead cardiopathies, lead colic, lead encephalopathia, injuries caused to the eyes by lead, myalgia, arthralgia, arthritis, gout caused by lead, lead nephritis, lead paralysis; (2) for mercury poisoning; anaemia, stomatitis, gastro-enteritis, tremors, mental disorders, paralysis due to mercury. The report adds further that, under §2 of the Regulations, all workers who are employed in the same workplace on processes connected with or supplementary to those mentioned in the above table are also liable to compulsory insurance against occupational diseases if, in the opinion of the competent office of the corporative inspectorate they are in any way exposed to the risk of poisoning.

*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.

## 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.*

*France.* — . . . The report states that, since the Act of 1 January 1931 concerning occupational diseases, which has brought French legislation into agreement with the Convention, has been made applicable *de plano* to *Algeria*, in accordance with a judgment given by the Supreme Court of Appeal, the Convention has been in force in this territory as from the date in question. In *French West Africa*, an Order of the Governor-General of 22 January 1933 has put into effect in that colony the Decree of 12 December 1932 which promulgated the Convention in France.

*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* is under consideration. Further legislation has now been enacted in *Kedah* (Enactment 1 of 1933) and in *British Guiana* (Ordinance 7 of 1934, not yet brought into force). In *Malta* the legislation already existing has now been superseded by Ordinance XXVIII of 1934.

*Italy.* — The report states that it has not been necessary up till now to apply the Convention to the colonies, owing to the fact that industry in them is little developed.

*Japan.* — . . . The report states that the Imperial Ordinance 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.* — The legislation in force in Spain extends only to its fortified settlements in Africa (*Ceuta* and *Melilla*).

#### 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 Legislative Decree No. 178 of 13 May 1931 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.

**Colombia.** — See introductory note.

**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.

**Italy.** — The enforcement of the Royal Decree of 13 May 1929 and the Regulations which apply it is entrusted to the Ministry of Corporations, which exercises the necessary supervision by means of the corporate inspectors.

**Spain.** — The report states that the labour inspectors are responsible for the application of the measures which concern accident prevention. See also introductory note.

#### V.

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

**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. The Government communicates the text of two judgments, however, to the effect respectively that a case of pulmonary tuberculosis was not compensable as it was not directly due to the worker's employment, and that the dependants of an agricultural worker who died as the result of anthrax infection contracted while engaged in temporary employment were entitled to a pension.

**Spain.** — The report refers to the following decisions given by the Supreme Court during the period 1903-1934:

In order to give rise to compensation, occupational diseases must arise directly out of the work done.

The following occupational diseases have been declared to give rise to compensation: bronchial pneumonia caused by the damp or artificial cold of refrigerating chambers; cancer; heart failure; dermatitis; infection of the intestines; sulphur poisoning; pulmonary lesions; phosphorus necrosis; paralysis; bubonic plague; rheumatism; lead poisoning; vomiting blood as the result of a physical effort.

The following non-occupational diseases, caused or aggravated by an accident or by subsequent treatment, are also compensable: morbid condition of the knee; influenza; diabetes previous to the accident; hemiplegia; lunacy; cerebral-cardiac neurasthenia set up by shock; trembling of the lower limbs and traumatic tuberculosis caused by an accident; uraemic coma; peritonitis; hypostatic pneumonia and septicemia supervening during the treatment following an accident.

The following are not necessarily compensable: congestion of the lungs brought on by drinking a glass of cold water during work; tuberculosis or bronchitis previously contracted; dermatitis; lesions in the respiratory system; mental disturbance.

Where it is established that the disease from which the worker is suffering was not caused by his employment even though it may have been aggravated thereby, refusal to award the compensation claimed by the worker is not contrary to § 140 of the Labour Code of 23 August 1926 (which defines an accident as "any physical injury met with by a worker in the course of or arising out of work which he is performing on account of another").

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, with regard to accident insurance of wage-earning workers, the number of workers insured in 1933 was 460,175. During the same year, the number of cases of lead poisoning which were notified was 68, of which 25 were compensated. The cases were divided as follows among various occupations: lead manufacture, 1 case; metal work, 13 cases (7 compensated); cable manufacture, 1 case (compensated); manufacture of accumulators, 3 cases; industries for the preparation of enamels, 4 cases (1 compensated); manufacture of colours and painting work, 26 cases (11 compensated); printing, type-founding, 13 cases (1 compensated); other undertakings, 7 cases (4 compensated). For the same period, one case of mercury poisoning was notified in the manufacture of electric bulbs. No statistics are available with regard to the number of cases of compensation in accident insurance of agricultural workers and of salaried employees, but it may be considered that the number is negligible. No information is available with regard to the amount spent on compensation. The employer's and workers' organisations have not made any observations with regard to the practical application of the Convention.

*Belgium.* — The report of the Welfare Fund in aid of victims of occupational diseases for the year 1933 shows that the number of cases of occupational diseases in that year was 130, as against 146 in 1932. 113 cases of lead poisoning, 3 cases of hydrargyrisms and 4 cases of anthrax were reported. Compensation was granted in 43 cases of lead poisoning, 2 cases of hydrargyrisms and 3 cases of anthrax. 18 deaths from lead poisoning and 8 deaths from anthrax were recorded. The cost of compensation for the diseases in question was 451,513.88 francs. The report adds that no observations have been received from organisation of employers or workers with regard to the practical application of the Convention or of the national legislation which implements it.

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

*Chile.* — The report states that, owing to the infrequency of cases of the occu-

pational diseases in question, no statistical information of any value can be submitted. The written reports of the inspection services merely mention a small number of individual cases in which they have intervened in order to settle the right to compensation.

*Colombia.* — See introductory note.

*Czechoslovakia.* — The report states that, on 31 August 1934, the number of cases of lead poisoning which had been compensated was 49, of which 5 were fatal; the number of cases of mercury poisoning was 8. The total amount paid in compensation for all cases of occupational disease was 898,500 crowns.

*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 1933. According to this information (summarised) 704 cases of lead poisoning were reported. This total included 28 cases in metal foundries, 54 in processes relating to the casting and rolling of lead, 12 in connection with lead roofing, 41 in the printing industry, 232 in the making and repair of accumulators, 230 in enamelling of metals, 11 in shipyards (work in connection with blowpipes), 11 in connection with painting of metals. 13 cases of hydrargyrisms (including 3 cases in the making of iron-nickel accumulators and 6 in cutting skins for hat-making) were reported. 23 cases of anthrax were reported during the same period, distributed as follows: 9 in tanneries and leather dressing, 2 in manufacturing undertakings, and 12 in the different processes connected with the preparation of wool and hair. The 23 cases were distributed as follows as regards the raw materials treated: 12 for work with wool; 3 for work on goat skins; 1 for work on sheep skins; 1 for work on sheep hides; 1 for work on hair; 5 for work on other hides (no indication as to the animal). A bacteriological examination was conducted in 15 cases. Two cases were fatal; the remaining 21 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 1933, published in the *Amtliche Nachrichten für Reichsversicherung*, 1934, p. IV, 91 and in the social insurance statistics for 1932, published as Appendix No. 12 to the *Amtliche Nachrichten für Reichsversicherung* of 1933. Information for the year 1934 is not yet available. The report adds that the Government is not aware of any observations from the circles of individuals concerned.

*Great Britain.* — The report states that the Convention is applied as part of the general and well-recognised law relating to workmen's compensation. Processes liable to give rise to lead poisoning and anthrax are extensively carried on in the United Kingdom. Statistics showing the numbers of certificates given by the certifying and appointed surgeons under §43 of the Act of 22 December 1925 in respect of the diseases sustained in different classes of industry are published annually in the workmen's compensation statistics. The statistics of cases of occupational diseases covered by the Convention for 1932 for Great Britain and Northern Ireland were: lead poisoning or its sequelae, 228; anthrax, 14; mercury poisoning or its sequelae, 1. 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 1933 to the National Social Insurance Institute, which is responsible for accident insurance:

Disease	Notified	Compensated	Applications pending
Lead poisoning	54	13	24
Anthrax infection	5	—	—

For the same year, the cost involved in compensating occupational diseases was 118,529 pengos. In addition to this, 9 cases of anthrax were reported to National Fund for Agricultural Workers. 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 1932 and the Note on the working of the Indian Workmen's Compensation Act, 1923. The statistics for 1933 are being compiled and will be forwarded as soon as they are ready. For the available information regarding the number of workers employed in the industries and processes concerned reference is made to the "Statistics of Factories", a copy of which is annually supplied to the International Labour Office. During the year 1933 four cases of lead poisoning were reported. 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.

*Irish Free State.* — A statistical table drawn up by the Department of Industry and Commerce, which covers six industries, shows that, during 1933, the number of cases of lead poisoning was 4, one of which, in constructional work and building, ended fatally. The partial dependants of the victim in question were paid the sum of £25 as compensation. No observations have been received from organisations of employers or workers.

*Italy.* — The report states that no special information is available with regard to the application of the Convention, nor are there any observations to report from trade union organisations.

*Japan.* — The report contains the following statistical information with regard to the application of the Convention: Number of factory workers and miners: factories (1932), 864,999 males, 918,869 females; mines (1932), 164,909 males, 20,931 females. Number of cases of sickness subject to relief: factories (1932), 404 males, 354 females; mines (1933), 174 males, 7 females. Cost of relief: factories (1932), 9,936 yens; mines (1933), 30,818 yens. The report also contains various statistics relating to the application of the Health Insurance Act. 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 1933, to which the annual report of the Government refers, states that, during 1933, one case of lead poisoning gave rise

to compensation according to law. The Government has not received any observations from the organisations concerned with regard to the practical application of the Convention.

*Netherlands.* — The Government has communicated to the International Labour Office a copy of the Report of the State Insurance Bank (*Rijksverzekeringsbank*) for 1932, from which it appears that 9 cases of lead poisoning and 1 case of anthrax gave rise to compensation. The report states that no cases of infringement of the relevant legislation were reported during the period under review, and no observations were received from employers' or workers' organisations.

*Norway.* — The report states that there does not exist in Norway any real lead or mercury or phosphorus industry. These substances therefore give rise to occupational diseases only when they are used in the trades. This is stated to be the case especially in printing works, shot factories, metal foundries, galvano-plastic establishments, enamelling factories, lead accumulator factories, electric cable factories, tanneries, manufacture of explosives, manufacture of dyes, pipe laying and painting trades. The report also states that until now only a few cases of compensable occupational diseases have been reported. Some of these cases are stated to be lead poisonings of different kinds. 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.* — The report states that no statistics are at present available to show how the provisions of the Convention are being applied. (See also under V above.)

*Sweden.* — The report states that during the year 1931—the latest year for which claims for compensation have been definitely settled—52 cases of occupational diseases were notified, of which 30 gave rise to compensation. Fifteen of these cases were due to lead poisoning, 1 case to hydrargyrisms, 1 case to anthrax and 13 cases to silicosis. During the period covered by the report, the number of cases notified was 95. The report states that doctors who have attended a case of sickness which is due to an unhealthy occupation are obliged to report the case without delay to the State Directorate of Medical Services, which reports it in turn to the

Department of Labour and Social Welfare. The report adds that, as a general observation, it is possible to say that the Conventions ratified by Sweden are satisfactorily 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 occupational organisations concerned.

*Switzerland.* — For particulars regarding compensation for occupational diseases, the Government refers to the report of the Federal Council for the year 1933 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 1933 and 30 September 1934: *Lead poisoning*: 31 cases, of which one was fatal, and one resulted in invalidity. These 31 cases cost: (a) unemployment benefit: 11,543.40 francs; (b) medical expenses: 8,956.95 francs; (c) invalidity pensions (capital value): 9,077 francs; (d) survivors' pensions (capital value): 29,336 francs; total 58,913.35 francs. The cases resulted in 1,664 days of incapacity for work and 2,202 days of medical treatment, including 393 days of hospital treatment. *Mercury poisoning*: 8 cases, of which 3 resulted in invalidity. No fatal cases. These 8 cases cost: (a) unemployment benefit: 11,016.25 francs; (b) medical expenses: 3,373.65 francs; (c) invalidity pensions (capital value): 21,398 francs; total: 35,787.90 francs. The cases resulted in 1,550½ days of incapacity for work and 2,311 days of medical treatment, including 137 days of hospital treatment. *Anthrax infection*: One case, which was cured without resulting in invalidity, and which cost: (a) unemployment benefit: 617.75 francs; (b) medical expenses: 364.85 francs; total: 982.60 francs. The case involved 74½ days of incapacity for work and 98 days of medical treatment, including 25 days of hospital treatment. The report states that, in comparison with industrial accidents, occupational diseases due to the production or use of dangerous substances are of minor significance in Switzerland. While lead may still be regarded as a substance entailing certain dangerous consequences, mercury and anthrax infection have scarcely any practical importance. The Federal authorities have not received any observations with regard to the practical application of the Convention.

*Yugoslavia.* — The report states that during 1933 there were 4 cases of lead and mercury poisoning, none of which were granted a pension.

# **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 1934, and from which annual reports under Article 408 were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Austria . . . . .	18. 9.1928	8. 3.1935
Belgium . . . . .	30.10.1927	2.11.1934
Bulgaria . . . . .	5. 9.1929	23.10.1934
Chile . . . . .	8.10.1931	26.12.1934
China . . . . .	27. 4.1934	
Colombia . . . . .	20. 6.1933	4. 3.1935
Cuba . . . . .	6. 8.1928	4. 3.1935 <sup>1</sup>
Czechoslovakia . .	8. 2.1927	15. 2.1935
Denmark . . . . .	31. 3.1928	20.11.1934
Estonia . . . . .	14. 4.1930	20.10.1934
Finland . . . . .	17. 9.1927	8.11.1934
France . . . . .	4. 4.1928	1. 2.1935
Germany . . . . .	18. 9.1928	8.11.1934
Great Britain . . .	6.10.1926	15.11.1934
Hungary . . . . .	19. 4.1928	15.12.1934
India . . . . .	30. 9.1927	14.12.1934
Irish Free State . .	5. 7.1930	17.11.1934
Italy . . . . .	15. 3.1928	11. 1.1935
Japan . . . . .	8.10.1928	14. 2.1935
Latvia . . . . .	25. 9.1928	24. 1.1935
Luxemburg . . . . .	16. 4.1928	28. 1.1935
Mexico . . . . .	12. 5.1934	
Netherlands . . . .	13. 9.1927	25.10.1934
Nicaragua . . . . .	12. 4.1934	
Norway . . . . .	11. 6.1929	29.10.1934
Poland . . . . .	28. 2.1928	23.11.1934
Portugal . . . . .	27. 3.1929	22. 2.1935
Spain . . . . .	22. 2.1929	3.12.1934
Sweden . . . . .	8. 9.1926	3.11.1934
Switzerland . . . .	1. 2.1929	1.11.1934
Union of South Africa	30. 3.1926	19. 9.1934
Uruguay . . . . .	6. 6.1933	
Yugoslavia . . . . .	1. 4.1927	26.11.1934

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

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

The Government of *Colombia* states in its report that it has submitted to the Legislative Chambers a Draft Labour Code containing most of the fundamental principles laid down by the Convention. This Code is still under consideration.

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

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

The Government of the *Union of South Africa* states in its report that a new Workmen's Compensation Act, No 59 of 1934, was passed but did not come into force during the period under review.

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) and amending Acts of 20 December 1928 and 21 December 1933 (L. S. 1933, Aus. 10).

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.*

Royal Order of 28 September 1931 concerning the Act respecting compensation for injuries resulting from industrial accidents. Consolidated Acts of 24 December 1903, 8 August 1926, 15 May 1929, 30 December 1929 and 18 June 1930 (L. S. 1931, Belg. 9).

**Bulgaria.**

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

**Chile.**

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

**Colombia.**

See introductory note.

**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 of 20 May 1933 respecting insurance against the consequences of accidents (L. S. 1933, Den. 5), superseding the Act of 6 July 1916 and its amending Acts.

Act of 22 December 1927 to ratify the Convention.

Royal Order of 27 April 1928 to promulgate ratification of the Convention.

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).

Workmen's Compensation (Silicosis and Asbestosis) Act, 1930 (L. S. 1930, G. B. 7).

Workmen's Compensation Act, 1931, amending § 9 (4) of the 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 of the Council of Ministers, dated 10 May 1931, to lay down the conditions as to claims arising out of certain industrial accidents (L. S. 1932, Hung. 5).

**India.**

Workmen's Compensation Act of 5 March 1923 (L. S. 1923, Ind. 1), amended by Acts No. 29 of 1926 (L. S. 1926, Ind. 3 A) and No. 5 of 1929 (L. S. 1929, Ind. 3), and Act of 9 September 1933 (L. S. 1933, Ind. 2).

**Irish Free State.**

Workmen's Compensation Act, 1934 (L. S. 1934, I. F. S. 1), superseding the Workmen's Compensation Act of 1906.

Workmen's Compensation Act, 1934 (Industrial Diseases) Order, 1934, pursuant to § 76 of the Workmen's Compensation Act, 1934 (L. S. 1934, I. F. S. 2).



*Italy.*

§ 3 of the Civil Code.

Codified text, No. 51, dated 31 January 1904, of the Acts relating to occupational accidents (L. S. 1921, It. 1), as amended, in particular by Legislative Decrees No. 2051 of 5 December 1926 (L. S. 1926, It. 1 C) and No. 264 of 23 March 1933 (L. S. 1933, It. 2 A).

Legislative Decree No. 1450 of 23 August 1917 concerning compulsory insurance against accidents in agriculture (B.B., French ed., Vol. XVII, 1918, p. 9).

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 Ordinance for the enforcement of the Factory Act, promulgated on 2 August 1916 by Imperial Ordinance No. 193 (B. B., Vol. XII, 1917, p. 27), amended on 5 June 1926 by Imperial Ordinance No. 153 (L. S., 1926, Jap. 1 B) and on 25 June 1929 by Imperial Ordinance 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 relief of miners, promulgated on 3 August 1916, amended by the 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 (L. S. 1933, Jap. 2).

Imperial Ordinance for the assistance of Government employees, promulgated in November 1918, amended by the Imperial Ordinances 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 accident (L. S. 1931, Jap. 1 A).

Imperial Ordinance No. 276 of 27 November 1931 respecting the administration of Act No. 54 of 1 April 1931 concerning the relief of workers in case of accident (L. S. 1931, Jap. 2 A), amended by Imperial Ordinance No. 314 of 13 December 1933 (L. S. 1933, Jap. 3).

Act No. 55 of 1 April 1931 concerning insurance against liability for relief to workers in case of accident (L. S. 1931, Jap. 1 B).

Imperial Ordinance No. 277 of 27 November 1931 respecting the administration of Act No. 55 of 1 April 1931 concerning insurance against liability for relief to workers in case of accident (L. S. 1931, Jap. 2 B).

Imperial Ordinance No. 2 of 7 January 1932 concerning the relief of workers supplied by contract (L. S. 1932, Jap. 1).

Imperial Ordinance of 24 January 1934 concerning special measures dealing with the relief of workers in the Japanese Steel Company Ltd.

*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 B) and 18 July 1930 (L. S. 1930, Neth. 3 A).

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 24 June 1931 respecting the accident insurance of industrial employees, etc. (L. S. 1931, Nor. 3), superseding the Act of 13 August 1915 and its supplementary and amending Acts.

*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 A).

Act of 28 March 1933 concerning social insurance (L. S. 1933, Pol. 5), superseding the previous Acts which dealt with the questions regulated by it.

*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.

Legislative Decree No. 23,053 of 23 September 1933 to set up a National Labour and Provident Institution (L. S. 1933, Por. 8).

Legislative Decree No. 24,363 of 15 August 1934 to supersede Legislative Decree No. 24,194 concerning the procedure and work of the labour courts (L. S. 1934, Por. 3).

*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 14 June 1917, 26 April 1918, 19 June 1919, 18 June 1920, 15 June 1922 (L. S. 1922, Swe. 2), 18 June 1926 (L. S. 1926, Swe. 5), 24 May 1928 (L. S. 1928, Swe. 1) and 14 June 1933 (L. S. 1933, 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. 69.).

Agreement of 11 September 1923 with Finland establishing reciprocity as regards workmen's compensation for accidents (L. S. 1923, Int. 3).

Various Decrees granting exemption from certain provisions of the Act of 17 June 1916, as amended, to the nationals of the countries which have ratified the Convention.

*Switzerland.*

Federal Act of 18 June 1911 respecting sickness and accident insurance (summary in B. B., Vol. VII, 1912, p. CXXXIV), amended and supplemented by the Federal Acts of 18 June 1915 and 9 October 1920 (L. S. 1920, Switz. 7).

Orders No. 1 of 25 March 1916, No. 1 bis of 20 August 1920 (L. S. 1920, Switz. 8), No. 1 ter of 8 December 1922 and No. 1 quater of 8 November 1927 (L. S. 1927, Switz. 3 B) respecting accident insurance.

Order No. II of 8 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, as amended by Act No. 13 of 1917 concerning workmen's compensation for industrial diseases, and the amending Act No. 29 of 1931 (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 workers and salaried employees employed in the undertakings covered by the Mines Act, issued by the Order of 16 February 1933 (L. S. 1933, Yug. 1).

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 Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.*

## ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to grant to the nationals of any other Member which shall have ratified the Convention, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals.

This equality of treatment shall be guaranteed to foreign workers and their dependants without any 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 other provisions relating to the payment of compensation to persons injured in industrial accidents or their dependants, if they reside outside the country from which compensation is due :*

(a) *in the case of national workers and their dependants ;*

(b) *in the case of foreign workers and their dependants.*

*Please give information regarding any special arrangements which may have been made with other Members concerned, forwarding copies of the texts.*

*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 came into force on 1 January 1934 and the latter on 1 May 1933.

*Colombia.* — See introductory note.

*Denmark.* — . . . Under the terms of the Accident Insurance Act of 20 May 1933, which supersedes the Act of 6 July 1916, benefits due to victims of accidents are paid without regard to the nationality of the victim. § 40 of the Act lays down, however, that the survivors shall have no claim to benefit, unless they are nationals of States which place Danish nationals on the same footing as their own nationals with respect to benefit under the corresponding laws.

*Irish Free State.* — The Workmen's Compensation Act, 1934 makes no distinction between national and foreign workers. Under § 70 of the Act, the Executive Council may, by order, make certain special provisions to ensure the application of the Convention, and under § 71 the Council is authorised to make arrangements with other States for the reciprocal transfer and payment of benefits. No arrangement of this kind has yet been made. The report adds that the Acts

which have been repealed by the Act of 1934 continue in force and effect in cases where the accident happened prior to 1 August 1934.

*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 workmen's compensation, the report mentions the 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 and came into force on 1 September 1933, has been amended by new agreements which were signed on 3 October 1933 and 27 January 1934 respectively. A convention concerning social insurance was also concluded, on 2 July 1934, with the Free City of Danzig, but is not yet in force. Finally, an agreement with regard to social insurance has been the subject of negotiations between Poland and Latvia; the text of this has been initialled, but not yet signed.

*Spain.* — § 5 of the Decree of 8 October 1932 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." Further, § 5 of the Regulations of 31 January 1933 lays down that "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.

*Colombia.* — See introductory note.

*Denmark.* — ... A special convention was concluded with Germany in 1933.

*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.*

*Colombia.* — See introductory note.

## 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.*

*Austria.* — An amending Act was promulgated on 21 December 1933 which modifies the existing legislation in certain respects in so far as concerns the right to compensation of persons employed by railway companies.

*Colombia.* — See introductory note.

*Denmark.* — During 1933, a new Act respecting insurance against the consequence of accidents has been passed, which repeals the Act of 6 July 1916 and its amending Acts. The new Act, which came into force on 1 October 1933, provides that the legislation which has been repealed shall remain in force in the case of accidents which happened prior to that date.

*India.* — The scope of the Workmen's Compensation Act, 1923 has been considerably extended by an amending Act of 1933, which institutes a new method for calculating the benefits payable as compensation for industrial accidents.

*Irish Free State.* — As from 1 August 1934, the Convention is applied by the Act of 22 March 1934, which codifies and amends workmen's compensation legislation. A copy of the text of the Act has been transmitted to the International Labour Office.

*Italy.* — The report states that no amendments have been made to the existing legislation on workmen's compensation during the period under review. It mentions, however, that an Act of 29 January 1934 has authorised the Government to review the provisions in force concerning industrial accidents, and to combine them with other relevant laws so as to form one consolidated text, with all the necessary amendments, deletions and additions.

*Japan.* — By an Ordinance of 13 December 1933 the Government has extended the benefits of the Act concerning the relief of workers in case of accident to workers employed in breaking up vessels (other than vessels made of wood). In addition to this, an Ordinance of 24 January 1934 has regulated the conditions under which the Japanese Steel Company Ltd. may be exempted from compensating industrial accidents in cases where mutual benefit societies which have been set up in the company's undertakings and workshops grant benefits which are considered adequate to the victims of accidents or to their dependants.

*Poland.* — The Act of 28 March 1933 concerning social insurance, which repeals the previous Acts dealing with the questions which it regulates, came into force on 1 January 1934.

### 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. With regard to *Algeria*, the report adds that the Supreme Court of Appeal, by an Order of 27 February 1934, has ruled that the Convention, which was ratified by the Act of 30 March 1928 but was only extended to *Algeria* by a Decree of 29 March 1930, had force of law in the colony even before the date of this Decree, since the legislation of the home country with regard to industrial accidents had been extended to *Algeria* by the Act of 25 September 1919, and this extension applied not only to the legislation then existing, but also to future legislation, as any Act amending an Act already in force applied *ipso facto* to the colony in question.

*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* is under consideration. Further legislation has been enacted in *Kedah* (Enactment 1 of 1933) and in *British Guiana* (Ordinance 7 of 1934, not yet in force). In *Malta* the legislation already existing has now been superseded by Ordinance XXVIII of 1934.

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

*Spain.* — The report states that no provision 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.*

*Colombia.* — See introductory note.

*Denmark.* — The supervision of the application of the Act of 20 May 1933 is entrusted to the Directorate of Accident Insurance, which takes decisions on all questions relating to the Act. Appeals from the decisions of the Directorate may be made in certain cases, in particular when the questions are not exclusively legal ones, to the Accident Insurance Council, and appeals may be made in the case of the other decisions of the Directorate, and of certain decisions of the Council, to the Ministry of Social Affairs. All cases of industrial accident which may give rise to compensation under the Act must be notified to the Council by the employer concerned.

*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 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.*

*Chile.* — Several judgments have been pronounced by the courts confirming the right to compensation of foreigners. Copies of two of these judgments have been transmitted to the International Labour Office.

*France.* — With regard to the divergencies between the Government's opinion

and certain decisions given by the courts on 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, the report states that, by a decision of 27 February 1934, the Supreme Court of Appeal has adopted the Government's interpretation, and has decided that the Convention was applicable without the prior conclusion of special agreements. The text of the decision accompanies the report.

*Switzerland.* — The report states that the decisions of the courts of law which concern the application of the Convention are published in the different numbers of the *Recueil des arrêts du Tribunal fédéral des assurances*, which is sent to the International Labour Office.

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.* — The report states that, since Belgian legislation has never discriminated between Belgian and foreign victims of accidents, it is not possible to supply special information with regard to the treatment of foreigners. 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.* — Information on this point will be communicated to the International Labour Office as soon as it is available.

*Colombia.* — See introductory note.

*Czechoslovakia.* — With regard to inspection during 1933, the Government refers to the report of the labour inspection service for 1933, which will be forwarded shortly to the International Labour Office.

*Denmark.* — The report states that, in the absence of the necessary statistics, it is impossible 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 1934, owing to immigration and emigration, the number could be estimated as 814,000. The report adds that the petitions which heads of undertakings, insurance institutions and workers have addressed to the Government with regard to the application of the Convention only embraced difficulties which have been indicated under point V, and that, since the Supreme Court of Appeal has now pronounced on these, they are no longer relevant.

*Germany.* — The Convention is applied in the letter and in the spirit. The report supplies the following statistics concerning foreign workers employed in Germany: during the period 1 April 1933 to 31 March 1934, there were 13,624 foreign workers employed in Germany under special labour permits (*Arbeitskarte*). In addition, there were 162,491 foreign workers who possessed permanent certificates exempting them from labour permits (*Befreiungsschein*) issued either on grounds of equity or because the workers had been resident in Germany since 1 January 1919 or longer. Of the workers in possession of a special permit, 3,652 were employed in agriculture (including horticulture, stock-breeding, forestry, etc.) and 9,972 in other industries, while of the foreigners working with permanent permits, 41,168 (including 18,000 Poles, 5,000 Czechoslovaks and 3,800 Swiss) were employed in agriculture and 121,323 in other industries. With regard to the nationalities of the foreign workers, citizens of the following countries were the most numerous (the first figures represent workers with a permanent certificate and the second those working under a special permit): Czechoslovakia, 50,446 — 4,214; Poland, 29,146 — 1,862; Netherlands, 18,172 — 50; Austria, 16,869 — 1,935; Switzerland, 8,973 — 701; Italy, 4,893 — 559; Yugoslavia, 4,040 — 137; Danzig, 1,863 — 140; U.S.S.R., 1,720 — 195; Hungary, 1,645 — 310; without nationality, 18,959 — 1,362. The report states that, taking into account the requests for permits which were still awaiting consideration on 1 April 1934, and the additional number of foreign workers whose presence had been established up to 1 June 1934, the number of foreign workers in Germany on 1 August 1934 may be estimated at 200,000. 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. No observations have been received from the circles of individuals concerned.

*Great Britain.* — The report states that the Convention is applied as a part of the general and well recognised law of work-

men's compensation. As there has never been any discrimination between British and foreign subjects, no separate statistics have been kept as regards foreign workers, their occupations and accidents. The only exception to this rule is in the case of the Anglo-French and Anglo-Danish conventions, in which provision is made for returns of judicial decisions in regard to the nationals of these countries. The report 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 heading. No observations have been received from organisations of employers or workers.

*Italy.* — The report states that there is no special information to record under this heading, and that, during the period under review, no 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.* — The report states that neither the Ministry of Social Welfare nor the Insurance Institute possesses any statistical information of the kind required by this heading. No complaints have been received from employers' or workers' organisations as regards the practical fulfilment of the Convention.

*Luxemburg.* — The report of the Luxemburg Accident Insurance Association for 1933, to which the annual report of the Government refers, contains the following information: out of a total of 86 persons in receipt of life annuities who were paid a lump sum during 1933, 30 were foreigners; out of a total of 11,097 accidents reported during 1933, 2,557 (23.04 %) occurred to foreigners. The Government has not received any observations from the employers' and workers' organisations concerned with regard to the practical application of the Convention.

*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.* — Owing to the fact that national and foreign workers residing with their dependants in Norway enjoy equality of treatment 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 the Convention is being duly enforced, and no difficulty whatever has so far arisen. Of the 1,612 accidents notified in Spain up to 1 August 1934, 11 affected foreign workers, of whom 7 were permanently disabled, three were killed and one had no claim to compensation. All these persons were nationals of countries which have ratified the Convention. No observations have been received from the

employers' or workers' organisations concerned with regard to the practical application of the Convention..

*Sweden.* — In the absence of the necessary particulars the information requested under this heading cannot be supplied. It is however stated as a general observation that the Conventions ratified by Sweden are satisfactorily applied. This opinion appears 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, owing to 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 262 survivors' pensions granted from 1 October 1933 to 30 September 1934 on account of industrial accidents, 228 related to accidents to Swiss citizens, and 34 to foreigners. The nationality of these 34 pensioners was as follows: Italian, 22; German, 6; French, 6. 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 does not refer to this point.

*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 1934 and from which annual reports under Article 408 were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Bulgaria . . . . .	5. 9.1929	23.10.1934
Chile . . . . .	31. 5.1933	26.12.1934
Colombia . . . . .	20. 6.1933	4. 3.1935
Cuba . . . . .	6. 8.1928	4. 3.1935 <sup>1</sup>
Estonia . . . . .	23.32.1929	20.10.1934
Finland . . . . .	26. 5.1928	8.11.1934
Luxemburg . . . . .	16. 4.1928	28. 1.1935
Nicaragua . . . . .	12. 4.1934	
Spain . . . . .	29. 8.1932	19.11.1934
Uruguay . . . . .	6. 6.1933	

The Government of *Colombia* states in its report that it is carefully studying the Convention in the light of the economic, racial, psychological and social characteristics of the country. It proposes to consider the possibility of giving effect to it in its legislation.

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

The *Spanish* Government states in its report that night work in bakeries is 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 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.*

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

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).

#### Chile.

Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L. S. 1931, Chile 1), amended by Act No. 5405 of 14 February 1934 (L. S. 1934, 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).

#### Colombia.

See introductory note.

#### Estonia.

Act of 25 March 1929 concerning the prohibition of night work in bakeries (L. S. 1929, Est. 3 A), amended and supplemented by the Act of 21 March 1934 (L. S. 1934, Est. 2).

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), amended by the Order of 15 May 1931 (L. S. 1931, Est. 3 A).

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.

#### Luxemburg.

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

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

#### 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 prohibition 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.

Colombia. — See introductory note.

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 fall 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.

*Colombia.* — See introductory note.

*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.

*Colombia.* — See introductory note.

*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.

*Colombia.* — See introductory note.

*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.

*Colombia.* — See introductory note.

*Estonia.* — The application of the Acts and Regulations with regard to the prohibition of night work in bakeries is entrusted to the labour inspectors and police officers, who are responsible for instituting law court proceedings against persons for breaches of the law. Fines up to a maximum of 300 crowns may be inflicted in cases of infringement, and, in addition, the competent Minister is authorised to cancel, either temporarily or definitively, the permission for the head of an undertaking to work a bakery, if he has been punished at least twice for breaches of the law.

*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 thirteen 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 12,274. The exemptions permitted for preparing the yeast and heating the ovens affect one worker in each undertaking. The number of cases of infringement was 416, including cases where the offence

consisted in hindering the inspectors in the execution of their duties.

*Colombia.* — See introductory note.

*Estonia.* — The report states that the number of undertakings in which night work in bakeries was carried on at the end of 1933 was 396. These undertakings employed 670 workers. During that year 104 breaches of the Act of 25 March 1929 were reported by the labour inspectors. In 98 cases the inspectors instituted proceedings and in 6 cases a warning was issued to the heads of the undertakings concerned. The Government has not received any observations from the employers' and workers' organisations concerned.

*Finland.* — The report states that in 1933 the number of bakeries subject to inspection was 1,732, employing 7,818 workers, including 3,615 women. Proceedings were taken in 16 cases of infringement. 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. The Government has not received any observations from the employers' and workers' organisations concerned with regard to the practical application of the Convention.

*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 1934 and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Albania . . . . .	17. 3. 1932	25. 3. 1935 <sup>1</sup>
Australia . . . . .	18. 4. 1931	27. 10. 1934
Austria . . . . .	29. 12. 1927	30. 11. 1934
Belgium . . . . .	15. 2. 1928	2. 11. 1934
Bulgaria . . . . .	29. 11. 1929	23. 10. 1934
Colombia . . . . .	20. 6. 1933	4. 3. 1935
Czechoslovakia . .	25. 5. 1928	15. 2. 1935
Finland . . . . .	5. 4. 1929	8. 11. 1934
Hungary . . . . .	8. 2. 1931	15. 12. 1934
India . . . . .	14. 1. 1928	14. 12. 1934
Irish Free State . .	5. 7. 1930	22. 11. 1934
Japan . . . . .	8. 10. 1928	14. 2. 1935
Luxemburg . . . . .	16. 4. 1928	23. 1. 1935
Netherlands . . . .	13. 9. 1927	25. 10. 1934
Nicaragua . . . . .	12. 4. 1934	
Uruguay . . . . .	6. 6. 1933	

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 legisla-

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

tion or administrative regulations for the application of the provisions of the Convention.

The Government of *Bulgaria* refers to its previous reports, 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 Government of *Colombia* states in its report that it is carefully studying the Convention in the light of the economic, racial, psychological and social characteristics of the country. It proposes to consider the possibility of giving effect to it in its legislation.

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 *Nicaragua* 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.*

*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.

*Colombia.*

See introductory note.

*Czechoslovakia.*

Act No. 71 of 15 February 1922 respecting emigration (L. S. 1922, Cz. 1).

Order No. 170 of 8 June 1922 respecting the enforcement of the Act of 15 February 1922.

*Finland.*

See introductory note.

*Hungary.*

Act No. II of 1909 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.

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 1896.

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.*

*Colombia.* — 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.*

*Colombia.* — 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.*

*Colombia.* — 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.*

*Colombia.* — See introductory note.

## ARTICLE 5.

The official inspector shall ensure the observance of the rights which emigrants possess under the laws of the country whose flag the vessel flies, or such other law as is applicable, or under international agreements, or the terms of their contracts of transportation.

The Government of the country whose flag the vessel flies shall communicate to the official inspector, irrespective of his nationality, the text of any laws or regulations affecting the condition of emigrants which may be in force, and of any international agreements or any contracts relating to the matter which have been communicated to such Government.

*Colombia.* — 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.

*Colombia.* — 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.

*Colombia.* — 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.*

*Colombia.* — 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.*

*Australia.* — See introductory note.

*Austria.* — In the absence of any legislative provisions for the application of the provisions of the Convention it is not possible to report any cases of infringement. No observations have been made up till now in regard to the application of the Convention. At the present moment Austria does not possess any ships for the transport of emigrants. Statistics with regard to migration in 1933 and for the first and second quarters of 1934 have

been sent to the Office. The Federal Government has not received any observations from employers' or workers' organisations with regard to the practical application of the Convention.

*Belgium.* — No infringements of the special measures prescribed by the Convention have been notified. No statistics have been collected. In 1933, a woman inspector was entrusted by the Belgian Government with a special mission of inspection on board the S.S. "Westerland" of the Red Star Line, which left Antwerp for New York on 21 April 1933. The report made by the inspectress does not contain any adverse criticism with regard to the measures taken by the ship in question for the welfare of the passengers. 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.

*Colombia.* — See introductory note.

*Czechoslovakia.* — In its report for the period 1 October 1932-30 September 1933 the Government stated that summary tables relating to Czechoslovak overseas emigration for 1932 were included in the Reports of the State Statistical Office, XIVth year, 1933, Nos. 58 and 59, and that similar information for the first and second quarters of 1933 was given in the Reports of the State Statistical Office, XIVth year, 1933, Nos. 91 and 114. The report for the period 1 October 1933-30 September 1934 does not refer to this point.

*Finland.* — The official statistics of emigrants published in the *Social Review* give the total number of emigrants, but contain no information concerning the countries to which the ships on board which the emigrants travel belong. The employers' and workers' organisations concerned have not made any observations with regard to the application of the Convention.

*Hungary.* — In 1933, 777 Hungarian nationals were carried overseas as emigrants. During the first eight months of 1934 the number was 536.

*India.* — The position in regard to emigrant traffic from India is that such traffic consists in bulk of the emigration of unskilled labour to the only two countries to which it is at present lawful under the provisions of the Indian Emigration Act, 1922, namely, Ceylon and Malaya. These emigrants travel as third class (deck) passengers on the ordinary pas-

senger ships of the British India Steam Navigation Company, under the British flag and not on emigrant vessels, i.e. vessels specially chartered for the transport of emigrants. These passenger ships are subject to a close system of inspection at the ports of embarkation and disembarkation which, in view of the short voyages involved to Ceylon and Malaya, meets all practical requirements, rendering it unnecessary to carry out any general inspection of emigrants on board during the voyage. The number of emigrants who went to Ceylon and Malaya during the year 1933 is: Ceylon, 32,898 and Malaya, 20. During the year 1934 their number up to 31 July was: Ceylon, 96,545 and Malaya, 7,556. Owing to the rise in the prices of rubber and tea and a gradual revival of trade there was a considerable demand for the recruitment of Indian Labour in Ceylon and British Malaya, and this accounts for the increase in the emigration of Indian labourers to those countries.

*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 1933 the number of emigrants of Saorstát Éireann nationality was 908. 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 during the period 1 October 1933-30 September 1934:

Destination	Number of emigrants
South America . . . . .	22,526
South Seas . . . . .	1,708
North America . . . . .	583
Elsewhere . . . . .	53
Total	24,870

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, 1926).

### 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 1934, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1933-30 September 1934 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium . . . . .	3.10.1927	2.11.1934
Bulgaria . . . . .	29.11.1929	23.10.1934
Colombia . . . . .	20. 6.1933	4. 3.1935
Cuba . . . . .	7. 7.1928	4. 3.1935 <sup>1</sup>
Estonia . . . . .	10. 5.1929	20.10.1934
France . . . . .	4. 4.1928	14. 1.1935
Germany . . . . .	20. 9.1930	8.11.1934
Great Britain . . .	14. 6.1929	25.10.1934
India . . . . .	31.10.1932	14.12.1934
Irish Free State . .	5. 7.1930	17.11.1934
Italy . . . . .	10.10.1929	11. 1.1935
Luxemburg . . . . .	16. 4.1928	28. 1.1935
Mexico . . . . .	12. 5.1934	
Nicaragua . . . . .	12. 4.1934	
Poland . . . . .	8. 8.1931	23.11.1934
Spain . . . . .	23. 2.1931	19.11.1934
Uruguay . . . . .	6. 6.1933	
Yugoslavia . . . . .	30. 9.1929	26.11.1934

The report of the *Bulgarian* Government refers to the report for 1931-1932, which stated that the legislative provisions necessary for applying the Convention had not been adopted. By letter of 16 March 1933, the Government com-

pleted this information by stating that the provisions of the Convention were 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 provides 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 for the year 1932-33 stated that the Regulations of 8 August 1923 covered practically the whole of the mercantile marine, that those Regulations, though prior to the Convention, were in general harmony with the latter's provisions, and that the Government would not fail to amend them to the necessary extent. The report for this year states that no amendments have been made to the existing legislation.

The Government of *Colombia* states in its report that it is carefully studying the Convention in the light of the economic, racial, psychological and social characteristics of the country. It proposes to consider the possibility of giving effect to it in its legislation.

The report of the Government of the *Irish Free State* refers to the previous reports submitted by the Government, which stated, with regard to the divergence between paragraph 2 of Article 5 of the Convention and the provisions of the Merchant Shipping Act of 1894, and to the observation made on this point by the Committee of Experts under Article 408, that the point raised would be taken into account when the General Merchant Shipping Code was being revised. Special legislative action in this matter would not be justified, inasmuch as

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

existing law was in substantial accord with the provisions of the Convention. The law and practice in operation in An Saorstát enable 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 appeared 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 Government of *Mexico* has not yet been received.

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

The report of the *Polish* Government states that legislation for the purpose of codifying all the provisions concerning the work of seamen is still 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. In consequence of this new legislation which is 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; the situation is similar to that which preceded the promulgation of the amending Act of 17 March 1933 to bring 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 refers to the report for 1932-33, which stated 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, were in conformity with the provisions of the Convention. Nevertheless, there existed minor discrepancies between the Regulations and the Convention. These discrepancies were examined by the National Maritime Conference held at the beginning of 1933, and would disappear in the near future when the necessary amendments to the Regulations were made in order to adapt them to the Convention. With regard to these amendments, which were 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 was not due to any unwillingness loyally to carry out the engagements contracted in this connection, but was due to the difficulties of the inter-

nal political situation of which the Government must take account and which the Government was endeavouring to overcome as rapidly as possible. The report for this year states that no legislation has been passed concerning the application of the Convention, and that, as the Statistical Department of the Ministry is being reorganised, there is nothing to add to last year's report.

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

The *Yugoslav* Government states in its report that the Decree to regulate conditions of work on board ship has already been drafted. The object of the Decree is to apply the provisions of the maritime Conventions ratified by Yugoslavia, and its publication is provided for in the Finance Act of 1934. For further details, see under *Convention No. 8 (Unemployment indemnity, shipwreck)*, introductory note.

## 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.

### *Colombia.*

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 1908 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.*

*Colombia.* — See introductory note.

*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.*

*Colombia.* — See introductory note.

*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.*

*Colombia.* — See introductory note.

*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.

*Colombia.* — See introductory note.

*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.*

*Colombia.* — See introductory note.

*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 ship-owner than for the seaman ;

(11) The annual leave with pay granted to the seaman after one year's service with the same shipping company, if such leave is provided for by national law ;

(12) Any other particulars which national law may require.

*If the national law of your country permits the concluding of an agreement for an indefinite period, please indicate the conditions which shall entitle either party to rescind it as well as the required period of notice for rescission (No. 10 (c)).*

*Please indicate the nature of the particulars required by national law under No. 12.*

*Colombia.* — See introductory note.

*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.

*Colombia.* — See introductory note.

*India.* — The report states that 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.

*Colombia.* — See introductory note.

*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.*

*Colombia.* — See introductory note.

*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.*

*Colombia.* — See introductory note.

*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.*

*Colombia.* — See introductory note.

*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.*

*Colombia.* — See introductory note.

*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.

*Colombia.* — See introductory note.

*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.

*Colombia.* — See introductory note.

*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.

*Colombia.* — See introductory note.

*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 port authorities, consuls, etc.

#### V.

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

*Belgium.* — . . . The Government appends to its report the text of three decisions given by the probiviral Court for seamen during 1933, 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) a contested case concerning overtime; and (3) cancelling of the articles of agreement. The report adds that a certain number of disputes of minor importance were settled by the maritime commissioners either directly, or by conciliation procedure, in accordance with § 109 of the Act of 5 June 1928, without the conciliation decision being placed on record.

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 states that, during 1933, 13,159 seamen were signed on for service under the Belgian flag; of these 718 were of foreign nationality. No observations were made by the organisations of employers or workers with regard to the practical application of the Convention or of the national legislation which implements its provisions.

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

*Colombia.* — See introductory note.

*Estonia.* — In December 1932 the number of seamen signed on was 1,160 of whom 224 were deck officers, 181 engineer officers, 21 wireless operators, 380 deck hands, 231 engine room staff and 123 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. The Ministry has not received any observations from the employers' or workers' organisations concerned with regard to the practical application of the national legislation which implements the provisions of the Convention.

*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 1934 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 174,977, of whom 47,694 were not on board ship. The number of French seamen on board ship



was therefore 127,283 divided as follows : officers of the bridge, 87,512; engineering officers, 15,642; catering staff, 13,453; sailing under foreign flags, 201; members of crews of the fleet or in other units, 10,475. In addition, the number of seamen on board ship included 2,342 colonials and 2,654 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 have been made by the circles of individuals concerned with regard to the application of the Convention or the national legislation which gives effect to it.

*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. 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 states that the provisions of the Merchant Shipping Act, which are generally in harmony with the Convention, are applied at ports in Saorstát Éireann through the mercantile marine offices. It adds that no difficulties in the application of the law are experienced and evasions are practically unknown. During the period covered by the report there were no contraventions of the law. Statistics of the number of seamen signed on during the same period are not yet available. No 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 statistical information is available, and that no observations or complaints have been made by the trade union associations with regard to the application of the Convention.

*Luxemburg.* — See introductory note.

*Poland.* — The report does not refer to this point. See also introductory note.

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

*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 1934, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1934 - 30 September 1934 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Belgium . . . . .	3.10.1927	2.11.1934
Bulgaria . . . . .	29.11.1929	23.10.1934
Colombia . . . . .	20. 6.1933	4. 3.1935
Cuba . . . . .	7. 7.1928	4. 3.1935 <sup>1</sup>
Estonia . . . . .	9. 7.1928	20.10.1934
France . . . . .	4. 3.1929	24. 1.1935
Germany . . . . .	14. 3.1930	8.11.1934
Irish Free State . .	5. 7.1930	27.11.1934
Italy . . . . .	10.10.1929	11. 1.1935
Luxemburg . . . .	16. 4.1928	23. 1.1935
Mexico . . . . .	12. 5.1934	
Nicaragua . . . . .	12. 4.1934	
Poland . . . . .	8. 8.1931	23.11.1934
Spain . . . . .	23. 2.1931	19.11.1934
Uruguay . . . . .	6. 6.1933	
Yugoslavia . . . .	30. 9.1929	26.11.1934

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

The Government of *Bulgaria* refers in its report to the report for 1931-32, which stated that the special legislative provisions for the application of the Convention had not been adopted. By letter of 16 March 1933, the Government completed this information by stating that the provisions of the Convention were effectively applied by legislation of a date earlier than that of the Convention, viz: the Act of 1908 concerning maritime trade and the Regulations of 8 April 1923 concerning the crews of commercial vessels of the Bulgarian Navigation Company, 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 provides 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 for 1932-33 added that the Government would not fail to amend the legislation to the necessary extent. The report for this year states that no amendments have been made to the existing legislation.

The Government of *Colombia* states in its report that it is carefully studying the Convention in the light of the economic, racial, psychological and social characteristics of the country. It proposes to consider the possibility of giving effect to it in its legislation.

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

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

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

The *Spanish* Government refers in its report to the report for 1932-33, which stated that, in accordance with the resolutions of the National Maritime Conference held at Madrid in 1932, it was examining the amendments to the Spanish Labour Code which were 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 sea-*

*men's articles of agreement*<sup>1</sup>, it had not been possible so far to issue the relevant provisions with any possibility of success. Nevertheless, the goodwill of the department concerned was 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 as a result of decisions taken by the Joint Central Maritime Transport Board. The report added that the Government would 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 for this year states that no legislation has been passed concerning the application of the Convention, and that, as the Statistical Department of the Ministry is being re-organised, there is nothing to add to last year's 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.*

### *Belgium.*

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

### *Bulgaria.*

See introductory note.

### *Colombia.*

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).

<sup>1</sup> See p. 192.

*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,

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.

*Colombia.* — 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 the 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.

*Colombia.* — 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.

*Colombia.* — 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.

*Colombia.* — 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.

*Colombia.* — 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 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.

*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.

*Colombia.* — 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 1933, 49 seamen were repatriated from foreign ports to Belgium. The report adds that no observations were made by the employers' or workers' organisations with regard to the practical application of the Convention or of the national legislation which implements its provisions.

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

**Colombia.** — See introductory note.

**Estonia.** — The report states that there is in general no difficulty in applying the relevant legislation. No cases of infringement were recorded. The Ministry has not received any observations from the employers' or workers' organisations concerned with regard to the practical application of the national legislation which implements the provisions of the Convention.

**France.** — It is impossible to draw up statistics of the number of seamen repatriated, since some have been discharged by mutual consent, some as a result of illness or accident and some for disciplinary reasons or because they were due to come up for trial. 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 circles of individuals concerned were brought to the notice of the Government.

**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 statistical information is available, and that no observations or complaints were submitted by the trade union associations concerned with regard to the application of the Convention.

**Luxembourg.** — See introductory note.

**Poland.** — The report states that the Ministry of Industry and Commerce possesses no available statistics concerning repatriation of seamen, and adds that, during the period under review, no complaints have been made by the seamen concerned.

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

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

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## 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 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 1934 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria . . . . .	18. 2.1929	8. 3.1935
Bulgaria . . . . .	1.11.1930	23.10.1934
Chile . . . . .	8.10.1931	26.12.1934
Colombia . . . . .	20. 6.1933	4. 3.1935
Czechoslovakia. . .	17. 1.1929	15. 2.1935
Germany . . . . .	23. 1.1928	8.11.1934
Great Britain . . .	20. 2.1931	15.11.1934
Hungary . . . . .	19. 4.1928	15.12.1934
Latvia . . . . .	29.11.1929	24. 1.1935
Lithuania . . . . .	19. 6.1931	27.10.1934
Luxemburg . . . . .	16. 4.1928	28. 1.1935
Nicaragua. . . . .	12. 4.1934	
Rumania . . . . .	28. 6.1929	12. 1.1935
Spain. . . . .	29. 9.1932	3.12.1934
Uruguay . . . . .	6. 6.1933	
Yugoslavia . . . . .	30. 9.1929	26.11.1934

The Government of *Colombia* states in its report that it has submitted to the Legislative Chambers a Draft Labour Code containing most of the fundamental

principles laid down by the Convention. This Code is still under consideration.

The Government of *Luxemburg* refers to its last report, in which it stated that the Act of 17 December 1925 concerning the Insurance Code only provided for optional insurance for domestic servants and that a Bill to provide for compulsory insurance for domestic servants had been laid before the Chamber of Deputies, which had however decided to postpone a decision on the question, since it considered that the imposition at that 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. In its report for this year, the Government states that it will once more lay before the Chamber of Deputies the question of compulsory insurance of domestic servants in connection with the revision of the Insurance Code; this revision is to be undertaken in the near future. The Government adds that a large number of domestic servants are covered by voluntary insurance.

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

The *Rumanian* Government states in its report that owing to various difficulties it has only been able to apply sickness insurance to domestic servants as from 1 July 1934. It adds that Royal Decree No. 2986 of 9 November 1934 has amended the legislative provisions concerning the institutions responsible for the working of social insurance.

The *Spanish* Government refers to its previous report, which stated 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 was at present endeavouring to carry out the task assigned to it. Part of this preliminary work had been the publication, in 1933, of four volumes containing a collection of legislation in foreign countries concerning sickness insurance, which would constitute the basis of the final decisions to be taken. According to this year's report, no legislation on the question has as yet been adopted.

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.

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.

### Colombia.

See introductory note.

### Czechoslovakia.

Act of 9 October 1924 concerning the insurance of employees against 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) and the Legislative Decree of 15 June 1934 (L. S. 1934, Cz. 4).

Act of 1 July 1926 to continue in operation certain provisions respecting sickness insurance for persons insured under the pension insurance system and for members of miners' benefit societies (L. S. 1926, Cz. 1 A).

Act of 15 October 1925 concerning the sickness insurance of public employees (L. S. 1925, Cz. 5).

### 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 Federation, dated 26 July 1930, to meet the financial, economic and social emergency (L. S. 1930, Ger. 5).

Order of the President of the Federation, dated 1 December 1930, to make provision for ensuring economic and financial stability (L. S. 1930, Ger. 8).

Fourth Order of the President of the Federation, dated 8 December 1931, to make provision for ensuring financial and economic stability and the maintenance of internal order (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).

Order of 28 December 1933 concerning the participation of insured persons in the medical costs of sickness insurance, repealed by the Order of 20 June 1934.

### 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. 1932, 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 23 January 1934 (L. S. 1934, Lith. 1), superseding, as from 1 January 1934, the previously existing legislation on the question.

Act of 1 August 1934 concerning the statutes of the sick funds.

Act of 23 March 1926 respecting the Central Insurance Board (L.S. 1926, Lith. 1).

*Luxemburg.*

Act of 17 December 1925 concerning the social insurance code (L. S. 1925, Lux. 2 A), amended by the Acts of 31 December 1925 (L. S. 1925, Lux. 2 B) and 6 September 1933 (L. S. 1933, Lux. 3).

Decrees of 16 October 1926, 24 February and 23 December 1927, 11 December 1929, 20 February and 28 June 1932, 6 December 1933, and 25 September and 26 October 1934.

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 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.* — . . . 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.

*Colombia.* — See introductory note.

*Czechoslovakia.* — . . . The right of public employees to sick benefit is regulated by the Act of 15 October 1925.

*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.

*Lithuania.* — § 8 of the Sick Funds Act of 23 January 1934 lays down that compulsory sickness insurance shall apply to all persons employed by the State, by autonomous administrations and by private persons or undertakings. (a) and (b). Under § 9, compulsory insurance does not apply to persons engaged on work which does not last longer than one month, nor to persons whose wages exceed 1,000 litas a month. (c) Under § 86, workers who are not paid a money wage are subject to insurance. (d) The report states that workers belonging to this category are not covered by the Act. (e) The report states that insurance is applicable without any age-limit. (f) The report states that the Act gives no definition of the employers' family, and, consequently, if the members of the employer's family receive wages they must be insured. Under the terms of § 9 (6), workers who in case of sickness are entitled by virtue of any laws or special regulations to benefits at least equivalent to those provided by the Act, are exempt from compulsory insurance. The report states that the employees and workers of the following bodies are exempt from compulsory insurance: the Ministry of Communications, the Bank of Lithuania, the depôts of the State monopoly on alcohol, and the electric stations of Kaunas; and also the members of the Association of St. Zita.

*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 are brought under compulsory sickness insurance as from 1 July 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.*

*Colombia.* — See introductory note.

*Czechoslovakia.* — An insured person who is rendered incapable of work owing to sickness is entitled to pecuniary sick benefit for one year at most from the fourth day of incapacity. (a) The rules of the insurance institution may, however, stipulate that sick benefit shall only be paid from the eighth day of incapacity, if the insured persons in question are entitled in case of sickness to their wages and free maintenance (board and lodging or lodging with provisions supplied), for at least a week. b) If the insured person is sent to hospital at the expense of the insurance institution, the members of his family are entitled to half the pecuniary sick benefit. If he remains in hospital for more than four weeks and the insurance institution ceases to refund the cost of his treatment, the members of his family are entitled to the total amount of the pecuniary sick benefit for a year reckoned from the date when the incapacity began. If the insured person who is sent to hospital has no family, he is entitled, in such a case as that mentioned above and for the same period, to half the pecuniary sick benefit, which must not, however, exceed six crowns per day. (c) The whole or part of the sick benefit may be refused to any insured person who does not conform to the rules of the insurance institution or who refuses to submit to its supervision. Benefit may also be refused if the insured person has incurred his disablement by culpable participation in a brawl or through drunkenness. In such cases, however, benefit equal to half the pecuniary sick benefit may be granted to the family of the insured person. Sick benefit is not due if the sickness has been incurred intentionally by the insured person.

*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' sickness 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.

*Lithuania.* — § 38 of the Act of 23 January 1934 lays down that in case of sickness the sick fund shall pay its members an allowance varying, with due regard for the family charges of the insured person, from 50 to 100 per cent. of his wages. Under § 40, benefit is paid from the fourth day of disablement. The report states that the waiting period may be cancelled by decision of the council of the fund, on condition that the disablement lasts at least seven days. Benefit is paid until the victim is cured, within the limits laid down by § 20 of the Act, which provides that after two months' qualifying period benefit may be paid for four weeks, after three months' qualifying period for eight weeks, and after six months' qualifying period for 26 weeks, in any one year. A qualifying period of less than one month only entitles an insured person to benefit for one week at most. § 41 of the Act lays down that the fund shall not pay sick benefit when the insured person receives hospital treatment; but if an insured person, who before his illness was keeping the members of his family on his wages or was contributing to their support, is sent to hospital, the members of his family receive benefit equal to one-half of his sick benefit (§ 54). The report states that benefit is not paid in respect of accidents to industrial workers, accident compensation being payable by the employers under a special Act. Under § 30 of the Sick Funds Act, if the sick person refuses to go to hospital as ordered by the fund, sick benefit as provided under § 38 may be refused. § 43 lays down that an insured person who injures himself intentionally or who brings about his own illness by his own criminal or rowdy behaviour, is not entitled to sick benefit.

*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 his right to cash benefit; 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 in 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.*

*Colombia.* — See introductory note.

*Czechoslovakia.* — ... The legislation concerning sickness insurance of employees does not require the insured person to share the cost of benefit. The Act of 15 October 1925 concerning the sickness insurance of public employees, however, provides for contributions from the insured persons. Czechoslovak law contains no provisions for the refusal of benefits in kind.

*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. The share of the insured person in the cost of medical treatment has also been provisionally reduced from 50 to 25 Reichspfennig.

*Hungary.* — In accordance with § 30 of Act No. XXI of 1927, insured persons are entitled, in cases of sickness, to medical attendance for not more than one year, from the first day of sickness, and for any further period for which pecuniary sick benefit is due; the Act also provides for the free supply of medicaments and necessary therapeutic requisites for the same period. 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 owing to non-observance of the doctor's instructions.

*Lithuania.* — Under § 17 of the Act of 23 January 1934 the sick fund provides its sick members with medical assistance free of charge, as follows: (1) first aid; (2) treatment at a dispensary; (3) medical attendance; (4) treatment and maintenance in hospital; (5) medicines, dressings and curative appliances; (6) maternity benefit for women during confinement; (7) dental treatment. The duration of the medical and pharmaceutical benefit is subject to the same conditions in respect of a qualifying period as the payment of sick benefit (§ 20 of the Act; see under ARTICLE 3). If the illness lasts beyond the period provided for the payment of

benefit, however, the council of the fund may authorise the payment of benefit for a further period: (a) of two weeks after one month's qualifying period, (b) of four weeks after three months' qualifying period, and (c) of 13 weeks after not less than six months' qualifying period (§ 21). Under § 18, the fund may allow its members a sum of 25 litas for the purchase of curative appliances after a qualifying period of three months, and a sum of 50 litas after a qualifying period of six months. The report states that, if the cost of the necessary curative appliances exceeds the above sums, the difference must be paid by the insured person, and the same applies in the case of dental treatment, the insured person being obliged to pay the price of costly fillings which exceed the tariff established by the fund (§ 35).

*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.*

*Colombia.* — See introductory note.

*Czechoslovakia.* — An insured person is entitled to medical attendance, maternity benefit and funeral benefit for the members of his family who are living with him and are chiefly dependent on his earnings for their subsistence, provided that they are not entitled to any other insurance benefit on their own account. This right can only be acquired if the insured person has been liable to insurance for at least thirty days during the last three months preceding the event giving rise to benefit or his own illness. The right of the family to benefit lasts for the same period as the right of the insured person to sick benefit.

*Germany.* — ... Half the cost of medicines and small medical appliances which may be necessary for members of the family of an insured person is refunded by the sick fund, the rules of which may allow a larger amount to be refunded, up to a maximum of 70 per cent of the total cost ...

*Lithuania.* — Under § 55 of the Act of 23 January 1934, members of the family of an insured person are granted the same medical benefit as the insured person, but a charge of one lita is made for each prescription dispensed. Further, the members of the family of an insured person may not be sent to hospital at the expense of the fund unless the insured person in question has been a member of the fund for at least three months. The extent and nature of the benefit are decided by the

council of the fund. § 58 lays down that the cost of benefits granted to members of the family of an insured person must not exceed one-third of the receipts of the fund from contributions by the insured persons and the employers.

*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.

*Colombia.* — See introductory note.

*Czechoslovakia.* — . . . The Central Benefit Society, which works under the control of the Ministry of Public Works, is the controlling organ of the miners' benefit societies.

*Lithuania.* — § 88 of the Act of 23 January 1934 lays down that the business of the sick fund shall be managed by: (1) the council, (2) the board of management, (3) the auditing committee, and (4) the arbitration committee of the fund. The council of the fund consists of ten representatives of the insured persons and ten representatives of the employers, elected by the persons concerned for a period of four years (§§ 89-91). . . . The council takes decisions on all general questions relating to the working of the fund. The board of management of the fund consists of five members, one appointed by the Minister of the Interior and the four others elected for a period of two years by the council of the fund, two being chosen from among the insured persons and two from among the employers (§ 104). The board of management carries out the decisions of the council and manages all current business. The report indicates that the supervision of the self-governing bodies of the sick funds is carried out by the Supreme Social Insurance Board, composed of two government representatives, two employers' representatives and two representatives of the insured persons. § 141 of the Act authorises the Minister of the Interior to dissolve the council and the board of management

and replace them by an administrator, if they fail to fulfil their allotted duties under the Act, or if they prove incapable of managing the fund's affairs.

*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. See also introductory note.

#### ARTICLE 7.

The insured persons and their employers shall share in providing the financial resources of the sickness insurance system.

It is open to national laws or regulations to decide as to a financial contribution by the competent public authority.

*Please indicate the conditions under which the insured persons and their employers must share in providing the financial resources of the sickness insurance system.*

*Please state whether the national legislation provides for a financial contribution by the competent public authority.*

*Austria.* — . . . 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.

*Colombia.* — See introductory note.

*Hungary.* — . . . The report states that the contribution of the State towards the management expenses of the National Social Insurance Institute and the Insurance Institute for Private Employees has been reduced to 2.4 million pengös a year. . .

*Lithuania.* — Under the terms of § 72 of the Act of 23 January 1934, contributions to the sick fund, which are fixed according to a scale laid down in § 84 of the Act, must be paid half by the insured persons and half by the employers. § 76 provides that the State shall refund to the sick funds expenses incurred in the form of relief to women during confinement.

*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, Colombia, 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 Supreme 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.

*Colombia.* — See introductory note.

*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.*

*Chile.* — Copies of six judgments, relating to the compulsory payment of contributions by employers, have been communicated to the International Labour Office.

The remaining 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 1932 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 par-

ticulars, the report gives the following statistical information for the year 1932, the figures for 1933 being not yet available :

	Workers' Sickness Insurance	Salaried Employees' Sickness Insurance
(1) Number of insured (average) :	809,414	254,900
(2) Sickness benefit :		
(a) Total amount of payments for sickness benefit	32,970,741	5,611,295
(b) Average amount of payments for sick benefit per insured . . . . .	40.73	22.01
(3) Benefits in kind :		
(a) Total amount of outgoings for benefits in kind . . .	47,250,689	26,895,672
(b) Average amount of outgoings for benefits in kind per insured . . . .	58.38	105.51
(4) Furnishing of resources :		
Total amount of contributions .	86,690,022	34,346,647
Share of employers . . . . .	29,198,795	15,831,561
Share of insured	57,491,227	18,515,086

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. According to the estimate of the Ministry of Labour, the number of persons compulsorily insured in 1933 was about 500,000. During the same year, the amount paid in pecuniary sick benefit amounted to 4,012,157.41 pesos (8.02 per insured person) and the benefits in kind to 23,776,832.01 pesos (32.62 per insured person). The total financial resources of social insurance amounted to 69,366,882. 61 pesos, of which 16,313,402.74 pesos represented the contributions of the persons compulsorily insured, 24,184,409.31 pesos the contributions of the employers and 9,910,784.98 pesos represented the State subsidy.

*Colombia.* — See introductory note.

*Czechoslovakia.* — The report states that statistics concerning sickness insur-



ance during the years 1932, 1933 and 1934 have not yet been drawn up. Statistics for 1931, published by the Central Social Insurance Institute, have been forwarded to the International Labour Office, and further statistical information of a provisional nature will be forwarded to the Office in the near future.

*Germany.* — The report states that it is not yet possible to supply a survey of the activities of the sickness insurance system during 1933, since the necessary statistics have not been received.

*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 :*

Number of workers insured on	18,481,000 <sup>1</sup>
31st December 1933 . . . . .	(379,000) <sup>1</sup>

	During year ended 31st. December 1933
2. <i>Benefits in Cash :</i>	£
(a) Total cost of sickness benefit . .	11,337,000 (216,000)
(b) Average cost of sickness benefit per insured person . . . . .	13s. 1.7d. (12s. 2d.)
(c) Total cost of disablement benefit	6,106,000 (197,000)
(d) Average cost of disablement benefit per insured person . . .	7s. 1d. (11s. 1.9d.)

#### 3. *Benefits in kind :*

	£
(a) Total cost of medical benefit . .	10,164,000 (198,000)
(b) Average cost of medical benefit per insured person . . . . .	11s. 0d. (10s. 5.7d.)
(c) Total cost of additional treat- ment benefits provided under the scheme . . . . .	2,603,000 (36,000)
(d) Average cost of additional treat- ment benefits per insured person	3s. 7.8d. (3s. 4.3d.)

#### 4. *Financial resources :*

(a) Contributions from employers .	12,998,000 (230,000)
(b) Contributions from employees .	12,752,000 (232,000)
(c) Contributions by Exchequer (in- cluding cost of central adminis- tration) . . . . .	6,009,000 (131,000)
(d) Interest on accumulated funds and sundry receipts . . . . .	6,005,000 (63,000)

<sup>1</sup> This figure includes 1,129,000 (24,000) insured persons over 65 years of age who are entitled to benefits in kind but who are not entitled to benefits in cash.

#### *Total Financial Resources.*

On 31 December 1933, the total accumulated funds amounted to £127,495,000 (£1,281,000) of which £125,351,000 (£1,243,000) 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 1933 amounted to 831,017, of whom 312,010 were women. For 1932 the benefits in cash amounted to 20,775,345 pengös (average per insured person: 25 pengös); the benefits in kind amounted to 23,556,312 pengös (average per insured person: 28.35 pengös). The total financial resources amounted to 55,931,511 pengös. The report states that no observations have 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 1933, 245,639, including 95,917 members of families. The benefits in cash paid to insured persons and members of their families amounted to 3,234,073.57 lats (21.60 per insured person) and benefits in kind amounted to 8,942,849.09 lats (59.73 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 9,489,269.66 lats. The subventions made by the State amounted to 2,802,153.79 lats.

*Lithuania.* — The report states that during the first six months of 1934 the total number of wage-earners subject to compulsory insurance was 39,390. In 1933, the amount of benefit paid was 790,342.84 litas (20.03 per insured person) and the cost of medical benefit amounted to 2,740,727.34 litas (69.47 per insured person). During the same year, the employers' contributions amounted to 1,445,481.88 litas and the contributions from insured persons to 2,168,222.41 litas. The contribution of the State towards the expenses of insurance was 297,648.35 litas. The report states that in 1933 the Minister of the Interior made use on two occasions of his right to dissolve the self-

governing bodies of the sick funds, and that the new bodies of the funds concerned were to be elected in November 1934.

*Luxemburg.* — The report refers to the record concerning sickness insurance in the Grand Duchy of Luxemburg during 1933 published by the Central Committee of Sickness Insurance Funds, in which the following figures are given: number of workers insured in 1933, 47,509 (15.80 per cent. of the total number of persons legally domiciled in the country); cash benefits to sick persons 6,543,128.66 francs (representing an average of 137.72 francs per insured person); expenditure for medical treatment 5,416,728.43 francs (114.01 francs per insured person); expenditure on pharmaceutical products, etc. 3,811,681.68 francs (80.23 francs per insured person); expenditure for treatment in hospitals 2,611,759.07 francs (54.97 francs per insured person); total receipts 47,138,825.30 francs; receipts from contributions 20,381,050.89 francs (428.99 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 1,199,135.05 francs (46.68 per insured person) for the district funds (half this amount was reimbursed to the funds by the State), and to 144,718.54 francs (6.63 francs per insured person) for the industrial funds (not including the salary of the accountant which is paid by the employer). The Government has not received any observations from the employers' or workers' organisations concerned with regard to the practical application of the Convention.

*Rumania.* — The Government supplies the following particulars with regard to the period 1 April to 30 September 1934: average number of insured persons: 750,000; benefits in cash: 46,931,820 lei (62.57 per insured person); benefits in kind: 62,917,601 lei (83.89 per insured person); total contributions from employers: 208,067,893 lei; total contributions from insured persons: 153,077,509 lei.

*Spain.* — See introductory note.

*Yugoslavia.* — The report gives the following figures concerning the application of sickness insurance for the year 1933: average number of insured persons: 520,980, of whom 140,005 were women (this figure does not include the 40,000 miners and 70,000 transport workers who are insured by their own insurance funds); cash benefits: 57,442,000 *dinars* (110.26 per insured person); benefits in kind: 121,949,000 *dinars* (234.08 per insured person); total resources: 260,045,000 *dinars*; employers' contributions: 131,682,000 *dinars*; contributions from insured persons: 123,423,000 *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 which, in accordance with Article 408 of the Treaty of Versailles, were called upon to submit reports for the period 1 October 1933-30 September 1934 or for a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria . . . . .	18. 2.1929	8. 3.1935
Bulgaria . . . . .	1.11.1930	23.10.1934
Chile . . . . .	8.10.1931	26.12.1934
Colombia . . . . .	20. 6.1933	4. 3.1935
Czechoslovakia . .	17. 1.1929	15. 2.1935
Germany . . . . .	23. 1.1928	8.11.1934
Great Britain . . .	20. 2.1931	15.11.1934
Luxemburg . . . .	16. 4.1928	28. 1.1935
Nicaragua . . . . .	12. 4.1934	
Spain . . . . .	29. 9.1932	3.12.1934
Uruguay . . . . .	6. 6.1933	

The Government of *Colombia* states in its report that it has submitted to the Legislative Chambers a Draft Labour Code containing most of the fundamental principles laid down by the Convention. This Code is still under consideration.

The Government of *Luxemburg* refers to its reports for 1931-32 and previous years, which stated 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 indicated that the Bill in question was still before the Chamber of Deputies, which had decided to postpone its decision on the question, since it considered that the imposition at that moment of new social charges would

involve the risk of aggravating unemployment. In its report for this year, the Government indicates that it will once more lay before the Chamber of Deputies the question of the compulsory insurance of agricultural workers when the Insurance Code comes up for revision; this revision is to be undertaken in the near future. In the meantime, it has made sickness insurance compulsory for workers employed in forestry or agricultural operations undertaken or subsidised by the Government with a view to assisting the unemployed. Moreover the Central Committee of the sick funds has suspended all the provisions in the statutes which impose an age limit or require a medical examination before admission to insurance, in respect of unemployed persons.

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

The *Spanish* Government refers to its previous report, in which it stated 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 was at present endeavouring to carry out the task assigned to it. Part of this preliminary work had been the publication, in 1933, of four volumes containing a collection of legislation in foreign countries concerning sickness insurance. These volumes would constitute the basis of the decisions to be taken. The report for this year indicates that the committee mentioned above is actively pursuing its work.

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.*

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.

## *Colombia.*

See introductory note.

## *Czechoslovakia.*

Act of 9 October 1924 concerning the insurance of employees against 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) and the Legislative Decree of 15 June 1934 (L. S. 1934, Cz. 4).

Act of 1 July 1926 to continue in operation certain provisions respecting sickness insurance for persons insured under the pension insurance system and for members of miners' benefit societies (L. S. 1926, Cz. 1 A).

Act of 15 October 1925 concerning the sickness insurance of public employees (L. S. 1925, Cz. 5).

## *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 Federation, dated 26 July 1930, to meet the financial, economic and social emergency (L. S. 1930, Ger. 5).

Order of the President of the Federation, dated 1 December 1930, to make provision for ensuring economic and financial stability (L. S. 1930, Ger. 8).

Fourth Order of the President of the Federation, dated 8 December 1931, to make provision for ensuring financial and economic stability and the maintenance of internal order (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).

Order of 28 December 1933 concerning the participation of insured persons in the medical costs of sickness insurance, repealed by the Order of 20 June 1934.

## 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.

## Luxemburg.

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.)*

*Colombia. — See introductory note.*

## ARTICLE 3.

An insured person who is rendered incapable of work by reason of the abnormal state of his bodily or mental health shall be entitled to a cash benefit for at least the first twenty-six weeks of incapacity from and including the first day for which benefit is payable.

The payment of this benefit may be made conditional on the insured person having first complied with a qualifying period and, on the expiry of the same, with a waiting period of not more than three days.

Cash benefit may be withheld in the following cases :

(a) Where in respect of the same illness the insured person receives compensation from another source to which he is entitled by law; benefit shall only be wholly or partially withheld in so far as such compensation is equal to or less than the amount of the benefit provided by the present Article ;

(b) As long as the insured person does not by the fact of his incapacity suffer any loss of the normal product of his labour, or is maintained at the expense of the insurance funds or from public funds; nevertheless, cash benefit shall only partially be withheld when the insured person, although thus personally maintained, has family responsibilities.

(c) As long as the insured person while ill refuses, without valid reason, to comply with the doctor's orders, or the instructions relating to the conduct of insured persons while ill, or voluntarily and without authorisation removes himself from the supervision of the insurance institutions.

Cash benefit may be reduced or refused in the case of sickness caused by the insured person's wilful misconduct.

*Please indicate the extent of the period during which an insured person is entitled to a cash benefit as fixed by the national legislation, and if this right is made conditional on the insured person having first complied with a qualifying period and on the expiry of the same with a waiting period, please indicate the duration of the qualifying period as well as that of the waiting period.*

*If national legislation provides for the withholding of the cash benefit, please indicate the cases in which such benefit may be withheld, classifying them in accordance with the reasons indicated in clauses (a), (b), and (c) of paragraph 3.*

Colombia. — See introductory note.

## ARTICLE 4.

The insured person shall be entitled free of charge, as from the commencement of his illness and at least until the period prescribed for the grant of sickness benefit expires, to medical treatment by a fully qualified medical man and to the supply of proper and sufficient medicines and appliances.

Nevertheless, the insured person may be required to pay such part of the cost of medical benefit as may be prescribed by national laws or regulations.

Medical benefit may be withheld as long as the insured person refuses, without valid reason, to comply with the doctor's orders or the instructions relating to the conduct of insured persons while ill, or neglects to make use of the facilities placed at his disposal by the insurance institution.

*Please indicate the date of commencement, duration and the nature of the medical and pharmaceutical benefits to which an insured person is entitled in case of sickness under the first paragraph of this Article.*

*If advantage has been taken of the exception provided for in paragraph 2 of this Article, please indicate the circumstances in which the insured person may be required to pay a part of the cost of medical benefit.*

Colombia. — See introductory note.

## ARTICLE 5.

National laws or regulations may authorise or prescribe the grant of medical benefit to members of an insured person's family living in his household and dependent upon him, and shall determine the conditions under which such benefit shall be administered.

*Please state whether national laws or regulations have authorised or prescribed the grant of medical benefit to members of an insured person's family.*

*If so, please indicate the conditions under which such benefit is administered.*

Colombia. — See introductory note.

## ARTICLE 6.

Sickness insurance shall be administered by self-governing institutions, which shall be under the administrative and financial supervision of the competent public authority and shall not be carried on with a view of profit. Institutions founded by private initiative must be specially approved by the competent public authority.

The insured persons shall participate in the management of the self-governing insurance institutions on such conditions as may be prescribed by national laws or regulations.

The administration of sickness insurance may, nevertheless, be undertaken directly by the State where and as long as its administration is rendered difficult or impossible or inappropriate by reason of national conditions, and particularly by the insufficient development of the employers' and workers' organisations.

*Please indicate the constitution and functions of the self-governing institutions entrusted with the administration of sickness insurance.*

*Please indicate the constitution and functions of the authorities entrusted with the administrative and financial supervision of such self-governing institutions.*

*Please indicate the conditions under which the insured persons are enabled to participate in the management of the self-governing insurance institutions, stating in particular the proportion of seats or of votes assigned to them in the organs of these self-governing institutions.*

*If advantage has been taken of the provisions of the last paragraph of this Article, please indicate the nature of the national conditions which at present render the administration of compulsory sickness insurance by self-governing institutions difficult or impossible or inappropriate.*

Chile. — See under Convention No. 24 (Sickness insurance, industry, etc.), ARTICLE 6.

Colombia. — See introductory note.

## ARTICLE 7.

The insured persons and their employers shall share in providing the financial resources of the sickness insurance system.

It is open to national laws or regulations to decide as to a financial contribution by the competent public authority.

*Please indicate the conditions under which the insured persons and their employers must share in providing the financial resources of the sickness insurance system.*

*Please state whether the national legislation provides for a financial contribution by the competent public authority.*

*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.)*.

*Colombia.* — See introductory note.

## ARTICLE 8.

A right of appeal shall be granted to the insured person in case of dispute concerning his right to benefit.

*Please state whether the national legislation grants to the insured person a right of appeal in case of dispute concerning his right to benefit.*

*Chile.* — See under *Convention No. 24 (Sickness insurance, industry, etc.)*, ARTICLE 8.

*Colombia.* — See introductory note.

## ARTICLE 9.

It shall be open to States which comprise large and very thinly populated areas not to apply the Convention in districts where, by reason of the small density and wide dispersion of the population and the inadequacy of the means of communication, the organisation of sickness insurance, in accordance with this Convention, is impossible.

The States which intend to avail themselves of the exception provided by this Article shall give notice of their intention when communicating their formal ratification to the Secretary-General of the League of Nations. They shall inform the International Labour Office as to what districts they apply the exception and indicate their reasons therefor.

In Europe it shall be open only to Finland to avail itself of the exception contained in this Article.

This question does not arise for any of the countries which have supplied a report.

## III.

*Article 14 of the Convention is as follows :*

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

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

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

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

*Great Britain.* — See under *Convention 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.*

*Chile.* — Copies of three judgments, relating to the enforcement of the compulsory payment of contributions by employers, have been communicated to the International Labour Office.

The remaining reports supplied do not mention any such decisions.

## V.

*Please give a general appreciation of the manner in which the Convention is applied in your country, including, for instance, particulars regarding the organisation and working of the system of sickness insurance and, where such statistics are available, also information concerning the application of the legislation relating to compulsory sickness insurance, especially on the following points :*

### (1) *Scope of application :*

*total number of persons employed in agricultural undertakings ;*

*total number of the above persons covered by compulsory sickness insurance ;*

*total number not covered by compulsory sickness insurance but by some other form of protection against the risk of sickness.*

(2) *Benefits in cash :*

- (a) *total cost of benefits in cash ;*
- (b) *average cost of benefits in cash per insured person.*

(3) *Benefits in kind :*

- (a) *total cost of benefits in kind ;*
- (b) *average cost of benefits in kind per insured person.*

(4) *Financial resources :*

*Total amount of financial resources ;*

*Provision of financial resources :*

- (a) *contributions from the employers ;*
- (b) *contributions from the insured persons ;*
- (c) *contribution by the public authority.*

*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 1932 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 286,000. 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) *Benefits in cash :*

Schillings.

- (a) Total cost of benefits in cash . . . 3,895,356
- (b) Average cost of benefits in cash per insured person . . . 13.62

(3) *Benefits in kind :*

- (a) Total cost of benefits in kind . . . 8,639,401
- (b) Average cost of benefits in kind per insured person . . . 30.21

(4) *Financial resources :*

Total amount of contributions . . . 14,477,219

- (a) Contributions from the employers . . . . . 7,191,879
- (b) Contributions from the insured persons . . . . . 7,285,340

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.* — See under *Convention No. 24 (Sickness insurance, industry, etc.)*, point V.

*Colombia.* — See introductory note.

*Czechoslovakia.* — See under *Convention No. 24 (Sickness insurance, industry, etc.)*

*Germany.* — See under *Convention No. 24 (Sickness insurance, industry, etc.)*.

*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.

# ELEVENTH SESSION (GENEVA, 1928).

## 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 which, in accordance with Article 408 of the Treaty of Versailles, were called upon to submit reports for the period 1 October 1933-30 September 1934 or for part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Australia . . . . .	9. 3. 1931	31.10.1934 10.11.1934 14.12.1934
Chile . . . . .	31. 5. 1933	26.12.1934
China . . . . .	5. 5. 1930	11. 3. 1935
Colombia . . . . .	20. 6. 1933	4. 3. 1935
France . . . . .	18. 9. 1930	28.12.1934
Germany . . . . .	30. 5. 1929	8.11.1934
Great Britain . . . .	14. 6. 1929	15.11.1934
Hungary . . . . .	30. 7. 1932	24. 1. 1935
Irish Free State . . .	3. 6. 1930	5.11.1934
Italy . . . . .	9. 9. 1930	11. 1. 1935
Norway . . . . .	7. 7. 1933	29.10.1934
Spain . . . . .	8. 4. 1930	3.12.1934
Union of South Africa . . . . .	28.12.1932	30.10.1934
Uruguay . . . . .	6. 6. 1933	

By letter of 10 November 1932 forwarding the annual report for the year 1931-1932, 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, copies of which are enclosed."

The Government of *Colombia* states in its report that it has submitted to the Legislative Chambers a Draft Labour Code containing most of the fundamental principles laid down by the Convention. This Code is still under consideration.

The Government of *Hungary* states in its report that the methods by which the provisions of the Convention will be applied in Hungary are to be regulated by a special Act. The Bill for this Act, which was drafted at the beginning of the year 1933 by the Minister of Commerce, was sent to the members of the Government concerned for their opinions. Having



received the relevant replies, the Minister of Commerce sent the Bill, in the autumn of 1933, to the industrial corporations of employers and workers, inviting them to a special conference for the discussion of the provisions of the Bill. In the course of this conference, the point of view of the employers' delegates with regard to the application of the Convention was found to be fundamentally opposed to that of the workers' delegates, and up to the present time it has not been possible to bring the two differing points of view into agreement. Owing to this antagonism, the Government does not yet find itself in a position to present the Bill to the Legislature. In spite of these difficulties, however, the Government has not ceased its efforts to reconcile the two different points of view, and, once the obstacles have been removed by agreement, the Ministry will not fail to submit the Bill to the Legislature.

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.

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 1932 (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 (L. S. 1924, Austral. 1), 1928 (L. S. 1929, Austral. 1) and 1933 (L. S. 1934, Austral. 3).

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.

## Chile.

Legislative Decree No. 178 of 13 May 1931 (§§ 43-45) to ratify the Labour Code (L. S. 1931, Chile 1).

Decree No. 276 of 12 September 1932 to approve the Regulations concerning the appointment and working of joint minimum wage boards.

## China.

Provisional Regulations of April 1934 concerning the fixing of minimum wages in Government undertakings.

## Colombia.

See introductory note.

## 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 sections of the Labour Code.

Order of 3 November 1915 issued under the preceding Decree to establish the rules of the Central Board.

Decree of 31 January 1921 for the reorganisation of the Superior Labour Council, amended by Decrees of 13 November 1922, 9 June and 14 October 1924, 4 May 1927 and 20 November 1930.

## Germany.

Act of 10 May 1929 respecting the International Convention concerning the creation of minimum wage fixing machinery.

Proclamation of 9 December 1929 respecting the Geneva Convention concerning the creation of minimum wage fixing machinery.

Act of 20 January 1934 for the organisation of national labour (L. S. 1934, Ger. 1).

Home Work Act of 23 March 1934 (L. S. 1934, Ger. 3).

Order of 23 March 1934 to apply the above 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.

## Hungary.

Act XIX of 1932 respecting the Convention concerning the creation of minimum wage fixing machinery adopted by the International Labour Conference at Geneva in 1928.

See also introductory note.

*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).

Act No. 150 of 25 January 1934 to regulate the validity of collective agreements and similar provisions during the period between the denunciation of such agreements and the conclusion of new agreements.

Act No. 163 of 5 February 1934 concerning the constitution and functions of the corporations (L. S. 1934, It. 1).

Royal Decree No. 1073 of 21 May 1934 containing new rules for the settlement of individual labour disputes.

*Norway.*

Act of 15 February 1918 concerning industrial home work (B. B., vol. XIII, 1918, p. 55), as amended by Acts of 6 July 1923 (L. S. 1923, Nor. 4), 15 June 1928 (L. S. 1928, Nor. 1) and 24 March 1933.

*Spain.*

Act of 27 November 1931 concerning joint labour boards (L. S. 1931, Sp. 15).

Order of 11 December 1933 to pronounce that the Act of 21 November 1931 concerning contracts of employment (L. S. 1931, Sp. 14) shall establish the basic rule of contractual relations.

*Union of South Africa.*

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).

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).

Various Regulations issued under the Acts.

## II.

*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 I.

Each Member of the International Labour Organisation which ratifies this Convention under-

takes to create or maintain machinery whereby minimum rates of wages can be fixed for workers employed in certain of the trades or parts of trades (and in particular in home working trades) in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low.

For the purpose of this Convention the term "trades" includes manufacture and commerce.

*Australia.* — For information concerning the powers of the Commonwealth with regard to the creation of minimum wage fixing machinery, see introductory note. The 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 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.

*Chile.* — § 44 of the Labour Code provides that a joint board of employers and wage-earning employees shall be appointed in each industry to fix the minimum wage in that industry, and Decree No. 276 of 12 September 1932 approves the Regulations for the appointment and working of these joint minimum wage boards.

*China.* — § 1 of the Provisional Regulations of April 1934 lays down that, pending the promulgation of the Minimum Wage Act, the Regulations may be applied as an experiment in respect of the workers employed in a certain number of Government undertakings under the control of the Ministries or Committees, who are in receipt of exceptionally low wages.

*Colombia.* — See introductory note.

*Hungary.* — See introductory note.

*Norway.* — §§ 7-22 of the Act of 15 February 1918 concerning industrial home work provide for the setting-up of a Home Work Council, and lay down the methods by which the Council shall fix minimum wages. Under § 8, the provisions of the Act which relate to the fixing of minimum wages are limited to home workers in occupations connected with the clothing industry. The provisions in question may be applied, by Royal proclamation, to

other trades carried on by home work, but the report states that the scope of the Act has not so far been extended.

*Union of South Africa.* — The Wage Act of 1925 is of general application, with the exceptions given in § 1(1) of the Act, viz.: persons employed in agricultural pursuits, domestic servants, officers of Parliament and public servants. The scope of the Industrial Conciliation Act is very similar to that of the Wage Act except that "employee" has been defined to exclude persons subject to certain Pass Laws and certain other classes of employees (the number of whom, according to the report, is at the present time negligible), but under § 9(4) of the amended Act, the Minister may fix wages and hours for these classes where the terms of any agreement or award are likely to be defeated by their employment at lower wages and for hours which exceed those prescribed. Under the Wage Act a permanent Wage Board, consisting of three salaried members, has been established with power to report and recommend to the Minister on wages, piecework rates, ratios of unqualified to qualified employees and other matters (§ 3(4) as amended). The Minister of Labour may make a Determination in accordance with the Board's recommendation (§ 7 as amended). Under the Industrial Conciliation Act, conditions of employment are regulated by collective agreements arrived at by Industrial Councils composed of an equal number of representatives of employers' associations and trade unions, and criminal sanctions are imposed for breaches thereof, following publication by the Minister of Labour under § 9 of the Act.

## 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.* — For information concerning the powers of the Commonwealth with regard to the creation of minimum wage fixing machinery, see introductory note. The 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' orga-

nisations 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.

*Chile.* — § 44 of the Labour Code provides, in its second paragraph, that a joint board of employers and wage-earning employees shall be appointed in each industry to fix the minimum wage in that industry. § 1 of Decree No. 276 of 12 September 1932 lays down that the local labour inspector, the employers or the workers may apply to have a joint minimum wage board set up for a given branch or class of industry if the wages paid in the district are very low or inadequate.

*China.* — § 2 of the Provisional Regulations of April 1934 lays down that minimum rates of wages shall be fixed by the Government undertakings in conformity with the local standard of living. They shall be submitted for approval to the responsible Ministries or Committees. Where necessary, the interested parties in the undertakings concerned may be consulted.

*Colombia.* — See introductory note.

*Germany.* — The report states that the labour trustee, a Federal official directly responsible to the Ministry of Labour, fixes minimum wages, after considering the question in a committee of experts composed of members of the occupations concerned.

*Hungary.* — See introductory note.

*Norway.* — The report states that the organisations of workers and employers, if any, are usually consulted before it is decided in which trades the minimum wage fixing machinery shall be applied. See also under ARTICLE 3.

*Union of South Africa.* — Under § 3(1) of the Wage Act as amended, the machinery is put in motion either by the Minister referring a particular trade or section of a trade to the Wage Board (or, under § 2(2), to a specially appointed division of the Board) for investigation and report, or by the Wage Board receiving an application from a registered trade union or a registered employers' organisation or any number of employers or employees which in the opinion of the Board is sufficiently representative of the trade in the area concerned. § 2(4) of the Wage Act lays down that the Minister, for the purpose of any investigation of the board or

a division in regard to any particular trade, may appoint not more than two additional members of the board or a division, and, where desired by the board or on nomination by employers or employees deemed by the Minister to be sufficiently representative in such trade, the Minister shall appoint one such additional member to represent such employers and one to represent such employees. In the case of the Industrial Conciliation Act, an industrial council is registered for a particular industry, undertaking, trade or occupation upon the application of registered employers' organisations and trade unions, considered to be sufficiently representative, i.e., the workers and employers form an integral part of the machinery, and not only are they consulted but they themselves negotiate the conditions of employment which are given the force of law. The scope of the trade to be covered is thus decided by the representative character of the organisations of employers and employees.

### ARTICLE 3.

Each Member which ratifies this Convention shall be free to decide the nature and form of the minimum wage fixing machinery, and the methods to be followed in its operation :

Provided that

(1) Before the machinery is applied in a trade or part of trade, representatives of the employers and workers concerned, including representatives of their respective organisations, if any, shall be consulted as well as any other persons, being specially qualified for the purpose by their trade or functions, whom the competent authority deems it expedient to consult :

(2) The employers and workers concerned shall be associated in the operation of the machinery, in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by national laws or regulations ;

(3) Minimum rates of wages which have been fixed shall be binding on the employers and workers concerned so as not to be subject to abatement by them by individual agreement, nor, except with the general or particular authorisation of the competent authority, by collective agreement.

*In addition, please give full information with regard to the nature and form of the minimum wage fixing machinery which has been adopted in your country as well as the methods followed in its operation in accordance with the provisions of this Article, indicating the method which was employed for consulting the interested parties under clause (1) and the means by which the employers and workers concerned are associated with the operation of the machinery under clause (2).*

*Please also indicate whether advantage has been taken of the exception provided for in clause (3) in the case of collective agreement (abatement of the minimum rates of wages with the general or particular authorisation of the competent authority).*

*Australia.* — For information concerning the powers of the Commonwealth with

regard to the creation of minimum wage fixing machinery, see introductory note. The 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.

*Chile.* — The joint minimum wage boards prescribed under § 44 of the Labour Code are composed of three employers' and three workers' representatives for each branch or class of industry, under the chairmanship of either the provincial labour inspector or the governor of the department. The employers' and workers' representatives are appointed by the governor, by lot, from lists submitted by the employers' and workers' organisations of the district and of the branch or class of industry in question, or, if no such organisations exist, by the interested parties. If no lists are submitted by the interested parties, the appointments are made directly by the governor, on the advice at the labour inspector (§§ 3-6 of Decree No. 276 of 12 September 1932). § 9 of the Decree lays down that the chairman of the joint board shall try to ensure that the minimum wage rate is fixed by direct agreement between the employers' and workers' representatives. This agreement shall be recorded in a declaration which shall state the wage fixed and the period during which the agreement shall be valid, which shall not be longer than one year. § 10 adds that if it is impossible to obtain a majority, the chairman shall give a casting vote. § 8 provides that the decisions of the joint board shall be binding on all employers in the branch or class of industry concerned. § 43 of the Labour Code lays down that in industries in which a minimum wage is fixed, the remuneration agreed upon shall not be less than the said minimum wage, and a wage-earning employee who receives a wage less than the fixed minimum shall be entitled to claim the balance.

*China.* — (1) § 2 of the Provisional Regulations of April 1934 provides that, when

minimum rates of wages are being fixed by Government undertakings, the interested parties in the undertakings concerned may, where necessary, be consulted. The report states, however, that it has not yet been found necessary to consult the workers' organisations. (2) The report gives no information on this point. (3) § 3 of the Provisional Regulations lays down that the wages of infirm, aged or feeble workers who are nevertheless capable of doing a certain amount of work, or of workers engaged on a temporary basis, may, subject to the approval of the responsible Ministries or Committees, be fixed at a rate lower than the minimum rate. § 6 provides that the minimum wage rates may, after their initial establishment, be revised where necessary, subject to the approval of the responsible Ministries and Committees. § 8 lays down that in case of natural calamities, war, and other cases of *force majeure*, the application of the present Regulations may be temporarily suspended by the responsible Ministries and Committees, should those Ministries or Committees, in view of the situation, consider such a step to be necessary.

*Colombia.* — See introductory note.

*Germany.* — The report states that when home work is practised on a considerable scale in any region, and the payment made is obviously inadequate, or where for any reason the labour trustee considers it urgently necessary, he may fix minimum wages by means of collective rules, after considering the matter in a committee of experts. This committee normally consists of six persons chosen by the labour trustee at his discretion from among persons in the occupation concerned, and must include representatives of all the groups affected, i.e. employers, home workers, persons engaged in home industries and middlemen. At least one representative of the labour inspection service must be co-opted, and, where a trade committee for home work formerly existed, the chairman or vice-chairman of this committee. The report adds that collective agreements are no longer concluded in Germany. Standard conditions of employment are laid down by the labour trustee in the form of collective rules, which fix the minimum wage rates; these rates may not be reduced.

*Hungary.* — See introductory note.

*Norway.* — Under § 7 of the Act of 15 February 1918 concerning industrial home work, the work of fixing minimum rates of wages is entrusted to a central Home Work Council, appointed by the Crown, and composed of three or five members,

viz., equal numbers of representatives of the workers and employers and an independent chairman. The workers' and employers' representatives must be chosen, as far as possible, from trades where home work is practised. Under § 9, the Council is authorised to decide to set up local wages boards. These boards are competent to fix minimum wages for the trades covered by the Act. § 10 lays down that a wages board shall consist of a chairman and at least four members, with an equal number of workers and employers, chosen as far as possible from the trades in which minimum wages are to be fixed. The members are appointed by the municipality. Before their appointment, the workers' and employers' organisations in the trade concerned shall be invited to hand in nominations. The chairman shall be appointed by the Home Work Council. The wages boards shall fix minimum time rates, and also, as far as possible, minimum piece rates. §§ 13 and 14 lay down that the decisions of the boards shall be submitted to the Home Work Council for approval. Before approving the decisions the Council shall publish them, and at the same time shall request workers and employers and their organisations, if any, to make their observations within 14 days. The same procedure is followed when a fixed minimum wage is to be revised. Minimum rates of wages which have been fixed by a wages board and confirmed by the Home Work Council are binding on all employers and workers concerned. Under § 28 of the Act, the workers cannot by individual agreement accept lower wages than the fixed minimum, and under § 26, the employers are bound to pay the fixed minimum wages or submit to the penalties imposed by the Act. § 15 of the Act of 15 February 1918, as amended by the Act of 15 June 1928, provides that the Home Work Council may fix a minimum wage without previous discussion of the matter by a wages board. In this case the Council shall first consult the employers and workers as far as may be necessary. Where a collective agreement has been made in a trade for which minimum wages are fixed, the Home Work Council may permit the agreement to be substituted for the determination of the wages board (§ 21). The report states, however, that up to the present no advantage has been taken either of the exception provided in this section of the Act, or of the exception provided in Article 3 (3) of the Convention.

*Union of South Africa.* — For details as to the forms of the minimum wage fixing machinery and the methods of operation see the information supplied under ARTICLE 2 above. Before any wage determination is made by the Minister of Labour under the Wage Act, the proposed determination is published in the

Government Gazette for objections, under § 7(1) (a) of the Act as amended. It is also open to employers and employees to give evidence before the Board during an investigation (§ 5(1)). Under the Industrial Conciliation Act, continuous consultation takes place, as the employers and employees are represented on the industrial council concerned. For details as to the association of the employers and workers concerned, see the information supplied under ARTICLES 1 and 2 above. The payment of wages lower than those prescribed in either a wage determination or an industrial agreement is an offence, in the case of the Wage Act under § 8(1) and in the case of the Industrial Conciliation Act under § 9(5) as amended. Exemption to pay lower wages may be granted under both Acts where the employee is, through old age or infirmity or for any other good and sufficient reason, unable to earn the minimum wage. In the case of the Wage Act, the exemption is granted by the Minister; in the case of the Industrial Conciliation Act by the industrial council concerned. A collective agreement under the Industrial Conciliation Act may be substituted for a wage determination where the former provides for rates or remuneration and other conditions substantially not less favourable to the general body of such employees than are the terms of the determination (§ 7(5) of the Wage Act as amended). The report adds that no provision, therefore, is made for abatement of rates, either by individual or collective agreement, but individual abatement may in certain circumstances be allowed not by agreement, but by virtue of exemption by the statutory authority subject to conditions, or by an industrial council.

#### ARTICLE 5.

Each Member which ratifies this Convention shall communicate annually to the International Labour Office a general statement giving a list of the trades or parts of trades in which the minimum wage fixing machinery has been applied, indicating the methods as well as the results of the application of the machinery and, in summary form, the approximate numbers of workers covered, the minimum rates of wages fixed, and the more important of the other conditions, if any, established relevant to the minimum rates.

*If existing statistics permit, please indicate separately, in the statement required by this Article, the number of men and women as well as of adults and young persons covered by the minimum wage fixing machinery and the minimum rates of wages fixed for these different categories of workers.*

*Australia.* — For information concerning the powers of the Commonwealth with regard to the creation of minimum wage fixing machinery, see introductory note. The information supplied by the Govern-

ment with regard to the States of the Commonwealth is as follows:

*New South Wales.* — . . . The report states that, during the period under review, the Industrial Commission made two living wage declarations, the first of which, dated 20 October 1933, fixed the living wage of male employees at £3.6.6. per week and that of female employees at £1.16.0. per week, and the second, dated 26 April 1934, fixed the rates at £3.7.6. and £1.16.6. per week respectively. The report adds that although no statistics are available showing the exact number of employees affected by the declarations, it may be said that practically all employees, other than rural and domestic workers, are so covered, inasmuch as the living wage fixed by the declarations is applied to the wage rates of industrial arbitration awards, which regulate the conditions of employment in nearly every industry and occupation.

*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.; Street Cleansers: £3.5.0. 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.

*Chile.* — A report of the General Labour Inspectorate states that minimum wage fixing machinery has been set up in the following trades: baking, printing, branches of the building trade, milling, cardboard manufacture, tailoring, candle-making, cement works, mercantile marine and shipyards. The report adds that the aim of the joint minimum wage boards

has been to keep a reasonable relationship between the wages actually earned by the workers and the subsistence minimum. In practically every case, therefore, they have ignored the rules laid down in the Labour Code (§ 44) for determining the minimum wage and have based their decisions, instead, on enquiries into the cost of living as compared with the wages actually paid. (§ 44 of the Code Code defines "minimum wage" as a wage not less than two-thirds nor more than three-fourths of the usual or current wage paid for the same kind of work to wage-earning employees with the same qualifications or of the same category in the town or region where the work is performed). The report adds further that it is impossible at present to indicate the number of workers covered by these decisions or the number of men, women and young persons protected by the fixing of a minimum wage. A statement is appended to the report giving some typical examples of the rates fixed for various trades in different parts of the country.

*China.* — The report supplies the following information with regard to the

four undertakings in which minimum wage rates have been fixed :

Undertaking	Class of worker	No. of workers (male)	Wages (in dollars)
Mines of Huai Nan	Underground workers (Pit and mine workers, mechanics, low grade workers)	200	9 a month
Cloth Manu- factory of Peiping	Low grade workers	78	8 a month
Tao-Tsing Railways, Engine De- partment	"	468	7.8 a month
Weights and Measures Manufactory	"	65	0.75 a day

*Colombia.* — See introductory note.

*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 1933 :

Industries	Less than 10 workers		From 10 to 100 workers		100 or more workers	
	No. of under- takings	No. of workers	No. of under- takings	No. of workers	No. of under- takings	No. of workers
Clothing . . . . .	2,901	9,792	1,025	20,976	70	12,137
Hats . . . . .	230	1,001	69	1,604	—	—
Footwear . . . . .	480	2,039	271	4,820	6	1,430
Underclothing of all kinds . . . . .	897	3,961	661	19,876	42	7,769
Embroidery . . . . .	281	1,605	713	24,282	45	5,845
Lace . . . . .	136	949	138	3,356	6	1,625
Feathers . . . . .	21	74	7	89	—	—
Artificial flowers . . . . .	63	322	32	732	3	570
Work subsidiary to the clothing industry	8	39	11	213	—	—
Dressmaking . . . . .	12	37	1	10	—	—
Knitting and machine knitting . . . . .	124	507	95	1,861	3	680
Rosaries and jewellery . . . . .	3	11	9	159	2	385
Umbrellas . . . . .	22	99	13	367	1	100
Wigs . . . . .	3	15	4	92	—	—
Tapestry . . . . .	3	10	—	—	—	—
Bead work . . . . .	17	95	15	461	—	—
Paper and cardboard goods . . . . .	81	351	77	1,914	1	100
Advertisement work (addressing, copying, folding) . . . . .	4	13	4	73	—	—
Assembling of boxes made of thin wood .	2	8	10	310	1	120
Basket making, straw and rush work .	51	263	66	1,603	3	124
Case making and fancy leather goods . .	79	472	66	1,251	4	805
Bristle work and brushmaking . . . . .	40	192	30	599	2	400
Sorting, finishing and carding of buttons .	5	30	13	151	—	—
Burnishing of precious metals . . . . .	—	—	2	27	—	—
Totals . . . . .	5,463	21,885	3,332	84,826	189	32,090

*Germany.* — The report refers to the particulars contained in the annual report for the period 1 October 1931 to 30 September 1932.

*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 1934 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.)

. . . Under § 5(5) of the Act of 1918 and § 10 of the Northern Ireland Act, a trade board has power in case of time-workers (if they cannot suitably be placed on piece-work) to issue permits of exemption specifying the conditions under which they are prepared in any particular case to allow an infirm or injured worker to be

employed at less than the minimum time rates. On 30 September 1934 the number

of holders of permits of exemption in Great Britain was 2,855.

# 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.)	1,423	7	1. 1
Aerated Waters (Scotland)			
(1) Orkney and Shetlands	176	5 <sup>1</sup> / <sub>4</sub>	— 10 <sup>1</sup> / <sub>2</sub>
(2) Rest of Scotland		6 <sup>1</sup> / <sub>4</sub>	— 11 <sup>1</sup> / <sub>2</sub>
Boot and Floor Polish	149	7 <sup>1</sup> / <sub>2</sub>	1. 1 <sup>1</sup> / <sub>2</sub>
Boot and Shoe Repairing	13,364	10 <sup>1</sup> / <sub>4</sub> (a)	1. 2 <sup>1</sup> / <sub>4</sub>
* Brush and Broom	553	6 <sup>1</sup> / <sub>4</sub> (a)	— 10 <sup>1</sup> / <sub>2</sub>
* Button Manufacturing	144	6 <sup>1</sup> / <sub>2</sub>	1. 1 <sup>1</sup> / <sub>2</sub>
* Chain Making (m)	149	5 <sup>3</sup> / <sub>10</sub>	1. 1
Coffin Furniture and		6 <sup>3</sup> / <sub>8</sub> (a)	1. 0 <sup>12</sup> / <sub>47</sub> (h)
Cerement Making	49	7 <sup>1</sup> / <sub>2</sub> (b)	—
Corset	254	7	1. 1 (d)
Cotton Waste Reclamation	193		
(1) England and Wales		6 <sup>1</sup> / <sub>4</sub>	— 10 <sup>1</sup> / <sub>2</sub>
(2) Scotland		6	— 10 <sup>1</sup> / <sub>2</sub>
Cutlery	1,069	6 (a)	— 11
* Dressmaking and Women's Light Clothing (E. and W.)			
(1) Retail Bespoke Section	11,299	6 <sup>1</sup> / <sub>4</sub> , 7, 7 <sup>1</sup> / <sub>2</sub> (c)	1. — (d)
(2) Other Sections		7	1. — (d)
* Dressmaking and Women's Light Clothing (Scotland)			
(1) Retail Branch	922	7, 7 <sup>1</sup> / <sub>2</sub> (c)	1. — (d)
(2) Other Branches		6 <sup>1</sup> / <sub>2</sub>	1. — (d)
Drift Nets Mending	184	6 (e)	—
Flax and Hemp	99	5 <sup>3</sup> / <sub>4</sub>	— 9 <sup>5</sup> / <sub>8</sub>
Fur	1,516	7 <sup>1</sup> / <sub>2</sub> (k)	1. 1
Fustian cutting	41	5 <sup>3</sup> / <sub>4</sub>	— 10
General Waste Materials Reclamation	2,029	5 <sup>3</sup> / <sub>4</sub>	— 10
Hair, Bass and Fibre	71	6 <sup>1</sup> / <sub>4</sub>	— 10 <sup>3</sup> / <sub>4</sub>
Hat, Cap and Millinery (England and Wales)	4,856	7	1. — (d)
Hat, Cap and Millinery (Scotland)	353		
(1) Wholesale Cloth Hat and Cap Branch		7 <sup>1</sup> / <sub>2</sub>	1. 2 (d)
(2) Other Branches		7, 7 <sup>1</sup> / <sub>2</sub> (c)	1. 2 (d)
Hollow-ware	111	6 <sup>3</sup> / <sub>4</sub>	— 11 <sup>1</sup> / <sub>2</sub>
Jute	101	6	— 9 <sup>3</sup> / <sub>8</sub>
Keg and Drum	122	6 <sup>5</sup> / <sub>8</sub>	— 11 <sup>1</sup> / <sub>4</sub>
* Lace Finishing (m)	270	6 <sup>1</sup> / <sub>4</sub>	—
Laundry	6,822		
(1) Cornwall and North Scotland		6 <sup>1</sup> / <sub>2</sub>	1. 1 <sup>1</sup> / <sub>2</sub>
(2) Rest of Great Britain		7	1. 1 <sup>1</sup> / <sub>2</sub>
Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods	387	6 <sup>1</sup> / <sub>4</sub>	— 11 <sup>1</sup> / <sub>2</sub>
Made-up Textiles	391	5 <sup>3</sup> / <sub>4</sub>	— 9 <sup>3</sup> / <sub>4</sub>
Milk Distributive :			
England and Wales	14,185	6 <sup>5</sup> / <sub>8</sub> , 7 <sup>1</sup> / <sub>2</sub> , 8 <sup>5</sup> / <sub>8</sub> (a) and (c)	10 <sup>1</sup> / <sub>2</sub> , 1.2 (c)
Scotland	2,234	6 <sup>1</sup> / <sub>8</sub> (a)	11 <sup>3</sup> / <sub>8</sub> (l)
Ostrich and Fancy Feather and Artificial Flower	184	7	1. — (d)
Paper Bag	415	7 <sup>1</sup> / <sub>4</sub>	1. 1 <sup>1</sup> / <sub>8</sub>
* Paper Box	1,202	7 <sup>3</sup> / <sub>8</sub>	1. 0 <sup>1</sup> / <sub>4</sub> (d)
Perambulator and Invalid Carriage	110	6 <sup>3</sup> / <sub>4</sub> (a)	— 11 <sup>1</sup> / <sub>2</sub>
Pin, Hook and Eye and Snap Fastener	37	6 <sup>1</sup> / <sub>2</sub> (a)	— 10 <sup>8</sup> / <sub>4</sub>
* Readymade and Wholesale Bespoke Tailoring	5,948	7	— 11 (d)
* Retail Bespoke Tailoring			
England and Wales :	10,050		
London Area		8 to 9 <sup>1</sup> / <sub>2</sub> (f) (i)	1.0 <sup>1</sup> / <sub>8</sub> to 1.3 (f) (j)
Eastern Area		8 to 9 (f) (i)	1.0 <sup>1</sup> / <sub>8</sub> 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)	0.11 <sup>1</sup> / <sub>8</sub> to 1.2 (f) (j)
North Midland Area		7 <sup>3</sup> / <sub>4</sub> to 8 <sup>3</sup> / <sub>4</sub> (f) (i)	1.0 to 1.2 <sup>3</sup> / <sub>4</sub> (f) (j)
Central Midland Area		7 <sup>1</sup> / <sub>2</sub> to 9 <sup>1</sup> / <sub>2</sub> (f) (i)	0.11 <sup>1</sup> / <sub>4</sub> to 1.3 (f) (j)
South Midland Area		8 to 9 <sup>1</sup> / <sub>2</sub> (f) (i)	1.1 to 1.4 (f) (j)
Northern Area		7 <sup>3</sup> / <sub>4</sub> to 8 <sup>3</sup> / <sub>4</sub> (f) (i)	0.11 to 1.1 <sup>3</sup> / <sub>4</sub> (f) (j)
Yorkshire Area		8 to 9 (f) (i)	1.0 to 1.3 (f) (j)
East Lancashire Area		8 <sup>7</sup> / <sub>8</sub> to 9 <sup>1</sup> / <sub>8</sub> (f) (i)	1.1 <sup>1</sup> / <sub>2</sub> to 1.3 <sup>3</sup> / <sub>8</sub> (f) (j)
West Lancashire Area		8 to 8 <sup>7</sup> / <sub>8</sub> (f) (i)	1.0 <sup>1</sup> / <sub>8</sub> to 1.2 (f) (j)
North Wales Area		9 (f) (i)	1.1 to 1.2 <sup>1</sup> / <sub>4</sub> (f) (j)
South Wales Area		8 to 9 (f) (i)	0.11 <sup>1</sup> / <sub>8</sub> to 1.2 (f) (j)
Scotland :	1,458	7, 7 <sup>1</sup> / <sub>2</sub> (f) and (g)	11, 1.0 (f) and (h)

\* See note at foot of table on following page.



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 $\frac{1}{4}$	10
Sack and Bag	317	6 $\frac{1}{8}$	10 $\frac{7}{8}$
* Shirtmaking	1,095	7	1. 1 (d)
Stamped or Pressed Metal Wares	380	6 $\frac{1}{4}$	— 11
Sugar Confectionery and Food Preserving	1,797	6 $\frac{3}{4}$	1. — (b)
Tin Box	219	7 $\frac{1}{4}$	1. 1
Tobacco	224	9 $\frac{5}{8}$ (a)	1. 3 $\frac{3}{8}$
* Toy Manufacturing	411	6 $\frac{3}{4}$ (a)	1. 0 $\frac{1}{2}$
Wholesale Mantle and Costume	5,279	7	11 $\frac{1}{2}$ (d)

(a) At 21 years of age.

(b) At 24 years of age.

(c) According to population.

(d) At 22 years of age.

(e) On completion of 2 years' employment in the trade.

(f) Dependent on Area as graded by the Trade Board.

(g) With not less than 4 years' employment after the age of 14.

(h) With not less than 5 years' employment in the trade.

(i) After seven years' employment in the trade.

(j) After eight years' employment in the trade.

(k) At 19 years of age.

(l) Not less than 12 months' experience in the trade.

(m) 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 $\frac{7}{8}$ (c)	1. 2 $\frac{1}{4}$
(2) Other Areas		9 $\frac{1}{4}$ (c)	1. 1 $\frac{1}{4}$
Brush and Broom	100	7 (c)	— 11 $\frac{1}{2}$
* Dressmaking etc.			
Factory Branch	4,500	6	— 11 (d)
Retail Branch	900		
Belfast and Londonderry		7	—
Other areas		5, 5 $\frac{1}{2}$ A	—
General Waste Materials	300	5 $\frac{5}{47}$ (b)	— 10 $\frac{3}{47}$ (d)
Hat, Cap and Millinery	300		
Factory Branch		7	
Retail Branch:			
Belfast and Londonderry		6 $\frac{3}{4}$	1. 0 $\frac{1}{2}$ (d)
Other areas		6 $\frac{1}{4}$	
Laundry	1,100	6 $\frac{1}{2}$ (b) B	—
* Linen and Cotton Embroidery	2,000	2 $\frac{1}{2}$ to 4 $\frac{1}{2}$ D	—
Linen and Cotton Handkerchief, etc.			
Belfast and districts not more than 30 miles by rail from Belfast	20,000	6	9 $\frac{3}{4}$ E 7 $\frac{3}{4}$
Other Areas		6	9 E 7 $\frac{1}{4}$
Milk Distributive	500		
Belfast and Londonderry		8 $\frac{9}{16}$ (a)	1. 0 $\frac{3}{4}$ (a)
Other areas		6 $\frac{5}{16}$ , 7 $\frac{3}{4}$ (A)	9 $\frac{9}{16}$ , 11 $\frac{11}{16}$ (A) (a)
Paper Box	900	6 $\frac{1}{2}$	8, 9 $\frac{3}{4}$
Readymade & Wholesale Bespoke Tailoring	3,300	5 $\frac{3}{4}$	— 10 $\frac{1}{4}$ (d)
* Retail Bespoke Tailoring:	1,800		
Belfast and Londonderry		5 $\frac{7}{8}$	— 11 $\frac{3}{8}$ (d)
Other Areas		5 $\frac{1}{8}$	— 10 $\frac{9}{10}$ (d)
Rope, Twine and Net:	2,000		
Belfast		4 $\frac{5}{8}$	— 8
Other Areas		4 $\frac{1}{8}$	— 7 $\frac{1}{2}$
* Shirtmaking	8,500	6	— 11 $\frac{3}{4}$ (d)
Sugar Confectionery and Food Preserving	400	6 $\frac{1}{4}$	— 11 (d)
Tobacco	1,800	8 $\frac{3}{47}$ (c)	1. 13 $\frac{7}{47}$
Wholesale Mantle and Costume	200	6	— 10 $\frac{1}{2}$ (d)

(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.

*Hungary.* — See introductory note.

*Irish Free State.* — The report states that the Packing Trade Board is in process of establishment. Copies of the Order applying the Trade Boards Acts to the packing trade and of the Regulations governing the constitution of the Packing Trade Board accompany the report, and also copies of determinations of the Brush and Broom, Linen and Cotton Embroidery, Paper Box, Tailoring and Shirtmaking Trade Boards during the period under review. The only change to be noted is in the general minimum time rates fixed by the Brush and Broom Trade Board. The rates applicable in 1933 when the "cost of living figure" was not less than 55 nor more than 71 were: males, 1/1 1/4 — 1/1 1/2; females, 6 1/4 d. These index numbers having changed, the rates have been increased, as from 17 July, 1934, as follows: males, 1/1 3/4 — 1/2 1/4; females, 7 1/2 d. — 6 3/4 d. 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 747 males and 2,397 females. Arrears of wages recovered as a result of inspection totalled £292. . .

*Norway.* — The trades in which minimum wage fixing machinery has been applied are the following:

Readymade working clothes (overalls) of all kinds; Workers' underwear (readymade); Suits (indoor work); Oilskins; Plain sewing; Skirts; Blouses; Men's shirts and starched linen; Corsets and bodices; Knitwear; Aprons; Ties; Gloves; Hats and caps; Skinners' work; Furriers' work; Embroidery; Sack sewing; Flag sewing; Umbrella cover sewing; Sewing of tobacco pouches; Sewing of dolls' bodies and other toys; Weaving of cloth for clothes; Making up of tape, ribbon, etc., into bundles and tagging of laces; Coats and mantles.

The minimum time rates for the ready-made clothing industry have been fixed as follows: for the Province of Møre, kr. 0.50 per hour; for Gjøvik, kr. 0.60 per hour; for Oslo and Aker, kr. 0.70 per hour. The report also gives detailed information with regard to minimum piece rates. The total number of home workers covered by the minimum wage regulations for the year 1933 was 2,738.

*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. Under the Order of 11 December 1933 it is provided that the same minimum wages shall apply to men and women workers, unless special rates are laid down for men and for women separately.

*Union of South Africa.* — The report states that existing statistics do not permit of showing figures separately for men, women, adults and young persons, but (with the exception of those out of print) copies of all current determinations under the Wage Act and collective agreements under the Industrial Conciliation Act (at present in force) accompany the report, showing the wages prescribed for these classes separately where distinction between them is made. In addition, a statement accompanies the report showing, in respect of each activity subject to wage regulation, the type of wage-regulating instrument in operation and the number of employers and employees affected. The following statistics for June 1934 were taken from the statement in question:

Number of industrial councils registered	32
" " agreements of industrial councils in force	21
" " conciliation boards granted	1
" " agreements of conciliation boards in force	0
" " arbitration awards in force	3
Total number of employers affected	2,722
" " " employees affected	42,064
Approximate number of employers affected by determinations under the Wage Act	14,154
Approximate number of employees affected by determinations under the Wage Act	67,502

For purposes of comparison the following table is given, quoting the lowest rates paid to adult workers in certain industries:

## 26. Minimum wage-fixing machinery.

Industry and process	Minimum rate according to wage determination under Wage Act	Minimum rate according to Industrial Council agreement under Industrial Conciliation Act
Baking and confectionery. — Cape. Delivery employee . . . . . Unskilled labourer . . . . .		£1.4.0. per week £1.4.0. „ „
Brewing. — Cape Town. Adult labeller		£1.4.0. „ „
Building. — Cape Peninsular. Unskilled labourers . . . . .		7 ½d. per hour or part of an hour
Commercial distributive trade. — Certain municipal areas. Unqualified employee . . . . .	£1.3.1. per week.	
Dyeing and cleaning establishments and laundries. — Certain magisterial areas. Calendar hands and folders . . . . . Unqualified employees . . . . .	£1.4.0. per week. £1.2.0. „ „	
Engineering and motor engineering. — Cape. Motor vehicle assembler . . . . . Labourer . . . . .		1/- per hour 6d. „ „
Wholesale meat trade. — Witwatersrand and Pretoria. Loaders . . . . .		£1.0.0. per week
Passenger transportation undertaking. — Cape-town. Greaser . . . . . Wachman . . . . .	10d. per hour 9d. „ „	
Unskilled employment in certain industries, etc. — Bloemfontein . . . . .	£1.0.0. per week.	
Manufacture of yarn, rugs, etc. — Union. Labourer . . . . .	£1.0.0. per week.	

### 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) ; *Sarawak* (Order L-6 of 1933) ; *Mauritius* (Ordinance 41 of 1934) ; *Uganda Protectorate* (Ordinance 3 of 1934) ; and *Trengganu* (Labour Enactment, 1352). 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 wages.

*Union of South Africa.* — The report for the mandated territory of *South West Africa* states that there is no provision in the territory for the fixing of minimum wages.

## IV.

*Article 4 of the Convention is as follows :*

Each Member which ratifies this Convention shall take the necessary measures, by way of a system of supervision and sanctions, to ensure that the employers and workers concerned are informed of the minimum rates of wages in force and that wages are not paid at less than these rates in cases where they are applicable.

A worker to whom the minimum rates are applicable and who has been paid wages at less than these rates shall be entitled to recover, by judicial or other legalised proceedings, the amount by which he has been underpaid, subject to such limitation of time as may be determined by national laws or regulations.

*Please state, with particular reference to this Article, to what authority or authorities the application of the legislation and administrative regulations, etc., mentioned under I and II is entrusted and by what method application is supervised and enforced, indicating the limitation of time as determined by national laws or regulations specified in the second paragraph of this Article. In particular, please supply information on the organisation and working of inspection.*

*Australia.* — For information concerning the powers of the Commonwealth with regard to the creation of minimum wage fixing machinery see introductory note. The 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 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.

*Chile.* — The report states that, apart from the work of the joint boards, the authorities responsible for the application of the laws and regulations relating to the Convention are the General Labour Inspectorate as organised by Legislative Decree No. 1331 of 5 August 1930, by Section

I of Part III of Book IV of the Decree of 13 May 1931 and by Decree No. 875 of 15 November 1933 to approve the Regulations for the inspection service. The enforcement of the relevant legislation from a judicial point of view is the duty of the labour courts as regulated by Part I of Book IV of Decree No. 178 of 13 May 1931. The report adds that the procedure for supervision is laid down in Section II of Part III of Book IV of the same Decree, and is in accordance with the general principles for the organisation of factory inspection services contained in the Recommendation adopted by the International Labour Conference at its Fifth Session in 1923.

*China.* — The report states that the authorities responsible for enforcing the relevant legislation are the Ministry of Industry in collaboration with the following: the Office of Mines of Huai Nan, the Cloth Manufacturing Company of Peiping, the Office of Management of the Tao-Tsin line and the National Office of Weights and Measures. § 5 of the Provisional Regulations lays down that Government undertakings shall post the minimum wage rates in force in generally accessible parts of the work-places, or at the places at which the workers receive their wages. The report does not refer to the second paragraph of this Article.

*Colombia.* — See introductory note.

*Germany.* — The report states that the application of the relevant legislation is entrusted to the labour trustees, the labour inspection service and the labour courts. § 7 of the Home Work Act of 23 March 1934 provides that the list of wage rates must be posted up in the room where home work is given out or received. In cases where the work is distributed direct to the workers in their homes, the person who distributes it must ensure that the workers see the list. §§ 26-31 of the Act lay down the penalties in case of contravention, etc. Under the terms of these sections, if an employer or middleman has paid wages below the compulsory minimum, the labour trustee may warn him that a fine for delayed payment may be imposed; this is only permissible, however, within three months of the receipt of the inadequate wages by the home worker. If the employer does not pay the worker the amount due to him within the time-limit specified by the labour trustee, the latter determines the amount of the fine, which is levied in accordance with the procedure for the collection of public taxes. In order to give the employer the strongest possible inducement to make good the amount due to the home worker, the fine may be reduced in proportion to the amount paid retrospectively to the

worker. The home worker may also claim the amount due to him before the labour court.

*Great Britain.* — . . . The report states that during the year ended 30 September 1934 the number of inspections made in Great Britain was 15,617. The number of workers whose wages were examined was 160,232 and the number of prosecutions undertaken was 44. The amount of arrears of wages collected by the Ministry of Labour for the same period was £26,603. In Northern Ireland during the same period the number of workers whose wages were examined was 17,337 and the number of prosecutions undertaken was 3. The amount of arrears of wages collected was £888.15.6  $\frac{3}{4}$ .

*Hungary.* — See introductory note.

*Norway.* — § 3 of the Act of 15 February 1918 concerning industrial home work lays down that an employer who employs home workers shall post up or make available in a place easily accessible to the home workers lists of his minimum rates of pay for the various kinds of home work. § 6, as amended by the Act of 6 July 1923, provides that the local health committees shall supervise the observance of the Act. Under § 26, any employer who pays any worker wages at less than the minimum rates is liable to a fine, and, if a fine is imposed, the court shall require the employer in question to pay the worker arrears of wages. The worker may also institute civil proceedings on his own initiative. § 22 of the Act of 15 February 1918, as amended by the Act of 6 July 1923, provides that the members of the Home Work Council, the local health committees and the wages boards shall have the right of access during working hours to the workplaces and workrooms where home work is carried on, and also to the business premises of the employers. They shall also be entitled to inspect the schedules of wage rates and the workers' wage books, and to make copies of the home workers' register and wages lists.

*Union of South Africa.* — Provision is made in § 11 of the Wage Act for the appointment of public servants as inspectors and officers under the Wage Act with power to investigate any wages or conditions of labour of any employee. Such officers have the power to enter and examine premises, inspect books and interrogate persons, etc. The refusal of an employer or employee to answer questions on these matters or the making of a false statement is punishable by a fine not exceeding £100 or imprisonment not exceeding six months. Similar provisions exist in § 13(1) of the amended Industrial Conciliation Act (No. 24 of 1930). All

wage determinations and industrial agreements are published in the Government Gazette, in addition to which it is usual for clauses to appear in collective agreements providing for the exhibition of a copy of the instrument concerned in each establishment in a prominent place, while this is a statutory requirement in the case of the Wage Act. Provision appears in § 9(5) of the Industrial Conciliation Act as amended and in § 8(2) (b) of the Wage Act as amended, for the criminal court convicting an employer of underpayment, to make an order against the employer to pay into Court an amount equal to the amount of the underpayment, and the Court may direct that this amount or such part thereof, not being less than one-quarter, as the Court deems equitable having regard to the circumstances, shall be paid to the employee, and the balance, if any, to the Consolidated Revenue Fund. The honest workman who is underpaid can thus receive the amount of the underpayment without the necessity of taking civil action. Where the employee has collusively agreed with the employer to accept a lower wage he may receive only a portion of the amount underpaid. Alternatively, the employee may sue civilly for the amount of the underpayment, prior to the prosecution of the employer, but if he has collusively agreed to accept less than the prescribed wage he cannot succeed in such a civil action as he is *in pari delicto* with the employer. For the purpose of administration, the Union is divided into eight labour inspectorates with offices at Johannesburg, Cape Town, Pretoria, Durban, Bloemfontein, Port Elizabeth, East London and Kimberley. In each inspectorate systematic inspections of establishments subject to wage regulation are undertaken. Complaints are investigated and prosecutions instituted where necessary. The administration of determinations under the Wage Act is entrusted to the Department of Labour, while that of agreements under the Industrial Conciliation Act is vested in industrial councils in so far as persons who are members of the employers' and employees' organisations are concerned and in the Department of Labour in so far as persons who are non-members are concerned. Where wages and hours are fixed by the Minister of Labour under § 9(4) of the Industrial Conciliation Act for persons who fall outside the definition of "employee" contained in that Act, the administration of the Government Notice prescribing those wages and hours is vested in the Department of Labour. There is no limitation as to the time during which an employee may report an underpayment and receive an award under an order made where the employer is prosecuted, but no award may be made covering a longer period than one year. Where an employee enforces his claim by civil action, the ordinary rule relating to the period of

prescription for civil rights is applicable. The periods are as follows:

Act 26 of 1908 (Transvaal), Claim for wages	Three years.
Act 6 of 1861 (Cape Province), Claim for wages	" "
Law 14 of 1861 (Natal), Claim for wages	Two "
Chapter XXIII of the Law Book (O.F.S.), Claim for wages	Eight years if contract is writ- ten. Four years in other cases.

## 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 transmits a copy of a judgment pronounced by the Labour Court of Iquique, rejecting the application of a worker in the employment of the Saltpetre Company of Chile for payment at a higher rate, on the grounds that he had not been working in the specific industrial branch to which the higher rate in question applied.

*Spain.* — The report states that decisions concerning the application of minimum wage rates may be found in the *Anuario Español de Política Social*.

*Union of South Africa.* — The report states that no decisions have been given by courts regarding the application of the Convention, as the latter has, as such, no legal effect. Numerous decisions have, however, been given under the statutes themselves, but with the exception of the employee's right to recover wages in cases of underpayment, and the employer's failure to pay the prescribed wages and to exhibit copies of the wage regulating instrument concerned, none of the decisions affect the application of the Convention. With regard to prosecutions for underpayment, and failure to exhibit copies of the wage instrument, the cases are dealt with in the magistrate's courts, i.e. courts of first instance, and the judgments are not reported. The law on the question of the employee's civil right to sue for the difference between the wage paid and that prescribed has been settled by the decision of the Appellate Division of the Supreme Court of South Africa in the case of *Manoim vs. the Veneered Furniture Manufacturers Ltd.* This decision was to the effect that an employee who agrees to accept a lower wage than the minimum fixed either under the Wage Act or under the Conciliation Act cannot subsequently sue his employer

in a civil action for recovery of the balance of his wages.

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, 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 with regard to the creation of minimum wage fixing machinery, see introductory note. The information supplied by the Government regarding the States of the Commonwealth is as follows:

*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.

*Chile.* — See above under ARTICLE 5.

*China.* — The report states that the enforcement of the relevant legislation has not given rise to any difficulties, and that neither the authorities responsible for the enforcement nor the workers have made any observations with regard to the legislation in question.

*Colombia.* — See introductory note.

*France.* — The report states that the labour inspection service instituted proceedings, during 1933, in 24 cases arising out of 89 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	11	11
§ 33 b	3	3
§ 33 c	8	51
§ 33 n	2	24
	24	89

The report adds that the Government has not received any observations from the employers' or workers' organisations concerned with regard to the minimum wage fixing machinery itself, but one employers' organisation made a request which concerned the scope of the machinery, viz. that it should be extended to cover power loom weaving in the silk industry. This request was made the subject of an enquiry, the results of which were submitted to the Supreme Labour Council, which decided in favour of the request.

*Germany.* — The report states that the following documents may be consulted in regard to the first paragraph of this heading: (1) Explanatory statement prefixed to the Home Work Act; *Reichsarbeitsblatt*, 5 April 1934, No. 10, I, p. 79. (2) Commentary on the Home Work Act by Mansfeld and Kalckbrenner (Heymanns Verlag, Berlin 1934); Kalckbrenner's studies published in the *Reichsarbeitsblatt*, (No. 10, II, p. 123), in the *Reichsverwaltungsblatt* (No. 18, p. 357), and in *Deutsches Arbeitsrecht* (No. 5, p. 131). No comprehensive reports on the working of the Act are yet available. The report adds that no observations respecting the practical fulfilment of the conditions prescribed by the Convention or the application of the

national law implementing the Convention have been received from the circles of individuals concerned. No contraventions of the relevant legislation during the period covered by the report have come to the notice of the German Government.

*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.

*Hungary.* — See introductory note.

*Irish Free State.* — The report states that no observations have been received from organisations of employers or workers during the period under review.

*Italy.* — The report states that the legal provisions adopted during the period under review (see under I above) have perfected the Italian system by ensuring the validity of collective agreements or similar provisions during the period between the lapsing of the agreements and the conclusion of new agreements. The following appendices are attached to the report: (1) A statement with regard to collective agreements in the year 1933; (2) An account of the conciliation work of the Ministry of Corporations in regard to collective labour disputes during the years 1927-1933; and (3) An account of the work of the magistrates in regard to labour disputes. No complaints have been made by the trade union organisations concerned with regard to the practical application of the Convention.

*Norway.* — The report states that the Convention is applied in the letter and in the spirit, and that the application has not encountered any difficulty of principle. No observations have been received from organisations of employers or workers regarding the practical fulfilment of the conditions prescribed by the Convention.

*Spain.* — The report refers to the decisions reproduced on pp. 407-1611 of the *Anuario Español de Política Social*, and adds that, for the purpose of appreciating the manner in which the relevant legislation is effectively applied, the rates laid down in these decisions may be compared with the rates actually paid for various occupations, as shown in the wage statistics for 1914-1930 published by the Ministry of Labour.

*Union of South Africa.* — The report of the Government refers to the Report of the Department of Labour for the year ended December, 1932, pages 31-43, which

contain full statements regarding the administration of the Industrial Conciliation and Wage Acts. With regard to the former Act, the Report in question states that at the beginning of the year 1932 there were 41 registered industrial councils, and that during the year three new councils were established and eight were de-registered, including the National Industrial Council of the Building Industry of South Africa and the Industrial Council for the Clothing Industry (Witwatersrand). The Report adds that in view of the economic position of the country during 1932 and the uncertain state of trade, it was perhaps surprising that a serious decline in the number of employers and employees who voluntarily bound themselves through the industrial council system to legalised conditions of employment did not take place. The position existing at the beginning of the year was well maintained, and in spite of the very serious increase of unemployment, which naturally tended to depress wages, there were very few changes in wages, and the reductions which were introduced were of a minor character. Owing to the depression, however, the industrial councils were forced to depart from their usual custom of applying for the publication of agreements for periods of 12 months or longer. Thirty-five agreements were in operation during 1932, and 26 were still in force at the end of the year, at which date there were 2,464 employers and 17,946 employees (other than natives falling under Pass Laws) subject to wage regulation under the Act. The Report adds further that it is plain that if any section of workers falls outside the scope of a wage regulating instrument, the security of those within its ambit is threatened, since workers in the excluded section may supplant at a lower wage the workers falling under the instrument. Natives are not included within the definition of "employee" in the Act, and thus form such a section. To meet this situation the Act provides in § 9(4) that where any object of an agreement is likely to be defeated by the employment at lower wages of persons excluded from the definition of "employee", the Minister may, on the request of the Council, specify the

wages and hours which shall apply to such a person. The Report states that 8 councils have taken advantage of this provision. With regard to the administration of the Wage Act, the Report of the Department of Labour states that the Wage Board had made 51 determinations up to the end of 1932, 6 of which were made during the year. At the end of the year 21 determinations were in operation affecting approximately 21,000 employers and 73,000 employees. The Report adds that compulsory wage regulation is now being accepted in a better spirit. In previous years constant attacks were made in the Courts on the validity of determinations, and in some trades the position became extremely difficult, but it is now beginning to be realised more and more that wage regulation not only benefits employees, but has considerable advantages as regards employers, as it tends to place them on a uniform competitive basis. Although only 72 prosecutions under the Act were instituted during 1932, these were not the only cases in which employers were found to be in default. The policy of the Department is to give an employer who is for the first time found out of compliance, the opportunity of adjusting matters before resorting to the Courts. The Report adds further that collusion between employers and employees is still serious in certain trades, and that agreements and determinations are frustrated by certain classes of employers, who put pressure to bear upon their workers to accept lower wages under penalty of dismissal. The report of the Government states that a number of observations have from time to time been received regarding the effects and administration of the Acts concerned, and these matters are now under consideration by a Commission recently appointed to investigate and report on the effects of these statutes. It is anticipated that the Commission will be in a position to report by the end of the year and a copy of its report will be forwarded to the International Labour Office when available. The Government also forwards, as an appendix to the report, a copy of the instructions at present issued to the inspection staff.



## TWELFTH SESSION (GENEVA, 1929).

### 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 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 1933-30 September 1934 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Australia . . . . .	9. 8. 1931	31. 10. 1934
Chile . . . . .	31. 5. 1933	26. 12. 1934
China . . . . .	24. 6. 1931	11. 3. 1935
Estonia . . . . .	18. 1. 1932	20. 10. 1934
Finland . . . . .	8. 8. 1932	8. 11. 1934
Germany . . . . .	5. 7. 1933	8. 11. 1934
India . . . . .	7. 9. 1931	14. 12. 1934
Irish Free State . .	5. 7. 1930	12. 1. 1935
Italy . . . . .	18. 7. 1933	11. 1. 1935
Japan . . . . .	16. 3. 1931	14. 2. 1935
Luxemburg . . . . .	1. 4. 1931	28. 1. 1935
Netherlands . . . .	4. 1. 1933	25. 10. 1934
Norway . . . . .	1. 7. 1932	29. 10. 1934
Poland . . . . .	18. 6. 1932	23. 11. 1934
Portugal . . . . .	1. 3. 1932	22. 2. 1935
Rumania . . . . .	7. 12. 1932	12. 1. 1935
Spain . . . . .	29. 8. 1932	19. 11. 1934
Sweden . . . . .	11. 4. 1932	3. 11. 1934
Uruguay . . . . .	6. 6. 1933	
Venezuela . . . . .	17. 12. 1932	
Yugoslavia . . . . .	22. 4. 1933	26. 11. 1934

The *Irish Free State* Government states in its report that the Convention has been implemented by the Carriage By Sea (Heavy Articles) Act, 1934, which became law on 21 December 1934.

The *Polish* Government states in its report that a Bill concerning the marking of the weight on packages transported by vessels, which was drafted by the Ministry of Social Welfare, was adopted by the Council of Ministers on 13 November 1934 for submission to the Diet. The supervision of the enforcement of the provisions of this Bill, which will ensure the application of the Convention, is entrusted, under the terms of the Bill, to the Maritime Office at Gdynia and to the labour inspection service, and, in so far as inland navigation is concerned, to the bodies responsible for the inspection of such navigation and to the labour inspection service<sup>1</sup>.

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.*

#### *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.

<sup>1</sup> This Bill became law on 31 January 1935.

*Queensland.*

Regulation of 12 July 1934 concerning the marking of weights on certain heavy packages or articles loaded at Queensland ports (L. S. 1934, Austral. 4).

*Victoria.*

Marine Board of Victoria Loading and Unloading Regulations of 16 July 1931 (§ 31).

*Western Australia.*

Regulation No. 180 of 24 August 1934 concerning the marking of the weight on heavy packages. — Fremantle Harbour Trust (L. S. 1934, Austral. 4A).

Regulation No. 38 concerning the marking of the weight on heavy packages. — Western Australian Government Railways. Jetty Regulations.

Amending Regulation of 12 September 1934 concerning the marking of the weight on heavy packages. — Jetties Act, 1926 (L. S. 1934, Austral. 4B).

Amending Regulation of 17 September 1934 concerning the marking of the weight on heavy packages or articles. — Bunbury Harbour Act, 1909 (L. S. 1934, Austral. 4C).

*Chile.*

Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (§ 246) (L. S. 1931, Chile 1).

*China.*

Regulations concerning the marking of the weight on heavy packages transported by vessels, put into force on 23 November 1931.

*Estonia.*

Decree of the President of the State of 10 October 1934; Act concerning the marking of the weight on heavy packages and articles transported by vessels (L. S. 1934, Est. 6).

*Finland.*

Act of 10 June 1932 concerning the marking of the weight on heavy packages transported by vessels (L. S. 1932, Fin. 1).

Order of 10 June 1932 concerning the ratification of the Convention adopted by the International Labour Conference in 1929 on the marking of the weight on heavy packages transported by vessels.

Act of 4 March 1927 concerning industrial inspection (L. S. 1927, Fin. 1).

Orders of the Council of Ministers, dated 4 March 1927, concerning the application of the Act of 4 March 1927 concerning industrial inspection.

*Germany.*

Act of 28 June 1933 concerning the marking of the weight on heavy packages transported by vessels (L. S. 1933, Ger. 9).

*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.

*Italy.*

Royal Legislative Decree of 26 January 1933 concerning the marking of the weight on heavy packages transported by water (L. S. 1933, It. 1).

Act of 23 May 1933 to convert the previous Decree into an Act and to lay down rules concerning the marking of the weight on heavy packages transported by water.

Royal Decree of 8 March 1933 implementing the Convention throughout the Kingdom.

*Japan.*

Ordinance No. 16 of 6 May 1930, of the Department of the Interior, respecting the marking of the weight on heavy packages (L. S. 1930, Jap. 1).

*Luxemburg.*

Act of 24 February 1931 to ratify the Conventions adopted by the International Labour Conference during its Twelfth Session (L. S. 1931, Lux. 1).

*Netherlands.*

Act of 19 March 1932 to provide for the marking of the weight on heavy packages transported by seagoing vessels (L. S. 1932, Neth. 2A).

Act of 19 March 1932 to provide for the marking of the weight on heavy packages transported by vessels engaged in inland navigation (L. S. 1932, Neth. 2B).

Decree of 1 December 1932 to issue public administrative regulations as provided in the second sentence of § 1 of the Act of 19 March 1932 to provide for the marking of the weight on heavy packages transported by seagoing vessels (L. S. 1932, Neth. 2C).

Decree to issue public administrative regulations as provided in the second sentence of § 2 of the Act of 19 March 1932 to provide for the marking of the weight on heavy packages transported by vessels engaged in inland navigation (L. S. 1932, Neth. 2D).

Decree of 1 December 1932 to fix the date on which the Acts of 19 March 1932 mentioned above shall come into operation (L. S. 1932, Neth. 2E).

*Norway.*

Act of 22 April 1932 concerning the marking of the weight on heavy packages transported by vessels (L. S. 1932, Nor. 1).

*Poland.*

See introductory note.

*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.

*Rumania.*

Circular No. 11978/934 addressed by the Ministry of Communications to port authorities.

Similar Circular addressed by the General Directorate of Customs of the Ministry of Finance to customs officials.

*Spain.*

Decree of 8 May 1933 to provide that every package or object of one thousand kilograms (one metric ton) or more gross weight consigned for transport by sea or inland waterway shall have had its weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel (L. S. 1933, Sp. 1).

*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).

*Yugoslavia.*

Order of the Minister of Communications of 31 December 1932 to put into force the provisions of the Convention.

## 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 is consigned, and not on the Government of a country through which it passes on the way to its destination.

It shall be left to national laws or regulations to determine whether the obligation for having the weight marked as aforesaid shall fall on the consignor or on some other person or body.

*Australia.* — The information supplied by the Government with regard to the States of the Commonwealth is as follows :

*New South Wales.* — The Government has in contemplation legislation similar to that promulgated by the Commonwealth Government to implement the Convention.

*Queensland.* — The report announces the promulgation, on 12 July 1934, of a Regulation applying, to ships trading within the limits of the State, provisions which implement the Convention.

*Tasmania.* — Since packages carried by inter-State vessels for trans-shipment to inter-State vessels are marked in accordance with the Commonwealth Regulations, no further action seems desirable.

*Victoria.* — The report states that the matter in question already covered by Regulation No. 31 of the Loading and Unloading Regulations under the Marine Act, which implements the provisions of the Convention. The Regulation allows an exception, however, in the case of "articles which, by reason of their nature or place of shipment, it is not practicable to weigh." In such cases, "the master of the ship shall arrange for some competent person to give to the workers actually employed in the loading or unloading of the articles . . . verbal advice as to the approximate weight . . ."

*Western Australia.* — The report mentions the promulgation of Regulation No. 180 of 24 August 1934 (Fremantle Harbour Trust), Regulation No. 38 (Western Australian Government Railways. Jetty Regulations), Amending Regulation of 12 September 1934 concerning the marking of the weight on heavy packages (Jetties Act, 1926) and Amending Regulation of 17 September 1934 (Bunbury Harbour Act, 1909); these Regulations apply the provisions of the Convention; with regard to the first two, it should be noted that the minimum weight required to be marked is one English ton (2,240 lbs.).

*Chile.* — The report indicates that § 246 (2) of the Labour Code gives effect to the Convention. The section in question stipulates that regulations shall specify the marks or labels which must be affixed to packages, and other rules respecting dangerous or unhealthy industries.

*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. At the moment of disembarking, the master must inform the persons responsible for unloading the package of its approximate weight. According to § 5 of the Regulations the obligation for having the weight marked as aforesaid rests solely upon the consignor or his legal representative.

*Estonia.* — § 1 of the Act of 10 October 1934 provides that the consignor of any package or object of one thousand kilograms or more weight, to be transported by sea or by inland waterway, shall have had its gross weight plainly and durably marked upon it before it is loaded for transport. In exceptional cases where it is difficult to determine the exact weight, the consignor may indicate the approximate weight on the package or object.

*Finland.* — § 1 of the Act of 10 June 1932 lays down that any package or object of one thousand kilograms or more gross weight consigned for loading on a vessel shall have its gross weight in kilograms plainly and durably marked upon it; the obligation for having this done shall fall on the shipper, or, if the package or object is loaded on a vessel outside Finland, on the consignor. Where it is difficult to determine the exact weight, an approximate weight may be marked.

*Germany.* — § 1 of the Act of 28 June 1933 provides that any package or object of one thousand kilograms or more gross weight which is consigned within the territory of the German Federation for transport by sea or inland waterway shall have its gross weight in kilograms durably and plainly marked upon it in a conspicuous place. The consignor shall be responsible for the marking of the weight. The weight shall be ascertained by weighing; if special difficulties make this impracticable, the weight shall be calculated or estimated as accurately as possible. The weight shall be marked at latest before

the package or object is loaded on board a vessel. Where the approximate weight is marked, this shall be clearly indicated. If the weight of the package or object is already marked, the consignor shall not be bound to re-weigh the package or object unless the weight marked appears improbable. § 2 provides that the obligation laid down in § 1 shall not apply to goods transported in bulk, nor to the frequently recurring transportation of objects of known weight on vessels engaged in inland navigation in local traffic where public harbours are not used.

*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.

*Irish Free State.* — See introductory note.

*Italy.* — The Legislative Decree of 26 January 1933 provides that the consignor or his representative shall be bound to mark the gross weight plainly and durably on every package or object of one thousand kilograms or more gross weight which is to be transported by sea or inland waterway. The weight marked on the package or object shall be entered on the accompanying documents if such are prescribed. If it is difficult to ascertain the exact weight, the consignor or his representative may by way of exception mark the approximate weight on the package or object, and enter the same in the relevant documents, provided that it is made clear by a special note that the weight marked is approximate. The Decree further provides that masters of vessels, persons in charge of floating structures, and the railways in the case of joint railway and maritime services alone, shall refuse to transport packages or objects on which the weight is not marked as prescribed. The responsibility for observing the regulations relating to marking the weight rests, under the Decree, with the consignor or his representative, who are punished, in cases of infringement, by a fine of not less than 50 nor more than 500 lire, without prejudice to any heavier penal liability incurred. The Decree exempts carriers from all responsibility.

*Netherlands.* — § 1 of the Act of 19 March 1932 to provide for the marking of the weight on heavy packages transported by seagoing vessels lays down that the consignor of any package or object of

not less than one thousand kilograms gross weight shall see that the weight of the package or object is plainly and durably marked upon it on the outside before it is despatched, if he knows or has reasonable grounds for supposing that the package or object is to be transported for all or part of its transit by a seagoing vessel as specified in § 1 (1) of the Stevedores Act of 16 October 1914. In the cases specified by public administrative regulations the approximate weight may be marked instead of the exact weight. § 2 of the Act of 19 March 1932 to provide for the marking of the weight on heavy packages transported by vessels engaged in inland navigation, which are defined in § 1 of the Act, prescribes similar obligations for the consignor if he knows or has reasonable grounds for supposing that the package or object is to be transported for all or part of its transit by a vessel engaged in inland navigation. Under the terms of the Decrees of 1 December 1932, the nearest possible approximate weight may be marked instead of the exact weight in the following cases: (a) if the nature, composition or dimensions of the package or object should be such that it is difficult to ascertain the exact weight; (b) if the weight is liable to considerable variations owing to the influence of the weather (§ 1). In the cases mentioned above it shall be stated in the cargo documents relating to the package or object that the weight marked on it is approximate (§ 2).

*Norway.* — § 1 of the Act of 22 April 1932 provides that the shipper of any package or object of one thousand kilograms or more gross weight shall see that the gross weight in kilograms is plainly and durably marked upon it on the outside before it is loaded on a vessel. If the package or object is to be loaded in a foreign port, the duty of marking the weight shall rest upon the person in Norway who consigns it to a place in a foreign country. In exceptional cases where it is impossible to determine the exact weight owing to special circumstances, the approximate weight shall be marked.

*Poland.* — See introductory note.

*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.

*Rumania.* — Circular No. 11,978/934, addressed by the General Inspectorate of Navigation and Harbours of the Ministry of Communications to the port authorities, lays down that the latter shall enforce the Convention by informing shipowners, consignors, agencies, associations, docks, ships' commanders, etc., both by notices and by personal communications, of the following obligations: (1) Any package or object of one thousand kilograms (one metric ton) or more gross weight, to be transported 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. (2) Any package or object of one thousand kilograms (one metric ton) or more gross weight which is warehoused while awaiting transport by vessel shall also have its weight marked on it. (3) In exceptional cases where it is difficult to determine the exact weight, the approximate weight may be marked on the object in question. (4) The weight shall be indicated in kilograms. (5) The responsibility for having the weight marked on packages and objects shall rest with the consignor.

*Spain.* — § 1 of the Decree of 8 May 1933 lays down that any package or object of one thousand kilograms (one metric ton) or more gross weight consigned for transport by sea or inland waterway shall have had its weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel. § 2 prescribes that the consignor of the goods shall be bound to comply with the requirement laid down in § 1. § 3 provides that in cases where large stones are being loaded on ships or vessels at places where suitable appliances are not available, the consignor shall be authorised to mark the approximate weight.

*Sweden.* — § 1 of the Act of 11 March 1932 provides 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 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.

*Yugoslavia.* — The report states that, in order to enforce the Order of the Minister of Communications of 31 De-

cember 1932, all the shipping companies have issued circulars to their subordinates directing them to observe the provisions of the Order in question.

### 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 report states that the provisions of the Convention are being complied with in the territories of *Papua* (Navigation—Loading and Unloading—Regulations of 18 July 1931 — L. S. 1931, Austral. 4—amended on 5 September 1933) and *Norfolk Island* (Ordinance of 31 August 1932 — L. S. 1932, Austral. 2) and in the mandated territories of *New Guinea* (Ordinance of 31 August 1932 — L. S. 1932, L. N. 4) and *Nauru* (Ordinance of 15 October 1932 — L. S. 1932, L. N. 7).

*Italy.* — The Royal Legislative Decree of 26 January 1933, and, consequently, the Convention itself, has been applied to the colonies by the Decree of 22 May 1933, and to the Italian islands of the Aegean Sea by the Decree of 9 October 1933.

*Netherlands.* — The Convention has been promulgated in *Surinam*, but it has not so far been necessary to take any measures in order to apply it in the colony. The Governor of *Curaçao* reports that the Convention has not been applied, such a step being unnecessary. The Governor of the *Netherlands Indies* reports that it has not yet been found possible to apply 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.

*Spain.* — The report states that the Decree of 8 May 1933 is applicable, without any modification, to all territory under the authority of the Spanish Government.

#### 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.*

*Chile.* — The report states that the authority responsible for the application of the legislative provisions which implement the Convention is the General Labour Inspectorate, the organisation of which is regulated by Legislative Decree of 15 August 1930, Book IV, Part III, Section I of the Legislative Decree of 13 May 1931 and the Decree of 15 November 1933 issuing Regulations for the service. The authorities responsible on the legal side are the labour courts, regulated by Book IV, Part I of the Legislative Decree of 13 May 1931. The inspection procedure is laid down in Book IV, Part III, Section II of the same Decree, and is based on the general principles for the organisation of inspection services contained in the Recommendation on the subject adopted at the Fifth Session of the International Labour Conference at Geneva in October 1923.

*China.* — The report states that the application of the Regulations in question is entrusted to the local shipping offices and to the customs authorities.

*Estonia.* — Under § 2 of the Act of 10 October 1934, the authorities responsible for applying the Act are the port authorities and the customs officials.

*Finland.* — § 2 of the Act of 10 June 1932 lays down that the industrial inspection authorities shall be responsible for supervision of the observance of the Act.

The report adds that the inspectors exercise this supervision under the provisions of the Act of 4 March 1927 concerning industrial inspection and the Order of 4 March 1927 to apply the Act. The work of the inspectors is supervised by the Ministry of Social Affairs. § 3 of the Act of 10 June 1932 lays down that if any person omits the marking of the weight as provided in § 1 he shall be fined a sum not exceeding the equivalent of ten days' imprisonment.

*Germany.* — § 3 of the Act of 28 June 1933 provides that the authorities competent for the regulation of ports or shipping (i.e., according to the report, the police authorities and the labour inspectors) shall be responsible for supervision of the administration of the Act. The first, second and fourth paragraphs of § 139b of the Industrial Code shall apply, *mutatis mutandis*. If packages or objects of the kind specified in the first paragraph of § 1 of the Act are not marked in conformity with the regulations, the authority competent for the regulation of ports or shipping may itself cause them to be weighed and the weight to be marked as prescribed, if the packages or objects are to be exported from the territory of the German Federation or there is reason to suppose that the absence of the marking of the weight would expose employees to risk of danger in the further handling of the packages or objects in question. The expenses of such subsequent weighing and marking of the weight shall be defrayed by the person responsible for the marking; they shall be recovered in accordance with the provisions of the State legislation respecting the recovery of public taxes. Any person who fails to comply with the obligation under § 1 of the Act respecting the marking of the weight shall be punished by a fine not exceeding 150 Reichsmark.

*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.

*Irish Free State.* — See introductory note.

*Italy.* — The supervision of the enforcement of the relevant legislative provisions is carried out in the Kingdom of Italy, in the colonies, and in the islands of the Aegean Sea by the competent maritime

and railway officials, and by the respective Governments of the colonies in question, which carry out this supervision under the general control of the Ministry of Communications (Directorates-General of Mercantile Marine and of State Railways), and of the Ministry of Colonies.

*Netherlands.* — § 2 of the Act of 19 March 1932 to provide for the marking of the weight on heavy packages transported by seagoing vessels lays down that the consignor of a package or object as provided in § 1 of the Act, the head or manager of an undertaking and the persons employed therein shall be bound to supply the officials specified in § 4 with the information requested respecting the observance of this Act. § 3 lays down that contraventions of the provisions laid down in or in pursuance of §§ 1 or 2 shall be punished by detention for not less than one month or a fine not exceeding one hundred gulden. § 4 provides that in addition to the officials specified under nos. 1 and 3-6 of § 141 of the Penal Procedure Code, the officials of the national and communal police, the officials specified in § 17 (1) of the Stevedores Act and the officials specified in § 77 of the Labour Act, 1919, shall be responsible for the detection of the punishable actions specified in § 3. The report states that the two latter classes of official are respectively the port inspectors and the labour inspectors. § 5 of the Act lays down that the actions specified in the Act as punishable shall be deemed to be contraventions. The Act of 19 March 1932 to provide for the marking of the weight on heavy packages transported by vessels engaged in inland navigation lays down similar provisions for inland navigation.

*Norway.* — § 2 of the Act of 22 April 1932 provides that the responsibility for the supervision of the observance of the provisions of the Act shall rest with the inspection service established by the Act respecting the protection of workers in industrial undertakings. In this connection the relevant provisions of the latter Act shall apply, *mutatis mutandis*. Whenever any contravention of the provisions of the Act of 22 April 1932 comes to the notice of the police, shipping, harbour or customs authorities, they shall report it immediately to the nearest inspection authority. § 3 of the Act lays down that any shipper or consignor who is guilty of a contravention of the provisions of § 1 of the regulations issued by the Department in pursuance of the said section shall be liable to a fine.

*Poland.* — See introductory note.

*Portugal.* — The customs authorities are responsible for the supervision of the execution of Decree No. 20,611 of 11 December 1931.

*Rumania.* — Under the terms of the Circular No. 11,978/934 addressed by the General Inspectorate of Navigation and Harbours of the Ministry of Communications to the port authorities, the General Directorate of Customs has laid down that the inspection and supervision of the provisions of the Circular shall be the duty of the customs officers at the ports, and that the port authorities shall act in liaison with the customs officers in regard to the enforcement of the said provisions.

*Spain.* — The report does not refer to this point.

*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.

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

## 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. No breaches of the Regulations have been reported during the year. The Administrator of Norfolk Island states that since the application of the Marking of Weight on Heavy Packages Ordinance of 1932, no instance of contravention has come under notice.

*Chile.* — The report states that there is no information available under this heading.

*China.* — The report states that, since the coming into force of the Regulations of 23 November 1931, no opinions with regard to them have been expressed either by the masters of ships, or by the consignors of packages, or by the persons responsible for unloading packages. No difficulties of enforcement have arisen.

*Estonia.* — The report states that no information is so far available under this heading, as the relevant legislation has only been in force for a short period.

*Finland.* — The report states that the Ministry has not received any reports from the Labour Inspection Service with regard to infringements of the law, nor any observations from the employers' or workers' organisations on the practical application of the provisions of the Convention or of the national legislation in force.

*Germany.* — The Government states that, according to reports received, the weight is as a general rule regularly indicated on packages. In the isolated cases where the marking of the weight has been omitted, it has been immediately added at the request of the inspection authorities. The Government is unaware of any breaches of the law, and no observations have been received from the circles of individuals concerned with regard to the practical application of the provisions of the Convention or of the national legislation which implements it.

*India.* — The report states that the Convention has been satisfactorily applied in India. Ten cases have been reported in which heavy packages were tendered for shipment without having had the

gross weight marked upon them. 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.

*Italy.* — The Government states that there is nothing particular to report with regard to the application of the Convention. During the period under review, the Government has not received either observations or complaints from the trade union organisations with regard to the application of the Convention.

*Japan.* — The report states that there are no particulars to be mentioned with regard to the application of the Convention, since no difficulties have been encountered in applying it. 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.

*Luxemburg.* — The report of the labour inspection service does not mention any cases of infringement. 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.

*Netherlands.* — The report states that the application of the provisions which implement the Convention still leaves something to be desired, owing to the fact that the provisions themselves are not yet sufficiently well-known. Difficulties sometimes arise in cases where the weight has not been marked in the country of origin on packages designed for transit, and this is particularly so in the case of wooden beams, trunks of trees and blocks of stone. The cargo documents are often searched in order to discover the weight of the packages in question, but it is not always possible to discover it. Difficulties also arise with regard to the use of "containers" (*houder voor lading*). When such a container has been loaded by a single consignor, the weight can easily be determined, but when it contains packages coming from different consignors, the determination of the weight become more difficult. In one case the municipal police officers instituted proceedings, affirming that heavy beams had been transported without any indication of weight. The Government is unaware of any observa-



tions from employers' or workers' organisations.

*Norway.* — The report states that the Convention is strictly applied and that no complaints or observations have been received from employers' or workers' organisations.

*Poland.* — See introductory note.

*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.

*Rumania.* — The report states that, thanks to the measures taken by the customs authorities and the port authorities, the provisions of the Convention are strictly observed.

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

*Sweden.* — The report states that with a view to obtaining information with regard to the application of the relevant legislation, the Departement of Labour and Social Welfare required the labour inspectors last June to supply information as regards their work in the field in question. Briefly stated, the replies received are to the effect that heavy packages sent to foreign countries by firms of a certain importance are generally duly provided with an indication of their weight. The replies are less satisfactory, however, with regard to less important consignors, and packages transported exclusively from one Swedish port to another. Since this state of affairs is evidently due in most cases to lack of knowledge of the new Regulations on the question, the Department has decided to draw the attention of port authorities, consignors, officials and other persons concerned to the provisions of these Regulations, by means of a Circular. It is also intended to take proceedings in certain cases against the persons guilty of breaches of the law. The report adds 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 in general satisfactorily applied, and this is confirmed by the fact that no complaints have been received from the occupational associations concerned.

*Yugoslavia.* — The report sends by way of example copies of circulars of all the shipping companies and in particular one issued by the Society "*Navigation Adriatique*", under the terms of which all the agencies of the Society are bound to mark the weight on every package weighing one thousand kilograms or more which is designed for transport. The weight must be marked outside in a plain and durable fashion.

## 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 1934 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 1933-30 September 1934 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Irish Free State . .	5. 7. 1930	
Luxemburg . . . .	1. 4. 1931	28. 1. 1935
Spain <sup>1</sup> . . . . .	29. 8. 1932	19. 11. 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 report of the *Irish Free State* Government has not yet been received.

<sup>1</sup> On 28 July 1934 the Secretary-General of the League of Nations registered the ratification by the Spanish Government of the Convention concerning the protection against accidents of workers employed in loading or unloading ships (revised 1932). Article 23 of the present Convention lays down that such ratification "shall *ipso jure* involve denunciation of this Convention without any requirement of delay... if and when the new revising Convention shall have come into force." The revising Convention came into force on 30 October 1934.

The report of the *Luxemburg* Government refers to the report for 1932-33, which stated that, in general, the provisions of Article 15 of the Convention were 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".) The report for this year indicates that the

situation is unchanged. The Convention has no practical application in the Grand Duchy, as the processes are carried on only very rarely, and the traffic is limited and confined to small river boats. The Government 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 national legislation which implements them.

The *Spanish* Government states in its report that, during the period under review, no legislation was passed concerning the application of the Convention, and adds that the Statistical Department of the Ministry is at present being re-organised. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

# FOURTEENTH SESSION (GENEVA, 1930).

## 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 which, in accordance with Article 408 of the Treaty of Versailles, were called upon to submit reports for the period 1 October 1933-30 September 1934 or for part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Australia . . . . .	2. 1.1932	12.11.1934 22.12.1934
Bulgaria. . . . .	22. 9.1932	23.10.1934
Chile . . . . .	31. 5.1933	26.12.1934
Denmark . . . . .	11. 2.1932	20.11.1934
Great Britain . . .	3. 6.1931	15.11.1934 19. 2.1935
Irish Free State . .	2. 3.1931	17.10.1934
Japan. . . . .	21.11.1932	14. 2.1935
Liberia . . . . .	1. 5.1931	25. 3.1935 <sup>1</sup>
Netherlands . . . .	31. 3.1933	7.11.1934 1. 3.1935
Norway . . . . .	1. 7.1932	29.10.1934
Spain . . . . .	29. 8.1932	3.12.1934
Sweden . . . . .	22.12.1931	3.11.1934
Yugoslavia. . . . .	4. 3.1933	26.11.1934

The ratification of the Convention by *Australia* applies to the Commonwealth of Australia and the territories of *Papua*

<sup>1</sup> The summary of this report will be published in a supplement to the present volume.

and *Norfolk Island*, and to the Mandated Territories of *New Guinea* and *Nauru*.

The Government of *Bulgaria* states that, as Bulgaria possesses no colonies, the Convention is inapplicable.

The Government of *Chile* states that the type of labour dealt with by the Convention is non-existent in that country. Paragraph 9 (3) of Article 10 of the Constitution provides that "no person may be required to perform any kind of personal service . . . save by Decree of the competent authorities, issued in accordance with the legislation permitting such service."

The Government of *Denmark* states that "forced or compulsory labour" within the meaning of the Convention, is non-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 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, 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 a Forced Labour Ordinance. (See also under ARTICLE 22.) A Bill for this purpose was introduced at the session of the Legislative Council held in March, 1934 and was read a first and a second time. Owing to the criticisms of the unofficial African members of the Council the Bill was referred to a Select Committee for consideration. The report of the Select Committee has been received and was laid before the Council in November last.

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 *Japan* states that forced or compulsory labour is non-existent in Japan. Consequently, no legislative or administrative measures have been necessary for the application of the Convention either in Japan proper or in *Chosen*, *Taiwan*, *Karafuto* and *Kwantung*. In the *South Sea Islands*, apart from the provision of the Mandate and the corresponding provision of the Treaty between Japan and the United States of America, no special legislative or administrative measures have been enacted, as there have been no cases of forced labour.

The following declaration was appended to its ratification of the Convention by the Government of the *Netherlands*: "(1) The Netherlands Government intends to apply the provisions of the Convention without modification in the European Kingdom, *Surinam* and *Curacao*. (2) The Netherlands Government intends to apply the provisions of the Convention to the *Netherlands Indies* with the following modifications: (a) Article 3 will not be applied; the competent central authorities will,

however, be responsible for the use of forced or compulsory labour. (b) Article 4 will not be applied to services carried out for landlords by the inhabitants of the so-called 'private estates' in the Island of Java." The report states that in the territory of the Netherlands Indies under direct administration, the law is now in full harmony with the provisions of the Convention; that in the Outer Provinces the authorities of the territories under autonomous Native administration have, on the Government's invitation, brought the regulations concerning "*heerendiensten*" (compulsory labour for general public purposes) into harmony with the Convention; and that in Java the native rulers have been consulted for the same purpose, there being no doubt that such consultation will soon produce the desired result.

The Government of *Norway* states that forced or compulsory labour does not exist in that country and that the Government has not under its sovereignty, jurisdiction, protection, suzerainty, tutelage or authority any territories to which the provisions of the Convention are applicable. The Convention was ratified by Norway because the Government is in favour of the abolition of forced or compulsory labour on the lines laid down in the Convention.

The Government of *Spain* states that the territories that may be regarded as being in any respect dependent upon the Spanish State may be classified as follows: 1) Cities under Spanish sovereignty (*Melilla*, *Ceuta*, *Alhucimas*, *Peñón de Velez* and *Chafarinas*), which are really portions of Spanish territory. 2) The Spanish Protectorate of Morocco, where the Caliph is obliged to take the necessary steps to introduce Spanish legislation in the Protectorate. 3) Spanish colonies and territories on the *Gulf of Guinea*. As regards the first category, i.e. territories which are in fact Spanish, Spanish social legislation is naturally applied in such territories under the supervision of the Labour Delegations and Inspectorates, forced labour not being authorised. As regards the Spanish Protectorate of Morocco, Spanish legislation is being gradually introduced, as may be seen by No. 25 of the "*Boletín Oficial de la Zona de Protectorado Español en Marruecos*" dated 31 December 1930, which contains, on pages 1416 and 1417, a dahir supplementing the dahir concerning industrial accidents. Lastly, in the colonies and territories on the Gulf of Guinea, there is a Committee for the Protection of Natives and a special Service entitled the "*Cura-duria Nacional*", whose duty it is to regulate the work of the natives in the most just and humanitarian sense. Reference is made, by way of example, to the regulations concerning Native labour in

the Spanish territories on the Gulf of Guinea, and the Decree of 15 December 1927, both of which deal with contract labour.

For the third 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 20 December 1934.

The Government of *Sweden* states that Sweden possesses no territories to which there could be any question of applying the provisions of the Convention.

The Government of *Yugoslavia* states that the provisions of the Convention do not concern that country.

# 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.)

*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, New-Jfoundland*, 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, Gambia, 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.*

The addition of the *Gambia* to the above list results from the adoption of the Forced Labour Ordinance, 1934. The Government states that this Ordinance makes provision only for the exaction of compulsory labour for minor communal services and in cases of emergency, and that the exaction of any other form of compulsory labour is a punishable offence.

Forced labour, as defined by the Convention, is allowed by law in the following dependencies :

*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 and in the *Gambia*.

## Gambia.

Native Authority Ordinance, 1933.  
Forced Labour Ordinance, 1934,

## 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 and 756 of 1933.

**Nigeria.**

Forced Labour Ordinance, 1933.

Regulations with regard to the Forced Labour of Persons as Carriers, issued under § 7 of the above Ordinance.

Regulations (No. 3 of 1934) made under §§ 13 and 16 of the above Ordinance.

Regulations (No. 13 of 1934) made under § 16 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.

**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.

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.

**Sierra Leone.**

Headmen Ordinance (Cap. 91).

Public Health (Protectorate) Ordinance (Cap. 172) § 9.

Destruction of Locusts Ordinance, 1931.

Forced Labour Ordinance, 1932.

Protectorate Ordinance, 1933, § 9 (7).

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.

**Netherlands.**

Forced labour within the meaning of the Convention does not exist in the *Netherlands* or in *Surinam* or *Curaçao*. It is, however, authorised by the law of the *Netherlands Indies*, the legislation mentioned in the report being as follows:

Constitution Act of the Netherlands Indies 1925 (*Nederlandsch Staatsblad* Nr. 327 of 1925), § 46.

Various Ordinances concerning "*heerendiensten*".

Ordinance of 9 December 1931 (*Indisch Staatsblad* No. 483 of 1931) amending and supplementing the above-mentioned Ordinances as regards the Outer Provinces.

Ordinance to revise the Coolie Ordinances for the Outer Provinces (Coolie Ordinance 1931) dated 25 February 1931 (L. S. 1931, D.E.I. 1).

The Governor General's Order of 7 October 1933, No. 20 (*Bijblad* No. 13093) containing further provisions with regard to the application of the Ordinances concerning "*heerendiensten*" in the Outer Provinces.

**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 (amended 1934).

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.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — 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, 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 hereinafter 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.

*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 *Gambia* and *Nyasaland*).

*Gambia.* — (c) The Forced Labour Ordinance, 1934 exempts from the definition of forced or compulsory labour convict labour subject to the conditions of Article 2 (c). (d) Under § 6 of the Forced Labour Ordinance it is law ful for the Governor to exact labour in the emergencies enumerated in the Convention. § 10 of the Native Authority Ordinance empowers such authorities in the event of famine to require able-bodied male Natives to work on public works and any Natives to cultivate land. (e) Under 57 of the Forced Labour Ordinance it is lawful for any Native authority, previously empowered by Native law and custom, to exact labour for (i) the maintenance of Native buildings used for communal purposes, including markets and court houses; (ii) sanitary measures; (iii) the maintenance, improvement or cleaning of local roads and paths; (iv) repairing village fences; (v) digging and construction of wells; (vi) clearing and damming of creeks; (vii) such other local minor communal services in the direct interest of the inhabitants as may be prescribed. The inhabitants or their direct representatives are to be previously consulted in regard to the need for such services. The communal service mentioned under (iii) may not be exacted except with the sanction of the Governor.

*Nigeria.* — . . . (d) Regulations have been made under § 16 of the Forced Labour Ordinance with regard to the exaction and employment of labour to deal with invasions of locusts. Under these Regulations (No. 13 of 1934) the power to decide that the emergency is sufficient to justify the exaction of labour is, in accordance with Article 8 of the Convention, vested in the Governor. Thereafter, and until the Governor decides that the emergency has passed, the power to exact labour from all able-bodied adult males is given to the Resident in charge of the Province in which the emergency occurs, and the Native Authorities concerned are granted similar powers in respect of all able-bodied adult males who are natives of Nigeria or subject to their jurisdiction. Provision is made for adequate time to be allowed for food and sleep and for the payment of persons required to labour outside the limits of the land belonging to their own villages. The report adds that in several of the Northern Provinces sanction was obtained to exact forced labour for locust destruction under the Regulations referred to above. It was found, however, that villagers carried out the destruction of swarms voluntarily and only in the Kuta Division of the Niger Province was forced labour actually exacted. Further, in the course of a patrol by a police escort in the Dimmuk Hills, Plateau Province, early in the year, it was necessary to employ compulsory labour from the local population to assist the escort, but no person was required to work for more than an aggregate of five days. (It was impossible in this instance to import paid voluntary labour as Shendam, the nearest available centre, was 30 miles away and the question of supplies for escort and carriers was already a sufficiently difficult problem). (e) Regulations (No. 3 of 1934) have been made under § 16 of the Forced Labour Ordinance with regard to the exaction and employment of labour for minor communal services. Only able-bodied males between the ages of eighteen and forty-five may be called upon for such labour and not more than twenty-five per cent. of the able-bodied males of a village may be called out for work at the same time. No person may be called upon to work for more than twenty days in one year nor beyond the limits of the land occupied by the inhabitants of his village. The length of the working day must not exceed what is customary in the neighbourhood in question. Provision is also made that

where persons wish to be excused from any form of the communal labour specified the amounts payable under § 13 of the Ordinance shall by direction of the Resident be paid to the persons who do the work. Minor communal services exacted have been in accordance with these Regulations. They have been largely confined to the clearing of paths and spaces within villages. During the year under review Native Authorities in the Northern Provinces have, with the approval of the Governor, issued orders under the Native Authority Ordinance dealing with Public Health. These rely for their execution partly on minor communal services.

*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. The report adds that, during the period under review, minor communal services, i.e. maintenance of paths, bridges and the less important ferries, and town-cleaning, were willingly and satisfactorily performed. In certain Health Areas in the Protectorate sanitary labour and labour for town-cleaning are now

paid. Statistics regarding the number of persons employed on such services are not available.

*Netherlands (Netherlands Indies).* — The only form of forced or compulsory labour existing in the Netherlands Indies and not excepted under this Article of the Convention consists in the "*heerendiensten*" (compulsory labour for general public purposes). § 46 of the Constitution Act of the Dutch East Indies provides as follows: "A special Ordinance for each province shall regulate the nature and duration of the labour dues which natives are liable to render, as well as the circumstances in which and the conditions under which the said labour dues may be levied, due account being taken of existing usage, institutions and necessities. The Ordinances concerning labour dues shall be revised for every province once in every five years in order that such amendments in the general interest as may be possible may gradually be made in them. The annual report provided for in paragraph 3 of section 60 of the Constitution shall contain particulars as to the manner in which the regulation of the said dues which is provided for in this section has been carried out." In 1931 the classes of work for which "*heerendiensten*" might be exacted in the Outer Provinces were reduced within very strict limits, and at the same time the number of days of labour that may be required of persons called upon to perform these services was considerably diminished. Further, the National Council (*Volksraad*) has under consideration a draft Ordinance to abolish such forms of "*heerendiensten*" as still exist in the territory under direct administration in Java and Madoera, with the exception of the so-called "private estates" (*particuliere landerijen*).

*Sudan (Voluntary Report).* — . . . During the twelve months now under consideration labour has been exacted as an emergency measure against disease, against flood, and against insect pests, by each of which calamity was threatened, this exaction being excluded from the ambit of the Convention by Article 2 (d). The population in all parts of the country have continued voluntarily to discharge their normal civic obligations, such as the light maintenance and clearing of primitive roads in the vicinity of villages, the safeguarding of valuable gum trees and of crops from fire by the cutting of grass, and the repair of water-storage and of irrigation works of communal utility. These tasks are amply covered by Article 2 (e). Works and services performed by persons convicted in courts of law, continue, even where payment for them is made, to be carried out under the direct control of and supervision of prison officials, and so to remain strictly within the limits laid down by Article 2 (c).



*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — 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.

*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*.

*Netherlands (Netherlands Indies).* — Under the terms of the declaration appended to the ratification of the Convention by the Netherlands Government, this Article is not to be applied in the application of the provisions of the Convention to the *Netherlands Indies*. The report states that this reservation was made owing to the fact that the legislation of the *Netherlands Indies* permits the delegation to the self-governing Provinces of the power conferred upon the central legislative authority to regulate "heerendiensten".

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — 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.

*Great Britain.* — In the *Gambia*, § 4 of the *Forced Labour Ordinance, 1934* makes the exaction of forced labour an offence punishable by a fine of fifty pounds with or without imprisonment for a maximum of six months.

*Netherlands (Netherlands Indies).* — Under the terms of the declaration,

appended to the ratification of the Convention by the Netherlands Government, Article 4 of the Convention is not to be applied to services carried out for landlords by the inhabitants of the so-called "private estates" (*particuliere landerijen*) in the *Island of Java*. The report states that this reservation was made in view more particularly of the unsatisfactory condition of the public Exchequer of the *Netherlands Indies*, which makes it impossible to contemplate an expenditure of millions of florins for the purpose of purchasing the estates in question.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — 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.

*Netherlands (Netherlands Indies).* — The granting of such a concession would be contrary to § 46 of the *Constitution Act* of the *Netherlands Indies* and therefore cannot occur.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — 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.

*Great Britain.* — ... In the *Gambia* any public officer or chief or Native authority who puts such constraint on persons under his charge is, under § 5

of the Forced Labour Ordinance, liable to a maximum fine of fifty pounds with or without imprisonment for a maximum of six months. 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 population over which he exercises authority or upon any individual member thereof, to work for any private person."

*Netherlands (Netherlands Indies).* — Any official who contravened the terms of this Article of the Convention would render himself liable to the penalties prescribed by § 421 of the Penal Code of the Netherlands Indies, which is to the following effect: "Any official who, without proper authority, obliges persons to perform, to refrain from performing, any act, or to submit to any treatment, shall be liable to punishment by imprisonment for a term not exceeding two years and eight months."

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — 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.

*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 paragraph 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.* — The Forced Labour Ordinance, 1934 makes no provision for personal services for chiefs.

*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. During the period under review no forced labour has been exacted by chiefs. In the Northern Provinces in the Wukari Division of the Benue Province it is the custom for some of the chiefs and important personages to invite neighbouring householders to help prepare their new farms and assist in harvesting. This labour is purely voluntary and in the case of the chiefs, most of whom are in charge of the fertility cults of the locality, it is in the nature of a religious duty. The position with regard to forced labour has been made clear to the public and any instance of forced as opposed to voluntary communal labour would be followed by complaint to the Administrative Officer.

*Sierra Leone.* — . . . Both the Chiefs and the people have now in general a clear understanding of the extent of compulsory labour authorised by the Forced Labour Ordinance. Recognised Chiefs continue to employ much less compulsory labour than the Ordinance allows them. Personal services, which have the sanctity of Native custom, have been satisfactorily performed during the period under review.

*Netherlands (Netherlands Indies).* — Forced or compulsory labour cannot be exacted by the Native rulers in the Netherlands Indies. The exaction of forced or compulsory labour is only tolerated in the cases, under the conditions, and in accordance with the methods, laid down in the regulations concerning "*heerendiensten*" and under the permanent control of the European Government.

*Sudan (Voluntary Report).* — . . . Where recognised chiefs, in those parts of the country where feudal conditions still prevail, by custom enjoy personal services of the kind described in this Article, careful observation continues to ensure not only that the enjoyment of such services shall be accompanied by the customary provision of food for the workers, but also the custom itself shall be neither abused nor extended.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — 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.

*Great Britain.* — The situation is summarised below.

*Gambia.* — Under the Forced Labour Ordinance the sanction of the Governor is necessary for labour exacted in the event of calamities and for the maintenance, improvement or cleaning of local roads and paths.

*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.

*Netherlands (Netherlands Indies).* — Responsibility for any decision to have recourse to forced or compulsory labour lies with the head of the provincial Government (*gewestelijk bestuur*). As these officials are directly under the orders of the Governor General, the ultimate responsibility lies with the Government itself. The authorities mentioned in the second paragraph of the Article are, in the case of the Netherlands Indies, the heads of the local administration (*plaatselijk bestuur*). Persons liable to "*heerendiensten*" may not be sent to work away from their ordinary place of residence, the term "residence" being interpreted in the Netherlands Indies as meaning the district under the control of the head of the local administration concerned.

*Sudan (Voluntary Report).* — ... See also under ARTICLE 10.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — See introductory note.

#### 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.

*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.

*Netherlands (Netherlands Indies).* — See under ARTICLE 10.

*Sudan (Voluntary Report).* — ... See also under ARTICLE 10.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — See introductory note.

#### 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.

*Great Britain.* — The situation is summarised below.

*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 was 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. The further increase in the number who paid their taxes by labour during the period under review is due to the continuance of the economic depression, the lack of adequate rain over most parts of the country, and renewed locust infestations in some areas. A new Native Tax Ordinance (No. 20 of 1934) has just been enacted and will come into force on the 1st of January, 1935. It provides for punishment by imprisonment for wilful default in payment of tax, and should result in a marked diminution of default among wage-earning natives.

*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 two, viz. the Kigezi District of the Western Province (to which it will be extended in 1935) and the Karamoja District of the Eastern Province. . . .

*Netherlands (Netherlands Indies).* — "Heerendiensten" exacted in lieu of taxes must be performed in accordance with the conditions laid down in this Article of the Convention, under the terms of § 1 of the Regulations concerning "heerendiensten" (*Bijblad* No. 13,093).

*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 pay-

ment 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.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — See introductory note.

#### ARTICLE 11.

Only adult able-bodied males who are of an apparent age of not less than 18 and not more than 45 years may be called upon for forced or compulsory labour. Except in respect of the kinds of labour provided for in Article 10 of this Convention the following limitations and conditions shall apply:

(a) whenever possible prior determination by a medical officer appointed by the administration that the persons concerned are not suffering from any infectious or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out;

(b) exemption of school teachers and pupils and of officials of the administration in general;

(c) the maintenance in each community of the number of adult able-bodied men indispensable for family and social life;

(d) respect for conjugal and family ties.

For the purpose of sub-paragraph (c) of the preceding paragraph, the regulations provided for in Article 23 of this Convention shall fix the proportion of the resident adult able-bodied males who may be taken at any one time for forced or compulsory labour, provided always that this proportion shall in no case exceed 25 per cent. In fixing this proportion the competent authority shall take account of the density of the population, of its social and physical development, of the seasons, and of the work which must be done by the persons concerned on their own behalf in their locality, and, generally, shall have regard to the economic and social necessities of the normal life of the community concerned.

*Please state in particular what proportion has been fixed for the resident adult able-bodied male population which may be taken at any one time for forced or compulsory labour.*

*Australia.* — See under I.

*Great Britain.* — The situation is summarised below.

*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.

*Netherlands (Netherlands Indies).* — The numerous Ordinances concerning "heerendiensten" lay down that such services shall be exacted only from persons of the male sex who are fit for the work. Under the terms of the 1931 Ordinance (*Indisch Staatsblad* No. 483 of 1931), in order to be considered fit for work persons must be physically capable of earning a livelihood without endangering their health.

*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.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — See introductory note.

#### 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.

*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.

*Netherlands (Netherlands Indies).* — The maximum number of days of work

which may be required of persons liable to "heerendiensten" varies between 10 and 30 (§ 5 of the 1931 Ordinance—*Indisch Staatsblad* No. 483 of 1931). Further, it is laid down in the Regulations concerning "heerendiensten" that such labour may only be exacted during at most four consecutive days, and on not more than eight days per month (§ 4, 6). § 4, 10 of the same Regulations lays down that any person liable to "heerendiensten" must hold a certificate indicating the periods of compulsory labour performed. Moreover, § 16 of the Coolie Ordinance 1931 lays down that "the number of hours of work a day fixed by contract shall not exceed 9 hours in the case of work above ground"; and this provision has been taken as a model as regards "heerendiensten". Where the time required for traversing the distance from the worker's dwelling to the point at which he is set to work amounts to more than one hour a day in all, the excess must be deducted from the 9 hours maximum.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — 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.

*Great Britain.* — The situation is summarised below.

*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.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — 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.

*Great Britain.* — The situation is summarised below.

*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.

*Netherlands (Netherlands Indies).* — This does not apply.

*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.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — See introductory note.

#### 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.

*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, of his dependants.

*Netherlands (Netherlands Indies).* — There is no legislation in the Netherlands Indies concerning workmen's compensation for accidents or sickness arising out of employment and applicable under the terms of this Article of the Convention to persons liable to "heerendiensten." Accidents arise only very rarely out of the employment of persons on "heerendiensten", and the same applies to sickness. Should such a case arise, however, compensation is allowed, and special provision is made for such compensation in the budget. Further, § 9 of the Regulations concerning "heerendiensten" contains the following provisions: "1) Where as a result of an accident or of sickness arising out of the work imposed upon him, a person liable to compulsory labour becomes totally or partially incapable of providing for himself, the Government authority shall grant him compensation. 2) Where, as a result of work imposed upon him, a person liable to compulsory labour becomes unfit to work or dies, the Government authority shall, by awarding compensation, ensure the maintenance of any person effectively dependent upon him. 3) The amount of the compensation payable under paragraphs 1) and 2) shall be fixed by the Director of Internal Affairs."

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — 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.

*Great Britain.* — The situation is summarised below.

*Nyasaland.* — § 16 of the Forced Labour Ordinance, 1933, embodies the provisions of this Article of the Convention.

*Netherlands (Netherlands Indies).* — § 1 (d) of the Regulations concerning "heerendiensten" lays down that "the performance of such services shall not oblige the persons concerned to quit the district under the control of the head of the local administration."

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — 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 workplaces 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.

*Netherlands (Netherlands Indies).* — As "heerendiensten" cannot be exacted for more than 4 consecutive days, this

Article of the Convention has no application.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — 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 recruited, the nature of the country through which they must travel and the climatic conditions.

The competent authority shall further provide that the normal daily journey of such worker shall not exceed a distance corresponding to an average working day of eight hours, it being understood that account shall be taken not only of the weight to be carried and the distance to be covered, but also of the nature of the road, the season and all other relevant factors, and that, where hours of journey in excess of the normal daily journey are exacted, they shall be remunerated at rates higher than the normal rates.

*Please state what steps have been taken towards the abolition of forced or compulsory labour for the transport of persons or goods.*

*Please summarise the provisions of the regulations made in accordance with the Article.*

*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".

*Great Britain.* — The situation is summarised below.

*Gambia.* — Forced labour for portage is not permitted under the Forced Labour Ordinance.

*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. Powers have been given, by Government Gazette Notice No. 756, dated 17 November 1933, to Provincial Commissioners and District Officers to impose compulsory labour for the purpose of facilitating the movement of Government officers on duty and for the transport of Government stores. This was necessary in order to avoid delay in parts of the colony where it is still impossible to use any other kind of transport. Such labour is paid at the existing rates prevailing in the district.

*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).

*Netherlands (Netherlands Indies).* — Forced labour for the transport of Government officials or goods, in so far as such labour is unpaid, was abolished in 1931. Since that date it may only be imposed in districts designated by the Governor General in return for adequate remuneration, and in cases where voluntary porters cannot be obtained notwithstanding the offer of reasonable conditions. § 6 of the Regulations concerning "*heerendiensten*" reproduces the terms of this Article of the Convention. A certain number of districts have been designated by the Governor General in accordance with these provisions.

*Sudan (Voluntary Report).* — ... There is no forced or compulsory labour for the transport of persons or goods.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — See introductory note.

#### ARTICLE 19.

The competent authority shall only authorise recourse to compulsory cultivation as a method of precaution against famine or a deficiency of food supplies and always under the condition that the food or produce shall remain the property of the individuals or the community producing it.

Nothing in this Article shall be construed as abrogating the obligation on members of a community, where production is organised on a communal basis by virtue of law or custom and where the produce or any profit accruing from the sale thereof remain the property of the community, to perform the work demanded by the community by virtue of law or custom.

*Australia.* — See under I.

*Great Britain.* — The situation is summarised below.

*Gambia.* — The Forced Labour Ordinance excepts from the definition of forced or compulsory labour any work or service exacted under § 9 (o) of the Native Authority Ordinance, 1933; under

which orders may be issued requiring any Native to cultivate land to such extent and with such crops as will secure an adequate supply of food for his support and that of his dependants.

*Nigeria.* — There is no power in the Forced Labour Ordinance to order compulsory cultivations, but sub-section 8 (n) of a new Native Authority Ordinance which came 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.)

*Netherlands (Netherlands Indies).* — There is no compulsory cultivation in the Netherlands Indies.

*Sudan (Voluntary Report).* — ... In the Southern Sudan there are occasional instances of young tribesmen refusing to return with the elder people from the grazing grounds (to which the tribal herds are driven for the season of dry weather) to their distant villages in time to perform their share of clearing and sowing for the annual cultivation. As a result of this evasion by the young men not only are their elders, and, more important, the young children of the tribe, deprived of the milk which the herds provide, but also the area cultivated proves insufficient and food crops fall short. When an incident of this kind occurs the season is in general too far advanced for compulsory cultivation, in the sense of Article 19, to be resorted to, and the delinquent young men are therefore punished as individuals (there are no collective punishment laws in the Sudan) by being put to short periods of unpaid but fully rationed labour on road-work in the vicinity of their villages. The award and extent of such punishment is fully supervised.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — 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.

*Netherlands (Netherlands Indies).* — Collective punishment is non-existent in the Netherlands Indies.

*Sudan (Voluntary Report).* — . . . See also under ARTICLE 19.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — See introductory note.

#### ARTICLE 21.

Forced or compulsory labour shall not be used for work underground in mines.

*Australia.* — See under I.

*Netherlands (Netherlands Indies).* — Persons liable to "heerendiensten" are never employed in mines.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — 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. The Government is advised by the Lieutenant-Governor of *Papua* that it is very difficult to state the extent to which recourse is had to compulsory portage. Prisoners are used as carriers on ordinary police patrols to a large and increasing extent, and animal and motor transport are used to a certain but very small extent. The Lieutenant-Governor adds that presumably, with increased prosperity, the Papuan Administration will be able to construct better roads and to use more motor transport, but, on the other hand, patrols will be more frequent as the pacification of the Territory extends.

*Great Britain.* — The situation is summarised below.

*Gold Coast.* — No compulsory labour, other than for minor communal services, was employed during the period under review.

*Kenya.* — During the period under review the number of men employed on compulsory portage for the transport of Government Officers and stores was 3,992, representing a total of 7,269 man-days of labour. This represents a substantial decrease over the amount employed during the previous twelve months. 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.

*Nigeria.* — No forced or compulsory labour for transport has been exacted in the Northern or Southern Provinces of the Protectorate nor in the Cameroons under British Mandate.

*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	975	—	3,256	5,677	9,908
Average number of days each person employed	3.42	—	2.18	2.45	2.46
Normal working hours	6-8	—	5-6	6-8	5-8
Rate of daily remuneration	30 cents	—	30 to 33 cents	30 cents (15 cents returning empty)	30 to 33 cents
How paid	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
Sickness	Nil	—	Nil	Nil	Nil

*Nyasaland.* — No forced labour was employed during the period under review otherwise than on minor communal services, which are exempt from the stipulations of the Convention.

*Sierra Leone.* — There has been during the period under review very little need to obtain labour under the permissive clauses of the Forced Labour Ordinance. In the prevailing economic depression, which is accompanied by low prices for local produce, there is in most centres an abundance of voluntary labour. Eight miles of motor road were constructed without recourse

to compulsory labour, the daily wage being 6d. The following details are supplied : (A) *Main-tenance of Motor-roads (Article 10, labour unpaid)* : In the Northern province the daily average number of men employed was 470 or 1.8 a mile, and in the Southern Province 945 or 1.78 a mile. (B) *Carrier transport labour* : In most centres there is no difficulty in obtaining voluntary carriers, as the pay, which works out at 1d. per mile, is above the ordinary market rate. Indeed, there is often competition for this work. The number of compelled porters is as follows : Northern Province, 1,797 man-days ; Southern Pro-

vince, 5,244 man-days. It should be observed, however, that much labour is classified as "compulsory", having been obtained through the Chiefs, when it could have been obtained without the introduction of any element of compulsion. (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—i.e., the prevailing market rate. There is an element of compulsion, but in the prevailing economic depression, which cannot be expected to last indefinitely, little difficulty was in general have been felt in obtaining labour on a voluntary basis. In the Northern Province the total amount of labour so employed may be calculated as 3,940 man-days. In the Southern Province the amount of labour was 6,990 man-days. The report adds that the market rate for ordinary labour is 6d. per diem and at this rate labour for casual work is readily obtained in the larger centres, while large quantities of labour can be obtained anywhere in Sierra Leone at that rate for steady employment. A rise in

the price of produce or any marked extension of mining activity would probably cause daily wages to rise to 9d. or 1s.

*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 1933 to 30 September 1934 were:

	Number employed	Total number at man-days
(i) Porters	7,297	15,264
(ii) Others	166	3,853

In addition to the above, 59,316 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:

	Buganda Province	Eastern Province	Northern Province	Western Province
1. Labour called out under Article 10 exacted by chiefs who perform administrative functions.	57,232	184,008	97,659	112,741
2. Labour called out under Article 18 for transport	1,197	11,503	11,539	7,089
3. Labour called out for any other form of compulsory labour.	—	—	—	—
4. Nature of work performed.	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. 2. The labour under 2 above was employed on the transport of Government stores and of the effects of Officers on tour.			
5. Health.	Good No deaths.	Good No deaths.	Good No deaths.	Good No deaths.
6. Hours of work.	7 a.m. to 4 p.m. (or 7.30 to 4.30) with 1 hour's interval. Task work, 7 a.m. to noon or 1 p.m.	average 7 a.m. to 2 p.m. or 7 to 4 with 1 hour's interval. Transport labour according to distance	7 a.m. to 4 p.m. with 1 hour's interval. Transport labour according to distance; not more than 5 hours	7 a.m. to 4 p.m. with 1 hour's interval. Transport labour do not travel between 11 a.m. and 3 p.m.
7. Payment	1. above unpaid. Transport, average 40 cents a day or 4 cents a mile	1. above unpaid. Transport, average 4 to 5 cents a mile	1. above unpaid. Transport, 3 to 4 cents a mile with minimum of 30 cents a day	1. above unpaid. Transport, average 10 cents an hour up to 4 hours' march

*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 shorter periods. In the Teso district of the Eastern Province, for example, of 49,207 men called up under head 1., 27,596 worked for 12 days and 21,611 for 24 days. Under head 2. the majority of those 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.

*Netherlands (Netherlands Indies).* — The Government will not fail to carry out the provisions of this Article.

*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.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — See introductory note.

#### 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 regulation<sup>s</sup> 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.

*Netherlands (Netherlands Indies).* — See under ARTICLE 2. § 10 of the Regulations concerning "*heerendiensten*" contains provisions in accordance with the second paragraph of this Article.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — 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.

*Netherlands (Netherlands Indies).* — The report states that the European Government officials are responsible for supervising the enforcement of the Ordinances

and Regulations concerning "*heerendiensten*". Questions arising out of this subject form one of the most important branches of their work, and this fact constitutes a guarantee for the strict application of the regulations in force. Steps have been taken to make the provisions of the regulations known among the natives concerned, for instance by having the Regulations concerning "*heerendiensten*" translated into Malay and forwarded for distribution to the heads of the provincial administrations. (A copy of this translation is forwarded with the report).

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — 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.

*Great Britain.* — . . . In the *Gambia* provision is made by the Forced Labour Ordinance, 1924, for the exaction of compulsory labour for minor communal services and in cases of emergency only. The exaction of any other form of compulsory labour is an offence, punishable by a fine not exceeding fifty pounds, or by imprisonment with or without hard labour for a term not exceeding six months, or by both fine and imprisonment. 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.

*Netherlands (Netherlands Indies).* — § 425 of the Penal Code of the Netherlands Indies lays down that "any official who, in the performance of his duties, exacts, receives or keeps in connection with any payment due to himself, another official or of the Public Treasury, something that he knows not to be so due; or any official who, in the performance of his duties, exacts or accepts as due personal services or benefits that he knows not to be so due; shall be guilty of embezzlement and punished by imprisonment for a term not exceeding seven years."

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Norway, Spain, Sweden, Yugoslavia.* — See introductory note.

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.

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.* — See under ARTICLE 22.

*Great Britain.* — The following comments are taken from certain of the reports submitted by the British Government.

*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 Cameroons under British Mandate.

*Nyasaland.* — See under ARTICLE 10.

*Sierra Leone.* — The report for the period ending 30 September 1933 stated 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." The Chiefs and people have now a better appreciation of the legislation in force, of the extent of compulsory labour permitted and of the penalties for evading it. The Chiefs, however, continue to employ much less than the maximum labour to which they are entitled under the Ordinance. The Ordinance is working smoothly except for the unpopularity of labour on road maintenance. When financial conditions improve sufficiently, it is proposed to use paid labour for this work.

*Tanganyika Territory.* — See under ARTICLE 10.

*Uganda.* — See under ARTICLE 10.

*Netherlands (Netherlands Indies).* — See under II.

None of the reporting Governments received any observations from employers' or workers' organisations on the application of the Convention or of the national law.

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.

*Sudan (Voluntary Report).* — Thirteen breaches of those sections of the Sudan Penal Code which give effect to the provisions of the Convention have occurred, and the offenders have been suitably punished thereunder. Three further breaches are at present suspected and investigations are proceeding.

The remaining reports supplied do not mention any such decisions.

### 30. Convention concerning the regulation of hours of work in commerce and offices.

Article 14 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 29 August 1933. The following table shows the States for which the Convention was in force before 1 July 1934 and which, in accordance with Article 408 of the Treaty of Versailles, were called upon to submit reports for the period 1 October 1933-30 September 1934 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Bulgaria . . . . .	22. 6. 1932	23.10.1934
Spain . . . . .	29. 8. 1932	3.12.1934
Uruguay . . . . .	6. 6. 1933	

The *Spanish* Government states in its report that the only legislative measure enacted during the period 1 October 1933 to 30 September 1934 was the Order of 15 March 1934 which provides that the rules for hours of work and Sunday rest laid down by the joint boards for commercial undertakings belonging to certain defined branches of commerce shall be observed in a uniform manner, not only by these undertakings, but also by stallholders in public markets who belong to the same branches of commerce.

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.

Order of 2 July 1934 concerning hours of work in commercial undertakings and offices (L. S. 1934, Bulg. 1).

### Spain.

Decree of 1 July 1931 to fix maximum statutory daily hours of work at eight hours (L. S. 1931, Sp. 9).

Order of 15 March 1934 concerning the observance of the hours of work laid down for commercial undertakings.

## 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.

(1) This Convention shall apply to persons employed in the following establishments, whether public or private :

(a) commercial or trading establishments, including postal, telegraph and telephone services and commercial or trading branches of any other establishments ;

(b) establishments and administrative services in which the persons employed are mainly engaged in office work ;

(c) mixed commercial and industrial establishments, unless they are deemed to be industrial establishments.

The competent authority in each country shall define the line which separates commercial and trading establishments, and establishments in which the persons employed are mainly engaged in office work, from industrial and agricultural establishments.

(2) The Convention shall not apply to persons employed in the following establishments :

(a) establishments for the treatment or the care of the sick, infirm, destitute, or mentally unfit ;

(b) hotels, restaurants, boarding-houses, clubs, cafés and other refreshment houses ;

(c) theatres and places of public amusement.

The Convention shall nevertheless apply to persons employed in branches of the establishments mentioned in (a), (b) and (c) of this paragraph in cases where such branches would, if they were independent undertakings, be included among the establishments to which the Convention applies.

(3) It shall be open to the competent authority in each country to exempt from the application of the Convention :

(a) establishments in which only members of the employer's family are employed ;

(b) offices in which the staff is engaged in connection with the administration of public authority ;

(c) persons occupying positions of management or employed in a confidential capacity ;

(d) travellers and representatives, in so far as they carry on their work outside the establishment.

*In particular, please indicate any decisions which have been taken for the purpose of defining the line which separates the establishments covered by the Convention from industrial and agricultural establishments.*

*If application has been made of the exemptions provided for in paragraph 3 of this Article, please indicate the categories of persons or establishments exempted.*

**Bulgaria.** — §1 of the Order of 2 July 1934 defines commercial establishments as follows : (1) all shops and stores for the wholesale or retail sale of merchandise ; (2) fuel warehouses ; (3) grocery establishments, butchers' shops and other establishments for the sale of food products ; (4) chemists' and druggists' shops, and shops stocking chemical goods and perfumery ; (5) advertising offices ; (6) warehouses ; (7) kiosks for the sale of tobacco and newspapers ; (8) handicraft workshops in which articles manufactured in the workshops themselves and other articles are offered for sale ; (9) messenger offices, forwarding agencies and entertainment agencies, etc. ; (10) offices of industrial, commercial and other establishments ; (11) insurance companies and limited liability companies ; (12) consumers' and other co-operative associations ; (13) banks and similar undertakings.

**Spain.** — The Decree of 1 July 1931 applies, under the terms of its § 1, to wage-earning and salaried employees and agents in industrial undertakings, occupations and paid work of all kinds carried on under the direction and supervision of another on account of the State, a province or a municipality, either directly or by direct labour or under a concession or contract, or on account of a private undertaking. According to § 2, it does not apply to : (1) directors, managers and high officials in undertakings, who

on account of the nature of their duties cannot be subjected to a strict limitation of their hours of work; (2) persons employed in domestic service; (3) porters of private houses and all persons who perform duties identical with theirs and who live in the building which is under their care . . . (5) watching duties of an occasional nature and of short duration, such as the watching of crops about to be harvested and similar work;

#### ARTICLE 2.

For the purpose of this Convention the term "hours of work" means the time during which the persons employed are at the disposal of the employer; it does not include rest periods during which the persons employed are not at the disposal of the employer.

*Bulgaria.* — § 2 of the Order of 2 July 1934 defines as "hours of work" the time during which the workers and employees are bound to be in the establishments where they work. Under § 3, this period does not include regular interruptions of work such as rest periods given for lunch and dinner or other rest periods prescribed by the work regulations of the undertaking, during which the wage-earners are free to leave the establishment where they work and may use their time as they wish.

*Spain.* — The Decree of 1 July 1931 contains no specific definition of the term "hours of work".

#### ARTICLE 3.

The hours of work of persons to whom this Convention applies shall not exceed forty-eight hours in the week and eight hours in the day, except as hereinafter otherwise provided.

*Bulgaria.* — § 10 of the Order of 2 July 1934 provides that commercial offices, messenger offices, forwarding agencies and entertainment agencies and other offices, offices of industrial and other establishments, insurance companies, limited liability companies and others, shall fix their hours of opening and closing according to circumstances, but that the hours of work in these establishments shall not exceed eight in the day. Under § 11, hours of work in banks are fixed in accordance with the hours worked in the National Bank of Bulgaria. § 7 (I) lays down a maximum of nine hours' work a day for wholesale and retail commercial establishments, including handicraft workshops in which articles manufactured in the workshops themselves and other articles are offered for sale.

*Spain.* — § 1 of the Decree of 1 July 1931 lays down that the maximum statutory daily hours of work of persons covered by its provisions shall be eight hours a day, subject to the exemptions, reductions and extensions prescribed or authorised by the Decree.

#### ARTICLE 4.

The maximum hours of work in the week laid down in Article 3 may be so arranged that hours of work in any day do not exceed ten hours.

*Bulgaria.* — The Order of 2 July 1934 does not contain any provisions of this kind.

*Spain.* — § 1 of the Decree of 1 July 1931 lays down that in cases in which the nature of the work does not admit of a uniform daily distribution of the hours of work, or when an agreement has been concluded between employers and workers (or, under § 22, salaried employees), the competent official joint bodies may authorise the calculation of the hours of work on a weekly basis, provided that the daily hours of work of each worker (or salaried employee (§ 22)) shall not in any case exceed nine hours in virtue of such authorisation. For the provisions of §§ 103 and 104, which also apply to salaried employees, see below, under ARTICLE 7.

#### ARTICLE 5.

In case of a general interruption of work due to (a) local holidays, or (b) accidents or *force majeure* (accidents to plant, interruption of power, light, heating or water, or occurrences causing serious material damage to the establishments), hours of work in the day may be increased for the purpose of making up the hours of work which have been lost, provided that the following conditions are complied with:

(a) hours of work which have been lost shall not be allowed to be made up on more than thirty days in the year and shall be made up within a reasonable lapse of time;

(b) the increase in hours of work in the day shall not exceed one hour;

(c) hours of work in the day shall not exceed ten.

The competent authority shall be notified of the nature, cause and date of the general interruption of work, of the number of hours of work which have been lost, and of the temporary alterations provided for in the working time-table.

*Please indicate what means have been adopted for the purpose of enabling the competent authority to keep informed of any steps taken under the conditions laid down in this Article with a view to making up lost time.*

*Bulgaria.* — § 14 of the Order of 2 July 1934 lays down that, in the following cases of interruption of the normal daily work throughout the week, the weekly hours of work may be increased up to 10 hours a day: (a) local holidays or saints' days; (b) accidents or cases of

*force majeure* (injury to plant, interruption of power, light, heating or water, or accidents) which involve loss of working time.

*Spain.* — § 8 of the Decree of 1 July 1931 lays down that if it is arranged by a decision of the joint bodies to suspend work on festivals other than Sunday, the time lost may be made up by extending the hours of work on the other working days of the year; nevertheless, the hours of work shall not in any case be extended beyond fifty hours a week in virtue of this authorisation. Time lost for reasons beyond the employer's control owing to *force majeure*, the state of the sea, bad weather, failure of the power supply or lack of raw materials, may also be made up in pursuance of a decision of the joint bodies; such time shall be distributed over the working days during the succeeding weeks. Not more than one hour a day shall be assigned to making up lost time as authorised above, and payment shall be made at the regular rate for time in excess of the statutory daily hours of work; nevertheless, if any time is worked in excess of fifty-two hours in the week, it shall be paid for as overtime. For the provisions of §§ 103 and 104, which also apply to salaried employees, see below, under ARTICLE 7.

#### ARTICLE 6.

In exceptional cases where the circumstances in which the work has to be carried on make the provisions of Article 3 and 4 inapplicable, regulations made by public authority may permit hours of work to be distributed over a period longer than the week, provided that the average hours of work over the number of weeks included in the period do not exceed forty-eight hours in the week and that hours of work in any day do not exceed ten hours.

*If any application has been made of this Article, please supply a list of the regulations made, together with the texts thereof, in so far as they may not already have been communicated under I of this report form.*

*Bulgaria.* — The report does not refer to this Article. The Order of 2 July 1934 does not contain any provisions of this kind.

*Spain.* — The report does not refer to this point. The Decree of 1 July 1931 contains no provisions of this kind.

#### ARTICLE 7.

Regulations made by public authority shall determine:

(1) The permanent exceptions which may be allowed for:

(a) certain classes of persons whose work is inherently intermittent, such as caretakers and persons employed to look after working premises and warehouses;

(b) classes of persons directly engaged in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the hours of work of the rest of the persons employed in the establishment;

(c) shops and other establishments where the nature of the work, the size of the population or the number of persons employed render inapplicable the working hours fixed in Articles 3 and 4.

(2) The temporary exceptions which may be granted in the following cases:

(a) in case of accident, actual or threatened, *force majeure*, or urgent work to machinery or plant, but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment;

(b) in order to prevent the loss of perishable goods or avoid endangering the technical results of the work;

(c) in order to allow for special work such as stock-taking and the preparation of balance sheets, settlement days, liquidations, and the balancing and closing of accounts;

(d) in order to enable establishments to deal with cases of abnormal pressure of work due to special circumstances, in so far as the employer cannot ordinarily be expected to resort to other measures.

(3) Save as regards paragraph 2 (a), the regulations made under this Article shall determine the number of additional hours of work which may be allowed in the day and, in respect of temporary exceptions, in the year.

(4) The rate of pay for the additional hours of work permitted under paragraph 2 (b), (c) and (d) of this Article shall not be less than one-and-a-quarter times the regular rate.

*Please supply a list of the regulations made in accordance with this Article, together with the texts thereof, in so far as they may not already have been communicated under point I of this report form.*

*Bulgaria.* — (1) Under § 16 of the Order of 2 July 1934, hours of work may not exceed nine hours a day for persons whose work is essentially intermittent, such as porters, caretakers, and cleaners of shops and warehouses; and for persons responsible for preparatory or complementary work, such as railway and customs house porters, messengers, and other persons whose work is carried on outside the limits laid down for the hours of work of the other members of the staff. § 5 provides that the Order shall not apply, until further notice: (a) in villages; (b) in the neighbourhood of stations which are more than a kilometre from a town; (c) in towns with a population of under 10,000 persons (in these districts the Directorate of Labour and Social Insurance shall fix hours of work for one or more classes of commercial undertakings, after having consulted the duly authorised employers' and workers' representatives of these undertakings and the municipal council of the place where the undertakings are situated); (d) in poultry, vegetable and fruit stores, where these articles are sorted and handled exclusively for export and are not retailed, shops for the sale of tobacco and newspapers, hotels, restaurants and cafés, and public houses which

do not sell drink to be consumed off the premises, bakeries, dairies, confectioners' shops, shops for the sale of *boza*, hospitals and sanatoria, boarding houses, offices for the sale of railway tickets, concert and theatrical agencies, shops for the hire of cycles and motor cycles, florists, undertakers' establishments, clubs, entertainment and theatrical undertakings, and in all commercial undertakings during fairs and public holidays. § 8 fixes the maximum number of hours of work as nine per day for staff employed in commercial establishments situated in watering-places recognised as such by Order of the Ministry of the Interior and of Public Health. § 9 lays down that the Order shall not apply during fairs and on annual market days, nor on the two days immediately preceding New Year's Day, and the three days immediately preceding Christmas and Easter. (2) Under § 15, overtime is permitted in the following cases: (a) in case of accident, actual or threatened, or in case of *force majeure*, for the necessary repair work to machinery and plant, but only in so far as overtime is necessary to avoid serious interference with the ordinary working of the establishment; (b) in order to prevent the loss of goods or to avoid jeopardising the technical success of the work concerned; (c) in order to carry out special work such as stock-taking, the preparation of financial statements, the balancing of accounts, the winding-up of businesses, or work necessitated for the execution of contracts by a fixed date; (d) in case of an increase of work due to exceptional circumstances, with which the employer cannot cope by other methods. Further, § 20 authorises the Directorate of Labour and Social Insurance, to modify hours of work in commercial undertakings where such modification appears necessary for such period as it shall determine. (3) The Order of 2 July 1934 does not contain any equivalent provisions. (4) § 15 provides that employers shall pay their workers or employees an extra rate equal to at least 25 per cent. of their normal wages for overtime worked in cases such as those provided for in paragraphs (b), (c) and (d).

*Spain.* — The Decree of 1 July 1931 does not apply to porters of private houses who live in the building which is under their care (§ 2 (3)). § 4 provides that the competent official joint bodies may authorise the conclusion of an agreement between the workers (or, under § 22, salaried employees) of any establishment and their employer for the working of overtime up to a maximum of fifty hours a month and 120 hours a year in order to deal with cases of emergency. If the necessary labour is not available or in undisputed cases of special necessity which affect the whole industry or occupation in a particular

locality or region, the amount of overtime may be increased to a total of 240 hours a year by a decision of the official joint bodies, provided that the monthly maximum of fifty hours shall not be exceeded. § 6 lays down that payment shall be made for every hour's overtime at a rate not less than twenty-five per cent. above the regular rate for an hour's work. "The regular rate for an hour's work" (*salario tipo de la hora ordinario*) shall mean one-eighth of the remuneration agreed upon for the statutory working day of eight hours. The increase in payment shall be less not than 40 per cent. for overtime worked at night or on Sunday or for any time worked in excess of ten hours in one day. If female employees work overtime, they shall always be paid for it at not less than 50 per cent. above the regular rate, and their total daily hours of work shall not exceed ten hours. § 7 provides that young persons under the age of sixteen years shall not in any circumstances be employed overtime. In Chapter IX of the Decree (Commercial Employees), § 103 lays down that, without prejudice to the provisions laid down in the other sections of the chapter, the competent joint bodies may authorise the working of overtime by the commercial employees covered by the Act of 4th July, 1918 (commercial assistants in the exact sense, i.e. persons of either sex who are engaged to sell in shops, chemists' shops, stores and other similar undertakings, wholesale or retail, or to assist in the sales within such undertakings, including office work and book-keeping; stores boys, shop boys, office attendants, persons engaged in loading and cleaning operations, servants, attendants, messengers, porters, and in general all persons who perform physical labour directly in connection with a commercial undertaking; apprentices and voluntary workers in any of the classes named above), up to the maximum compatible with the rest periods prescribed by the said Act. § 104 provides that the authorisation in § 103 shall not apply to bookkeepers and clerks whose daily hours of work are subject to the general rules specified in chapter I of the Decree (see above, §§ 4, 6 & 7 of the Decree of 1 July 1931).

#### ARTICLE 8.

The regulations provided for in Articles 6 and 7 shall be made after consultation with the workers' and employers' organisations concerned, special regard being paid to collective agreements, if any, existing between such workers' and employers' organisations.

*Bulgaria.* — The report does not refer to this Article. See, however, under ARTICLE 7, the provision laid down by § 5 (c) of the Order of 2 July 1934 with regard to fixing hours of work in towns with less than 10,000 inhabitants.



*Spain.* — The report does not refer to this point. § 5 of the Decree of 1 July 1931 provides that the right to propose the working of overtime shall lie with the employer, and the worker shall be free to accept or refuse.

#### ARTICLE 9.

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 national safety.

*Bulgaria.* — The report does not refer to this Article.

*Spain.* — The report does not refer to this point.

#### ARTICLE 10.

Nothing in this Convention shall affect any custom or agreement whereby shorter hours are worked or higher rates of remuneration are paid than those provided by this Convention.

Any restrictions imposed by this Convention shall be in addition to and not in derogation of any other restrictions imposed by any law, order or regulation which fixes a lower maximum number of hours of employment or a higher rate of remuneration than those provided by this Convention.

*Bulgaria.* — The report does not refer to this Article.

*Spain.* — § 3 of the Decree of 1 July 1931 lays down that the system of hours of work prescribed by the Decree shall always be without prejudice to any other system more favourable to the workers (or salaried employees) which has been or may be hereafter instituted by an official measure or by agreement between employees and employers.

#### ARTICLE 11.

For the effective enforcement of the provisions of this Convention :

(1) The necessary measures shall be taken to ensure adequate inspection ;

(2) Every employer shall be required :

(a) to notify, by the posting of notices in conspicuous positions in the establishment or other suitable place, or by such method as may be approved by the competent authority, the times at which hours of work begin and end, and, where work is carried on by shifts, the times at which each shift begins and ends ;

(b) to notify in the same way the rest periods granted to the persons employed which, in accordance with Article 2, are not included in the hours of works ;

(c) to keep a record in the form prescribed by the competent authority of all additional hours of work performed in pursuance of paragraph 2 of Article 7 and of the payments made in respect thereof.

(3) It shall be made an offence to employ any person outside the times fixed in accordance with paragraph 2 (a) or during the periods fixed in accordance with paragraph 2 (b) of this Article.

*Please state what measures have been adopted with a view to ensuring adequate inspection for the effective enforcement of the provisions of the Convention.*

*Please attach specimen copies of the notices and forms specified in this Article.*

*Bulgaria.* — (1) The report refers to § 17 of the Order of 2 July 1934, which lays down that cases of infringement shall be reported by the labour inspectors. (2) and (3) The report does not refer to these points.

*Spain.* — § 16 of the Decree of 1 July 1931 lays down that employers in every establishment shall be bound to make known, by means of notices permanently affixed in a conspicuous place in the establishment or in some other suitable place, the hours for the beginning and ending of work, and, if work is carried on in shifts, the hours for the beginning and ending of the work of each shift, and the breaks for rest granted during the daily hours of work but not included therein, in conformity with the statutory provisions, the decisions of the joint bodies or the agreements legally authorised in lieu thereof, which shall be cited in the said notices. Such time-tables shall not be altered unless notice has previously been given to the competent joint bodies and to the labour inspectorate. § 17 provides that it shall not be lawful to employ any person outside the hours allocated to work, during the hours set apart for rest in conformity with the provisions of § 16.

#### ARTICLE 12.

Each Member which ratifies this Convention shall take the necessary measures in the form of penalties to ensure that the provisions of the Convention are enforced.

*Bulgaria.* — § 18 of the Order of 2 July 1934 provides that cases of infringement relating to the hours of work of workers, employees and owners of undertakings shall be punished in accordance with § 30 of the Health and Safety of Workers' Act.

*Spain.* — § 18 of the Decree of 1 July 1931 lays down that any person who contravenes its provisions shall be liable on the first occasion to a fine of not less than 25 nor more than 250 pesetas. On a second offence he shall be liable to a fine amounting to double the fine imposed for the first offence, and on each further repetition of the offence the fine shall be doubled, without prejudice to any other legal penalties which may be applicable.

## 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 Articles 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 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 does not refer to this point.

## 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, in so far as such information has not already been supplied under Article 11 above.*

*Bulgaria.* — The report does not refer to this point. See, however, above under ARTICLES 11 and 12.

*Spain.* — The report does not refer to this point. § 21 of the Decree of 1 July 1931 provides that questions of an administrative character respecting the system of hours of work shall be settled by the competent joint bodies or in default thereof by the local offices of the Labour Council, which shall decide after hearing the representatives of employers and employees in the industry or occupation. In places

where there is a labour inspector, he also shall be heard. An appeal as provided in the Decree respecting the national corporative organisation of industry may be made against the decisions of the joint bodies and against those of the local offices within a fortnight, to the Minister of Labour and Social Welfare, who shall give the final decision after consulting the standing committee of the Labour Council.

## V.

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

The reports supplied do not mention any such decisions.

## VI.

*Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services, and, if such statistics are available, information concerning the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, the number of hours overtime worked in the cases covered by Article 5 and 7 (2) 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.*

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

*Spain.* — The report states that the reports of the inspectors mention a certain number of cases of infringement of the legislation concerning hours of work in commerce.

## APPENDIX

### 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 appointed to examine and report to the Governing Body on the annual reports submitted by Governments, under Article 408 of the Treaty, upon the application of the Conventions ratified by them, met at Geneva from 25 to 30 March 1935.

The following were present :

Mr. ERICH  
Sir Selwyn FREMANTLE  
Mr. Jules GAUTIER  
Mr. GINI  
Mr. McNAIR  
Mr. MAKOWSKI  
Mr. QUADRAT  
Mr. RAPPARD  
Mr. TSCHOFFEN.

The Committee once more regretted to learn that they would not have the pleasure of the company of their Uruguayan colleague, Mr. Cesar CHARLONE, who became a member of the Committee in January 1934. They understand that he was precluded by his ministerial duties from being present, but they venture to hope that next year they will have the benefit of his participation, which becomes of increasing importance in view of the larger interest being taken in the work of the Organisation by American countries.

The Committee again appointed Mr. Jules Gautier as Chairman and Mr. McNair as Reporter.

\* \* \*

Two years ago the Committee suggested to the Governing Body that the Office should endeavour to organise periodical meetings of the representatives of the labour inspection services of the different countries participating in the work of the Organisation. The Committee were gratified to learn that this suggestion had been adopted by the Governing Body, and it is with great pleasure that they learn from the Director that it is hoped to bring that suggestion into force this year by summoning a meeting of members of the labour inspection services of a certain number of countries. The Com-

mittee are confident that there lie in this step the potentialities of an increasingly effective application of the Conventions.

The number of annual reports which the different Governments were called upon to supply, under Article 408 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace, for the period 1 October 1933 to 30 September 1934, was 601, of which, by the time that the Committee concluded its work, the Office had received 521. The corresponding figures for the previous year were 522 reports, of which 436 arrived in time to be examined by the Committee. The considerable increase in the number of reports due (from 522 to 601) is noteworthy.

The Committee are glad to note the improvement of the situation in regard to the sending of reports by the Latin American countries, which is an outstanding feature of the year under discussion. Among these countries mention should be made of *Chile*, to whose Government the Committee would express their special gratitude for the very conscientious way it has prepared its reports containing an abundance of information in the form of statistics, special reports drawn up by the competent officials and copies of judicial decisions.

It is true that the *Dominican Republic*, *Mexico*, *Nicaragua* and *Uruguay* have not yet sent their reports, but there is reason to hope that some of these reports will arrive at any rate before the opening of the next Session of the Conference<sup>1</sup>. The report supplied by the Government of *Colombia* covers all the Conventions ratified by Colombia with the exception of Convention No. 2 (Unemployment).

Bearing in mind the observations which the Committee found it necessary to make last year with regard to reports due from *Cuba*, they wish to take this

<sup>1</sup> The reports of the Government of the *Argentine Republic* have been received, but the Committee have not had time to examine them in detail.

opportunity of placing on record their special satisfaction in having before them the first reports from the Government of that country upon the Conventions which it has ratified.

In this connection the Committee are glad to learn from the Office that, in order to assist the national officials of countries employing the Spanish tongue, the Office has prepared an unofficial Spanish version of the report forms sent to Governments to help them in framing their replies.

Apart from the Latin American countries mentioned above, the following countries also have omitted to supply reports: *China* (3), *Greece* (13) and *Irish Free State* (2). Amongst these countries *China* and the *Irish Free State* have already sent a certain number of the reports due from them; on the other hand, no report at all has yet been received from *Greece*. These three Governments did, however, furnish all the reports due from them last year, and the Committee hope that this year also the missing reports will have been received before the Conference meets.

Last year the Governing Body referred to the Committee a proposal made by a representative of the British employers for the addition to the report form for Convention No. 8 (Unemployment indemnity, shipwreck) of certain further enquiries. The Committee ventured to suggest two modifications of these questions, and their suggestions were adopted. Accordingly the report form as amended was sent out, and the Committee are now in possession of the replies to these further enquiries made by the following Governments: *Canada, Estonia, France, Germany, Great Britain, Irish Free State and Poland*. The information thus obtained being valuable, the Committee have considered it desirable to reproduce an analysis of the replies, and it will be found on page 279 in an Appendix to the observations made by the Committee on the reports concerning Convention No. 8.

It will be noted that these replies reveal certain divergencies of interpretation in the countries concerned. The Committee have no power to give interpretations, but they venture to draw the attention of the Governing Body to these divergencies in the hope that some means may be found of removing or reconciling them.

It is natural that, when Conventions have been in force for some years, a tendency should develop to treat the making of reports as a somewhat routine affair. The Committee fully realise that while the first report made by a Government upon a Convention ratified by it cannot be too detailed in the information which it supplies, it is unnecessary in subsequent years to repeat the whole of that detailed information. Nevertheless, there are certain questions in the report forms which do not admit of this treat-

ment, because they are specifically directed to the events and the experience of the past year. In particular, the following questions require that each year the Governments should be good enough to find time to give a specific reply:

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.

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

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.

It will be obvious from the terms of these questions that they require to be specifically answered each year, and the Committee venture to hope that the Governments will not consider them to be lacking in appreciation of the conscientious work which in most cases is devoted to the preparation of these annual reports if they ask that questions of the character above mentioned should each year receive a specific reply, and not be dealt with merely by a reference to the reports of preceding years.

There frequently occurs in the reports of Governments a statement to the effect that information, statistical or otherwise, relative to the year being reported on is not yet available. The Committee understand that this must frequently be the case, but they would ask the Governments, when this occurs, to supply the Committee with the corresponding information for the last year available, even though it may not be the year in regard to which they are actually concerned in reporting at the moment. Otherwise much valuable information which would be of great assistance to the Committee is apt to be lost.

In the Appendix to this Report the Committee have thought it desirable to draw attention to the case of certain Governments whose reports this year have appeared to them to be unduly laconic, and they would greatly appreciate an effort on the part of these Governments to supply specific answers to the questions above quoted.

Once more the Committee have followed the practice of entrusting to one of their members (Sir Selwyn Fremantle) the duty of preparing a special report upon the application of the Conventions to colonies, protectorates and possessions which are

not fully self-governing as well as to territories under mandate, in pursuance of Article 421 of the Treaty of Versailles. As on previous occasions, his report shows how the spread of the field of the application of the Conventions in these areas is steadily increasing.

The Committee wish to put on record again their obligation to the many Government officials of the States Members of the Organisation who, by their careful preparation of the annual reports, are helping them in their supervision of the application of these Conventions.

In conclusion, it may be useful if the Committee were to place on record the general impressions which they derive from their examination of this year's reports: (1) They note with regret that in a number of cases Governments have stated that they have been hampered by temporary economic difficulties in removing some of the discrepancies between the terms of the Conventions and their national law and practice to which the Committee have drawn attention in previous reports. (2) They note with satisfaction the increasing part being played by Latin American countries in the work of the Organisation. (3) They appreciate the courtesy and good will shown by a number of Governments in supplying the further explanations and information asked for by the Committee in previous years. (4) As already noted, the extension of the application of Conventions to colonies, protectorates, possessions and *térritories* under mandate continues to develop.

Geneva, 30 March 1935.

(Signed)

JULES GAUTIER,  
Chairman.

(Signed)

ARNOLD D. MCNAIR,  
Reporter.

## APPENDIX I.

### A. GENERAL OBSERVATIONS ON THE REPORTS SUPPLIED BY CERTAIN COUNTRIES.

With regard to *Belgium*, the Committee ventures to point out that the reports of the Government relative to Conventions Nos. 4, 5, 6, 7, 8, 10, 11, 13 and 14 are so brief as to afford to the Committee very little indication of the manner in which the Conventions were actually applied during the period under review. In substance, the reports merely state that no new fact has arisen since the making of the last report, and that no observations have been made by organisations of employers or workers on the subject of the practical application of the Conventions. The difficulties of the Committee in deducing from an answer like this the real state of affairs is particularly marked in the case of Convention No. 4 (Night work, women), in the application of which the Belgian Government in previous years has experienced difficulties of such a character that they seemed in the opinion of the Government to necessitate a proposal for the revision of the Convention. Similarly, in the case of Convention No. 8 (Unemployment indemnity, shipwreck),

there is no reply to the new and detailed questions inserted for the first time last year in the report form. It is fair to add, on the other hand, that in the case of a great number of Conventions the Belgian Government has been so good as to furnish the Committee with detailed information and, in some cases, valuable statistics.

The report supplied (for the first time) by the *Brazilian* Government is of a summary character. The Committee ventures to hope that next year this Government will find it possible to send a separate report for each Convention, and in so doing to follow the report form, and in particular the questions relating to the practical application of the national legislation.

The *Bulgarian* Government, except as regards Convention No. 30 (Hours of work, commerce and offices), in respect of which a report is furnished for the first time, has also sent reports of a very summary character. Only in two cases are there separate reports, and in the remaining twenty-three cases the Government merely refers the Committee to the reports of previous years. The Committee feels real concern regarding a report of this character, not merely because it makes it difficult to appreciate whether the observations made by the Committee in previous years have received attention, but also because it throws no light on the practical application of the Conventions during the period under review.

The report of the Government of *Colombia* takes the form of a letter, containing complete and interesting information regarding the legislation relative to Conventions Nos. 1, 5, 7, 11 and 14. The Committee expresses the hope that next year the Government will find it convenient to adopt the usual report form which is sent to it, and in particular to include the information upon the practical application of the Conventions which is asked for in these forms. As regards Conventions Nos. 3, 12, 17, 18, 19, 24, 25 and 26, the Government has submitted to the Legislative Chambers a draft Labour Code designed to give effect to these Conventions, and the Committee hopes to receive next year the text of this Code. With regard to Conventions Nos. 4, 8, 9, 13, 15, 16, 20, 21, 22 and 23, the Government has under consideration the applicability of these Conventions to Colombian conditions, and the Committee will be glad to learn next year what progress has been made in the matter. Further, as has already been noted in the main body of the report, no reference is made to the application of Convention No. 2 (Unemployment).

The reports furnished by the *Spanish* Government are in many cases extremely brief and do not follow the report form prescribed by the Governing Body. In some cases new and valuable information is sent, but in many cases (Conventions Nos. 4, 5, 6, 7, 8, 9, 11, 12, 13, 15, 16, 20, 22, 23, 24 and 28) the report merely states that no fresh legislation has been passed, and that, since the Statistical Service of the competent Ministry is in process of being re-organised, it is not possible to add anything further to the report of the previous year. The Committee fully appreciates the difficulties experienced pending departmental re-organisation, but it must point out how difficult it is to discharge its task in the absence of the necessary information. It is, moreover, difficult to understand this statement on the part of the Government in relation to a case like that of Convention No. 28 (Protection against accidents, dockers), for which a report is due for the first time this year. The Committee hopes that next year it will be possible for the Spanish Government to adopt the prescribed report form and in particular to supply information upon the practical working of the Conventions.

The Government of *Finland* states with regard to Conventions Nos. 2, 7, 9, 13, 15, 16, 19 and 21 that there is nothing to add to previous reports, and the only Convention with regard to which

any information concerning practical application is given for the year in question is No. 20 (Night work, bakeries). In the past the Committee was greatly helped by the detailed information supplied regarding the practical application of the Conventions, and would be indebted to the Government if it would be good enough to consider the possibility of resuming this practice.

The Government of *Latvia* gives no new information upon the actual application of Conventions Nos. 3, 5, 6, 7, 14, 15 and 18.

With regard to the practical application of the Conventions ratified by it, the Government of *Czechoslovakia* undertakes to send at an early date a report from its labour inspection services for the year 1933. It would be useful if the *Czechoslovak* Government, in forwarding this report, would be so good as to draw attention to the particular passages bearing upon the application of the various Conventions.

**B. 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 : 16.

Number of reports received : 12.

Reports missing : *Dominican Republic, Greece, Nicaragua, Uruguay.*

*Argentine Republic.* — The report was received too late to be examined by the Committee.

*Bulgaria.* — 1. §§ 12 and 20 of the Health and Safety of Workers' Act, which provide for the submission to the competent authority every two years of a statement by the employer concerning the number of workers employed by him, the conditions of work, the registration of the workers' rest periods, etc., do not seem to secure the complete application of the provisions contained in paragraphs (a), (b) and (c) of Article 8 of the Convention. It seems desirable to request the *Bulgarian* Government to supply more detailed information on the measures taken to give effect to this Article of the Convention.

2. The *Bulgarian* Government has promised to supply the Office with information concerning the practical application of the Convention as soon as it is in possession of the reports of the factory inspectors. The Government might be asked whether in the meantime it could not supply at least some particulars for the period for which reports or other information are already available.

*Colombia.* — By issuing Decree No. 895 of 26 April 1934 concerning the regulation of hours of work, the Government of *Colombia* has taken effective measures for the application of the Convention; the provisions of this Decree correspond to those of the Convention. The Government has also supplied a detailed list of the processes which may be considered as being continuous by reason of their nature, and has promised to supply statistical and other information on the practical application of the Convention as soon as such information is available. The Committee will be very pleased to receive this information.

*Luxemburg.* — The Government states in its report that the Orders relating to continuous processes and to the exceptions provided for in Article 6 of the Convention will be issued in the course of the year. The Committee ventures to express the hope that these Orders will be analysed in the reports to be submitted by the Government for the period 1934-1935.

*Portugal.* — On 24 August 1934 the *Portuguese* Government issued two new Legislative Decrees, Nos. 24,402 and 24,403, the first of which regulates hours of work in commercial and industrial

undertakings, and the second relates to the supervision of the application of the first. Decree No. 24,402, which is obviously inspired by the Convention, would seem in a general way to implement its provisions. In any case, it is an indication of the wish of the *Portuguese* Government to secure the satisfactory application of the Convention. The Committee expresses the hope that the report for next year may contain information which will enable it to appreciate the manner in which the application of these measures is effected.

**2. Unemployment.**

Number of reports due : 30.

Number of reports received : 25.

Reports missing : *Colombia, Greece, Irish Free State<sup>1</sup>, Nicaragua, Uruguay.*

*General observations.* — 1. With regard to the communication to the International Labour Office of the information contemplated by Article 1 of the Convention, the Committee ventures to call attention to the advantages of the method adopted by certain Governments (especially those of *Finland, Germany, Japan and Switzerland*) which draw attention to the information given or comment upon it in special reports. The task of analysing the information is rendered considerably more difficult when the Governments only communicate to the Office their printed publications.

2. With regard to the arrangements referred to in Article 3 of the Convention, the Committee notes that the conclusion of such arrangements seems in a number of cases to present considerable difficulties. The Committee can only express the hope that the Governments concerned will devote the requisite good will to the solution of this problem and arrive speedily at the conclusion of these arrangements, in order to ensure protection in a definite and more effective manner to a large number of workers whose situation in the present circumstances can only be described as specially precarious, despite the safeguards afforded by the principle of equality laid down by the Convention.

*Argentine Republic.* — The report was received too late to be examined by the Committee.

*Belgium.* — In their reports on the application of this Convention (or in documents annexed thereto) the *Polish and Swiss* Governments supply information on their discussions with the *Belgian* Government with regard to the application of the provisions of Article 3 to their nationals. It would have been interesting to find corresponding information in the report of the *Belgian* Government (see also the general observation above).

*Bulgaria, Finland, Spain.* — The reports from these three countries do not contain any reply to the specific questions in the report form under Article 2 of the Convention, nor do they supply any fresh information on the practical application of the Convention under point VI of the report form.

*Great Britain.* — In view of the discussions that have taken place at the International Labour Conference in previous years with regard to the residence qualification imposed in respect of eligibility for unemployment insurance benefits in Northern Ireland, the fact is to be noted that, by an Act of 1934, the residence qualification in Northern Ireland has been increased from three to five years. This may render still more difficult the conclusion of the arrangements specified in Article 3 of the Convention.

*India.* — With a view to the application of the Convention under the special circumstances of *India*, steps have been taken to set up exchanges to cater for dock workers in certain ports. The

<sup>1</sup> The report was received on 3 April 1935.

report states that the Karachi Port Trust anticipates considerable difficulty in the working of any system which involves the registration of individual workmen, but that the Government of India have asked that the matter may be examined further. The question of establishing exchanges in the Port of Rangoon is stated to be under discussion between the Government of Burma and the Port Commissioners. The Committee last year expressed its great interest in these experiments with a view to a more extended application of Article 2 of the Convention. There is evidence of some progress this year, and it is to be hoped that future reports will record further progress.

*Poland.* — The report mentions a reorganisation of the system of employment exchanges. It appears from the documents supplied by the Polish Government that, whereas formerly employers were required to pay a small fee (50 groszy) for each worker engaged, this fee being regarded as a contribution towards office expenses, they are now required to pay a fee which may be as high as two zlotys (in the case of domestic workers), and it is no longer specified that this fee is considered as a contribution to office expenses. The question arises whether the charging of such a fee is in harmony with the provisions of Article 2 of the Convention, which refers to "a system of free public employment agencies".

The report further states, with regard to the application of Article 3 of the Convention, that the Polish and Belgian Governments have agreed to open negotiations with a view to the conclusion of an arrangement as contemplated by the Article (see the general observation above).

*Union of South Africa.* — 1. The report indicates that in thirteen rural areas Church Poor Relief Committees have been established to undertake the free registration and placing of applicants for employment, and that these have superseded the post office employment exchanges in the areas concerned. It would be interesting to have information as to the regulations under which these committees work and the manner in which those regulations have been applied.

2. Interesting information is supplied in the report with regard to the special system of free assistance for native workers. Under this system magistrates submit to the Director of Native Labour from time to time particulars of any demand for native labour which may arise in their respective districts, and native commissioners furnish to that officer monthly returns of native labour available in their districts, classified according to the suitability of the workers in question for agricultural, mining, industrial, commercial and domestic work. The returns are collated in the office of the Director of Native Labour, who places the district of demand in touch with the district of supply; the co-operation of the farmers' associations, district unions, native chiefs and headmen, etc., is also enlisted. The interest of this information would be still further increased if the Government could see its way to supplying details as to the volume of the operations mentioned.

### 3. Childbirth.

Number of reports due : 16

Number of reports received : 13

Reports missing : *Greece, Nicaragua, Uruguay.*

*Argentine Republic.* — The report was received too late to be examined by the Committee.

*Brazil.* — The report states that it has not yet been possible for the Convention to be incorporated in the national legislation. It adds that the Federal Government intends to submit to the National Congress the amendments necessary

to bring the provisions of the national legislation into harmony with the Convention. The Committee will watch with interest the progress made in this connection.

*Bulgaria, Colombia.* — See the general observations concerning the reports supplied by certain countries (Appendix I A).

*Chile.* — 1. With regard to the application of the Convention to working women, the report states that a difficulty of application has arisen from the fact that these women prefer not to take the leave of absence to which they are entitled, being obliged to work in order to ensure their own subsistence as well as that of the child, the more so in that the period in question is a particularly difficult one. The Committee ventures to express the hope that the Chilean Government will consider the possibility of taking measures to enable the working women to benefit by the protection afforded by the Convention, for example by providing for an increase in the rate of maternity benefit.

2. With regard to the application of the Convention to non-manual employees, the Committee has already noted in the past that Chilean legislation makes the employer responsible for maternity benefit for eight weeks and the insurance institution only for four weeks, whereas the Convention lays down that this benefit must be provided entirely by insurance or out of public funds. The Committee notes however that, according to the statements contained in the report, these employees are in a position to take advantage of the leave of absence provided for in Article 3 of the Convention.

*Spain.* — By a letter dated 25 May 1934 the Spanish Government has replied to the observations made by the Committee last year. The Committee feels obliged to state that the apprehensions expressed in its observations last year are not entirely removed by the explanations which the Spanish Government has been good enough to supply. It seems to the Committee, in particular, that the long waiting period at present in force may have the effect of depriving women who are entitled to the protection of the Convention of their right to benefit.

*Yugoslavia.* — In its report the Yugoslav Government has replied to the two observations made previously by the Committee. It appears from this reply :

- (1) that it does not seem advisable to the Government to proceed at the present moment to a revision of the Workers' Protection Act, but that the Government intends to return to the payment of maternity benefits within the framework of the old legislative provisions as soon as the general economic situation permits ;
- (2) that with regard to the provisions of Yugoslav legislation concerning the possibility of a mistake by the doctor or midwife in estimating the date of confinement, this question has been placed on the agenda of the November session of the governing body of the Central Workers' Insurance Institution and the Government will keep the International Labour Office informed of the decisions taken on this question.

The Committee takes note of these statements.

### 4. Night work (women).

Number of reports due : 30

Number of reports received : 27

Reports missing : *Greece, Nicaragua, Uruguay.*

*General observation.* — The Committee notes that a number of countries which have ratified the



Convention have so far applied it by excluding from its scope certain classes of women who occupy positions of management or are employed in a confidential capacity. In view of the interpretation given by the Permanent Court of International Justice, according to which such exemption is contrary to the Convention, and of the adoption at the last Session of the Conference of a revised Convention containing an exception in favour of women "holding responsible positions of management who are not ordinarily engaged in manual work", it would seem desirable that the Governments concerned, if they wish to maintain the exceptions provided for in their existing legislation, should consider the possibility of ratifying the Convention as revised, and of simultaneously denouncing the 1919 Convention, so that they would thereafter be bound only by a Convention which permits the exceptions in question.

*Albania.* — The report states that a Bill for securing the application of the four Conventions ratified by Albania is at present under consideration. The delay caused in the adoption of this Bill is due only to the difficulties experienced in connection with the preparation of entirely new legislation dealing with industrial matters, seeing that industry in Albania is still in a very rudimentary stage. Nevertheless, the report adds that, thanks to the measures already taken by the Government, no breaches of the provisions of the Convention have been reported during the period covered, the number of women and children employed in industrial undertakings still being very small.

*Argentine Republic.* — The report was received too late to be examined by the Committee.

*Brazil.* — The legislation mentioned in the report does not seem to provide, as required by the Convention, that the term "night" shall mean a period of at least eleven consecutive hours. The Committee ventures to suggest that the Government might consider the possibility of remedying this omission. See also the general observations on the reports supplied by certain countries (Appendix I A).

*Bulgaria, Colombia.* — See the general observations on the reports supplied by certain countries (Appendix I A).

*Lithuania.* — 1. The new Act of 11 November 1933 applies to "factories and other industrial undertakings assimilable to factories. The Minister of the Interior, in agreement with the Minister of Finance, shall determine which industrial undertakings are assimilable to factories". It would be useful if the Government would state precisely whether the decisions taken by the Minister of the Interior in virtue of the above provision apply to all industrial undertakings covered by the Convention.

2. The Act of 11 November 1933 does not seem to provide explicitly that the term "night" shall indicate a period of at least eleven consecutive hours as that term is defined in Article 2 of the Convention.

*Portugal.* — The provisions of § 7 (1) and § 9 (1) of Decree No. 24,402 authorise the competent authorities to grant exemptions which may go beyond the limits laid down in Article 4 of the Convention. It would therefore be useful if the Portuguese Government would state what use has been made of the above power.

*Spain.* — In view of the extremely laconic character of the report supplied this year by the Spanish Government, the Committee can only repeat the observation that it made last year, to the effect that "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".

#### 5. Minimum age (industry).

Number of reports due : 26

Number of reports received : 22

Reports missing : *Dominican Republic, Greece, Nicaragua, Uruguay.*

*Albania.* — See under Convention No. 4.

*Argentine Republic.* — The report was received too late to be examined by the Committee.

*Belgium, Brazil, Bulgaria.* — See the general observations on the reports supplied by certain countries (Appendix I A).

*Colombia.* — Colombian legislation does not appear to correspond to the provisions of the Convention, which provide for a compulsory limit for the age of admission (fourteen years), whereas Colombian legislation appears to permit the employment of children from the age of eleven years provided that they possess an elementary school certificate. The Committee ventures to hope that the Colombian Government will soon be in a position to ensure the complete application of the Convention.

*Latvia.* — Last year, the Government stated that the Social Affairs Commission of the Saeima had drafted a Bill concerning apprenticeship to ensure the practical application of Article 3 of the Convention, but that the Saeima had not yet approved the Bill. The Committee expressed the hope that the Bill would have been enacted by the time that the Government was called upon to supply its next year's report. It appears from the latest report that the situation remains unchanged. The Committee can therefore only repeat its observation.

*Spain.* — Last year, the Committee noted that the measures for the adaptation of Spanish legislation to the provisions of the Convention had still to be adopted, and expressed the hope that it would be possible for the Government to secure the adaptation of the relevant legislation by the time that it was called upon to supply its report this year. According to the latest report, however, the situation appears to remain unchanged. The Committee can therefore only repeat its observation.

*Yugoslavia.* — The Government states that, although the labour inspectors ensure the application of the Convention in practice, the amendment of the provisions of the Factories Act which relate to the employment of children is in course of being carried out. The Committee ventures to hope that the Government will keep the International Labour Office informed of the progress achieved in this connection.

#### 6. Night work (young persons).

Number of reports due : 30

Number of reports received : 27

Reports missing : *Greece, Nicaragua, Uruguay.*

*Albania.* — See under Convention No. 4.

*Argentine Republic.* — The report was received too late to be examined by the Committee.

*Brazil.* — 1. See under Convention No. 4.

2. § 9 of Decree No. 22,042 permits an exception in the case of young persons over sixteen years of age employed in continuous process undertakings. This exception is general, and is not limited to the industries and processes specified in Article 2 (a) — (e) of the Convention. The Committee ventures to call the attention of the Brazilian Government to this point. See also the general observations concerning the reports supplied by certain countries (Appendix I A).



*Chile.* — The report does not give any information concerning the Regulations, the promulgation of which was announced by the Chilean Government, for the purpose of deciding to which industries and occupations the exceptions allowed by Article 2, paragraph 2 of the Convention should apply. The Government might be requested to supply particulars on this point.

*Latvia.* — In response to an observation made by the Committee of Experts in 1934 with regard to the absence of any provision for a night period of at least eleven consecutive hours, the report of the Government states that the Latvian Act concerning the prohibition of the employment of children during the night is quite definite on the matter, and the Government does not consider it necessary to amend the law on this point.

While taking note of this statement, the Committee feels bound to emphasise the fact that Latvian legislation (which goes further than the Convention in certain respects) does not seem to contain any provision to prevent a child being employed up to 10 o'clock in the evening one day and from 6 o'clock in the morning the next.

*Lithuania.* — 1. See under Convention No. 4.

2. The Act contains a general exception for processes which are necessarily continuous without limiting it to the industries and processes enumerated limitatively in Article 2 (a)–(e) of the Convention. The Committee ventures to call the attention of the Lithuanian Government to this point.

*Portugal.* — 1. The new Legislative Decree No. 24,200 provides for the prohibition of night work for young persons under sixteen years of age. This is clearly at variance with the provisions of the Convention, which fix eighteen years of age as the minimum for employment at night.

2. With regard to the exceptions allowed by the Decree, the Committee notes that the employment of women and young persons may be permitted outside the limits fixed by the Decree (8 p.m. and 7 a.m.) by special authorisation of the National Labour and Provident Institution, in exceptional and clearly justifiable cases or under labour contracts approved by the Under-Secretary of State for Corporations and Welfare. Further, special regulations may be issued with regard to time-tables for certain specified industrial services of public interest.

It would be desirable to request the Portuguese Government to give an assurance that these provisions are applied only within the limits laid down by the Convention.

*Spain.* — See under Convention No. 5.

#### 7. Minimum age (sea).

Number of reports due : 28

Number of reports received : 24

Reports missing : *Dominican Republic, Greece, Nicaragua, Uruguay.*

*Argentine Republic.* — The report was received too late to be examined by the Committee.

*Belgium, Bulgaria, Finland, Spain.* — See the general observations concerning the reports supplied by certain countries (Appendix I A).

*Colombia.* — See under Convention No. 5.

#### 8. Unemployment indemnity (shipwreck).

Number of reports due : 21

Number of reports received : 18

Reports missing : *Greece, Nicaragua, Uruguay.*

*General observation.* — It would seem that some countries do not have the machinery for ascertaining whether the provisions of the Convention

are being observed or not. It appears in particular from several of the reports supplied that the seamen are not always correctly informed as to the extent of the rights secured to them by the Convention. It would seem on the other hand that all maritime countries do in practice call for a notification of each case of shipwreck. The Committee ventures to suggest to the Governing Body that it might examine the desirability of suggesting to all the States which have ratified the Convention that, after notification of each case of shipwreck, their respective Governments should *automatically* call the attention of the shipowners to the provisions of the Convention and require them to submit a statement showing what payments of indemnity have been made to the seamen carried on the ship's register.

*Argentine Republic.* — The report states that the legislation for giving effect to this Convention has not yet been adopted, but that a Bill which has already been adopted by the Senate, and which is pending before the Chamber of Deputies, will have the effect of amending the Commercial Code by incorporating in it the provisions of the Convention. The Committee ventures to hope that the next report of the Government will give information on this new legislation.

*Belgium, Bulgaria.* — See the general observations concerning the reports supplied by certain countries (Appendix I A).

*Cuba.* — Article 1 of the Convention provides that the term "vessel" includes all ships and boats of any nature whatsoever engaged in maritime navigation, whether publicly or privately owned, with the exception of ships of war, and that the term "seamen" includes all persons employed on any vessel engaged in maritime navigation. On the other hand, a study of the legislation mentioned in the report of the Cuban Government would seem to show that, over and above vessels belonging to the State and not engaged in commerce, vessels engaged in coastal trade and boats with a displacement of less than 100 tons, or 300 cubic metres, are excluded from the scope of this legislation. Further, for the purposes of Cuban legislation the term "seamen" does not include masters, pilots, pupils in school ships and apprentices bound by a special apprenticeship contract. In both cases the exceptions permitted by Cuban legislation would seem to transgress the limits laid down by the Convention. It would therefore be desirable to call the attention of the Government to these points.

*Spain.* — Last year the Committee took note with satisfaction of a statement of the Government to the effect that measures would be taken to ensure the application of the provisions of the Convention to officers and masters. The report for this year, however, does not indicate whether these measures have actually been taken. See also the general observations concerning the reports supplied by certain countries (Appendix I A).

*Yugoslavia.* — The Government indicates that the legislation for giving effect to the provisions of the Convention is in course of preparation, but that it has not yet been completed. The Committee would be glad to receive the text of this legislation as soon as it has been adopted.

#### Appendix to

#### No. 8 — Unemployment indemnity (shipwreck).

It will be remembered that the Governing Body referred to the Committee for its opinion a proposed modification of the report form with regard to Article 2 of the Convention. The Committee approved the proposed modification, subject to two amendments which were adopted. It seems worth while to include in this Appendix the answers received from those countries which

have been good enough to reply to the modified questions.

Article 2 of the Convention is as follows :

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 month's wages.

The revised questions addressed to the Governments are as follows :

1. 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) damage so substantial that, although the ship is physically capable of being repaired, it would not, commercially speaking, be worth while repairing it, 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 ?

2. 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 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 ?

3. Please indicate the manner in which the term "wages" is interpreted in your country for the purpose of this Article, with particular reference to the possible inclusion of an allowance for food in addition to the money wage mentioned in the muster-roll.

4. Please state whether the indemnity payable under this Article has been limited to two months' wages.

The replies may be summarised as follows :

*Canada.* — With regard to the interpretation of the term "loss or foundering", the report states that it is considered that when a crew abandons a ship at sea on order of the master, notwithstanding the fact that the ship may subsequently be refloated, the seamen are regarded as shipwrecked and consequently entitled to compensation according to the Act. As to payment of indemnity to shipwrecked seamen, in any case which has come to the notice of the Department of Marine, the rate of pay has continued until the seamen obtained further employment, or for a period not exceeding two months from the day of the wreck or loss of the ship. In general, wages are paid up to the time of the seamen's arrival at their home port in addition to conveyance and maintenance expenses, and the seamen are usually willing to accept this as full settlement.

*Estonia.* — 1. The interpretation of the words "loss or foundering" for the purpose of applying Article 2 of the Convention covers : (a) total loss ; (b) the case of a ship which is declared to be damaged beyond repair owing to foundering or

some other accident, where the master and crew have consequently abandoned the ship or the place where the ship is situated. 2. The Act does not contain any provision for reducing the two months' indemnity in cases where the contract would have terminated, if the ship had not foundered, before the two months in question expired. It would therefore appear that in such cases the indemnity is due in full. 3. The Act states explicitly that the shipowner shall pay the seaman his wages in cash as unemployment indemnity ; this indemnity, therefore, must be calculated only on the basis of the wages as entered in the pay-roll, without any supplementary allowance for food. 4. The indemnity payable under Article 2 is limited to two months' wages.

*France.* — 1. The Act of 15 February 1929 entitles the seaman to unemployment indemnity in case of the capture or foundering of the ship, or if it is declared unseaworthy. 2. The Act does not refer to this question, but the report states that every shipwrecked seaman is entitled to unemployment indemnity up to a limit of two months, even where, if he had not suffered shipwreck, his agreement would normally have terminated, owing to the voyage being finished, within a period of less than two months from the moment when the shipwreck actually took place. For the purposes of the Act, the mercantile marine authorities define "unemployment" as the failure to obtain any maritime employment, and it is possible to discover this failure to obtain employment by an examination of the indications contained in the seaman's work-book. In case of dispute, however, it is the duty of the competent legal authorities to interpret the exact meaning of the text of the Act. The report adds that unemployment indemnity is consequently due in every case to a shipwrecked seaman for the whole period of his actual unemployment, that is to say, as long as he does not sign on for any new maritime work. 3. The Act lays down that the benefit shall be equivalent to the rate of wages payable under the articles of agreement. The question has been raised, whether the unemployment indemnity should be calculated only on the basis of the wages as entered in the ship's roll, or if it should include the actual wages and an additional allowance for food. It has been decided to adopt the second interpretation, and the shipping superintendents have been informed of this interpretation by a Circular of 29 June 1932. This Circular has, however, only the force of an administrative interpretation and is in no way binding, therefore, on any court which may be called upon to deal with a dispute as to the carrying out of the Act. In any such case, it will be for the court, in its judgment, to decide upon the meaning of the statutory provisions. 4. The Act provides that "in no case shall the total amount of indemnity exceed two months' wages".

*Germany.* — 1. With regard to the interpretation of the words "loss or foundering", the report states that the Act grants a seaman an indemnity of a maximum of two months' wages, when the seaman's unemployment is caused by the total loss of the vessel ; in other cases of damage (b and c) the seaman is entitled to half his wages for the probable time taken in repatriating him. 2. The words "unemployment resulting from the loss or foundering of the vessel" are understood to mean unemployment resulting directly from the loss of the vessel. Thus the seaman is considered as unemployed only during the period between the shipwreck and the termination of the voyage as originally fixed by the articles of agreement. After this date the unemployment is no longer attributable to the shipwreck, but is rather a consequence of the termination of the articles of agreement. The indemnity under Article 2 is only payable for the duration of the voyage as fixed by the agreement. 3. The word "wages" only includes wages in cash as fixed in the articles of agreement. 4. The indemnity payable under Article 2 is limited to two months' wages ; if repatriation takes longer than two months, the

seaman receives a sum equal to half his wages for the additional period.

*Great Britain.* — 1. The report states that the application in the United Kingdom of the words "loss or foundering" used in the Convention turns in practice upon the interpretation of the words "wreck or loss" used in § 1 of the Act. This interpretation covers (a) total loss (cf. the Judgment of the House of Lords in the "Celtic" and "Croxteth Hall" cases). (b) The report states that no such case has come before the Courts. However, while the Courts alone have authority to interpret the law, the Government has no reason to doubt that cases of this kind would be covered by the words "wreck or loss" in § 1 of the Act. With regard to heading (c) the report refers to the Judgment of the House of Lords regarding the steam trawler "Strathelova", which indicates that in certain circumstances it would be possible for reparable damage to a vessel to amount to a "wreck" within the meaning of § 1 of the Act. 2. In the case of both the "Celtic" and the "Croxteth Hall", the unemployment indemnity for two months after the shipping casualty leading to the loss of the vessel was adjudged to be due in full, irrespective of the time which had 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. 3. The term "wages" has been interpreted so as not to include any allowance for food in addition to the money wage mentioned in the agreement with the crew. 4. The indemnity payable 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". 1. 2. and 3. The report states that no cases have come before the Department of Industry and Commerce or the Courts in the Saorstát for decision as to the interpretation of the terms referred to. 4. The report states that the indemnity is limited to two months' wages.

*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. With regard to the interpretation of the expressions used in Article 2 of the Convention, the report states: 1. Since no cases of shipwreck have taken place, the interpretation which will eventually be made by the legal authorities cannot be indicated at present. 2. The Government is of opinion that this question of interpretation should be examined in the light of the replies from the various Governments. It would appear that, for reasons of equity, an indemnity should not be paid if the loss by shipwreck takes place during the period of a contract concluded for the voyage or for a fixed period. 3. In the case of loss of a vessel by shipwreck, the seaman is entitled to repatriation or, if the master chooses, to a corresponding indemnity which shall include allowance for food. When he reaches a port in his home country, he receives an

indemnity which, in accordance with the statutory provisions, is calculated according to the rate of his daily wage, but does not include an equivalent sum for allowance for food.

#### 9. *Placing of seamen.*

Number of reports due : 23  
Number of reports received : 20  
Missing reports : *Greece, Nicaragua, Uruguay.*

*Argentine Republic.* — The report was received too late to be examined by the Committee.

*Bulgaria, Colombia, Finland.* — See the general observations concerning the reports supplied by certain countries (Appendix I A).

*Rumania.* — The report indicates that discussions have been proceeding between the Ministry of Labour and the Ministry of Communications with a view to the setting up, as from 1 January 1935, of employment exchanges for seamen in the ports of Constanza, Braila, Galatz Giurgiu and Turnu-Severin. The creation of these offices would represent important progress in the application of the Convention.

*Spain.* — Last year the report stated that steps were being taken for the regulation of the employment finding agencies catering specially for seamen. The Committee noted this statement and expressed the hope that next year the Government would be able to supply a report in the form prescribed by the Governing Body, showing the manner in which these agencies had been organised and were working. The Committee notes with regret that this year's report contains no fresh information.

#### 10. *Minimum age (agriculture).*

Number of reports due : 17  
Number of reports received : 14  
Reports missing : *Dominican Republic, Nicaragua, Uruguay.*

*Bulgaria.* — See the general observations concerning the reports supplied by certain countries. (Appendix I A.)

*Spain.* — A Decree was issued on 25 September 1934 for the purpose of giving effect to the provisions of the Convention. § 5 of this Decree provides that the Ministry of Public Instruction and Fine Arts shall issue to the school authorities the necessary instructions for ensuring the application of the provisions of the Decree in the most appropriate manner. It would be useful to have copies of any such instructions that may have been issued.

#### 11. *Right of association (agriculture).*

Number of reports due : 27  
Number of reports received : 24  
Reports missing : *China, Nicaragua, Uruguay.*

No observations.

#### 12. *Workmen's compensation (agriculture).*

Number of reports due : 19  
Number of reports received : 17  
Reports missing : *Nicaragua, Uruguay.*

*Bulgaria, Colombia.* — See the general observations concerning the reports supplied by certain countries (Appendix I A).

*Italy.* — In 1933 the Committee of Experts made the following observation : "It is clear from the report that the conditions as regards workmen's compensation for workers employed in agriculture

are inferior to those for industrial workers. The Committee understands, however, that the Italian Government is examining the situation and is considering remedies." The report of the Conference Committee on Article 408 the same year stated that: "In reply to the observation of the Committee of Experts, the representative of the Government of Italy informed the Committee that the Italian Government took the view, which appeared to be shared by the International Labour Office, that compliance with the provisions of the Convention did not exclude the adaptation of the workmen's compensation law to the special conditions affecting employment in agriculture. He confirmed the Committee of Experts' impression that the Government had under consideration the question of improving the standard of protection afforded to agricultural workers in respect of accident compensation."

The Committee would be happy to be informed of the present situation with regard to this question.

*Poland.* — The Committee is happy to note that the Bill concerning insurance of agricultural workers against incapacity for work and death, which the Polish Government stated in its last report was in course of preparation, has been completed and submitted to the Officers of the Diet, and that this Bill covers the risk of incapacity for work and death arising from accidents while at work.

*Spain.* — No legislative measures were adopted during the period covered by the report. In the meantime, the communication addressed by the Spanish Government to the Director of the International Labour Office on 25 May 1934, announcing the promulgation in the near future of a new Act concerning industrial accidents, still describes the situation. See also the general observations concerning the reports supplied by certain countries (Appendix I A).

#### 13. White lead (painting).

Number of reports due : 22

Number of reports received : 19

Reports missing : *Greece, Nicaragua, Uruguay.*

*Belgium.* — In its previous reports the Belgian Government stated that it was intending to renew the practice of issuing special instructions relating to health measures for working painters (Article 5, paragraph IV of the Convention). The Committee suggested last year that the Government might be asked whether any further steps had been taken in this direction. The Committee takes note of the information supplied in this connection by the Belgian Government in its letter dated 18 May 1934. See also the general observations concerning the reports supplied by certain countries (Appendix I A).

*Bulgaria.* — Last year the Committee requested the Bulgarian Government to be good enough to supply in its future reports detailed information concerning the consultation of the employers' and workers' organisations contemplated in Articles 3 and 6 of the Convention. In its report for this year the Government states that such consultation is not possible in Bulgaria at present, owing to the fact that the organisation of the employers and workers undertaken by the State has not yet been completed. The Committee would be happy to be kept informed of the progress realised in this connection.

*Chile.* — In its report examined in 1932, the Chilean Government stated that the provisions of the Convention had been embodied in Regulations which were to be issued. It does not appear from subsequent reports than these Regulations have been brought into force. The Committee would be happy to receive supplementary information on this point.

*Colombia, Finland, Spain.* — See the general observations concerning the reports supplied by certain countries (Appendix I A).

*Estonia.* — The Committee ventures to express the opinion that, although spray painting has not so far been practised in Estonia, it would be desirable, as a precautionary measure, that the national legislation should be brought into harmony with the Convention.

*Latvia.* — The Committee would be happy to receive the text of the Instruction mentioned in the report as having been issued to give effect to the Articles of the Convention, and particularly to Articles 2 and 5.

*Rumania.* — The Rumanian Government states in its report that it has not so far been necessary to determine the line of demarcation between the different kinds of painting. The Committee ventures to express the opinion that if the exception allowed by Article 2 of the Convention is made use of in Rumania, it would seem necessary to draw this line of demarcation.

*Venezuela.* — The Government states that it has not so far been possible to pass an Act or issue administrative regulations providing for the prohibition of the use of white lead in painting but that it intends to take the necessary measures as soon as the public health authorities have communicated to it the requisite proposals for the application of the Convention. The Committee takes note of this statement, and hopes that the Government will be in a position to pass the relevant legislation in the near future.

#### 14. Weekly rest (industry).

Number of reports due : 24

Number of reports received : 20

Reports missing : *China, Greece, Nicaragua, Uruguay.*

*Belgium, Bulgaria, Colombia, Finland, Latvia.* — See the general observations concerning the reports supplied by certain countries (Appendix I A).

*Sweden.* — The Government states that the Labour and Social Welfare Department has recently decided to undertake an enquiry into the application of the regulations concerning the weekly rest, and that as soon as this enquiry is concluded its main results will be communicated to the International Labour Office. The Committee will be happy to be informed of these results, the communication of which will constitute a reply to its observation of last year.

#### 15. Minimum age (trimmers and stokers).

Number of reports due : 28

Number of reports received : 25

Reports missing : *Greece, Nicaragua, Uruguay.*

*Bulgaria, Colombia, Finland, Latvia, Spain.* — See the general observations concerning the reports supplied by certain countries (Appendix I A).

#### 16. Medical examination of young persons (sea).

Number of reports due : 26

Number of reports received : 23

Reports missing : *Greece, Nicaragua, Uruguay.*

*Bulgaria, Colombia, Finland, Spain.* — See the general observations concerning the reports supplied by certain countries (Appendix I A).

17. *Workmen's compensation (accidents).*

Number of reports due : 16

Number of reports received : 13

Reports missing : *Mexico, Nicaragua, Uruguay.*

*Bulgaria, Colombia, Latvia.* — See the general observations concerning the reports supplied by certain countries (Appendix I A).

*Chile.* — As the Committee noted last year, Chilean legislation appears to be at variance with Article 5 of the Convention with regard to compensation in case of permanent partial disablement, in respect of which the compensation is not payable in the form of a pension but in the form of a lump sum of a less amount than the capitalised value of the pension due.

*Luxemburg.* — The Committee can only repeat the observations previously made. Employees in commercial undertakings are not subject to compulsory insurance against accidents.

18. *Workmen's compensation (occupational diseases).*

Number of reports due : 28

Number of reports received : 26

Reports missing : *Nicaragua, Uruguay.*

*Belgium.* — The Belgian Government states that it has not yet been possible to secure complete harmony between the Act relating to occupational diseases and that relating to industrial accidents from the point of view of the compensation to be granted. The Committee ventures to express the hope that the Belgian Government will soon succeed in securing the adoption of the necessary legislative measures.

*Bulgaria, Colombia, Finland, Latvia.* — See the general observations concerning the reports supplied by certain countries (Appendix I A).

*Spain.* — Last year the Spanish Government stated that it had not been possible to issue measures for bringing the national legislation into harmony with the Convention. This year the Government states that no legislation has been adopted to give effect to the Convention, in view of the fact that the legal decisions, according to which occupational diseases are assimilated to accidents, are sufficient to protect the workers. The Committee, while taking note of this statement, ventures to suggest to the Government that it should consider the possibility of adopting appropriate legislation.

19. *Equality of treatment (accident compensation).*

Number of reports due : 33

Number of reports received : 29

Reports missing : *China, Mexico, Nicaragua, Uruguay.*

*General observation.* — The Committee realises that in a certain number of countries it may be difficult to obtain detailed information, particularly of a statistical character, on the practical application of the Convention (point VI of the annual report form). It notes, however, that information of this kind has been communicated in the reports of the following Governments :

*Germany, Luxemburg, Spain, Switzerland.*

*Colombia.* — See the general observations concerning the reports supplied by certain countries (Appendix I A).

20. *Night work (bakeries).*

Number of reports due : 10

Number of reports received : 8

Reports missing : *Nicaragua, Uruguay.*

*Bulgaria, Colombia.* — See the general observations concerning the reports supplied by certain countries (Appendix I A).

*Spain.* — Last year the report stated that, in view of discrepancies on important points between the provisions of the Convention and the existing legislation, the Government contemplated revising the legislation, and was preparing the necessary amendments. The Committee took note of this statement and expressed the hope that the Government would soon be able to secure the adoption of the amending legislation. This year, seeing that the situation remains unchanged, the Committee can only repeat its observation.

21. *Inspection of emigrants.*

Number of reports due : 16

Number of reports received : 14

Reports missing : *Nicaragua, Uruguay.*

No observations.

22. *Seamen's articles of agreement.*

Number of reports due : 18

Number of reports received : 15

Reports missing : *Mexico, Nicaragua, Uruguay.*

*Bulgaria, Poland, Spain.* — Since the reports contain no new information the Committee can only repeat its observations of last year. See also the general observations concerning the reports supplied by certain countries (Appendix I A).

*Colombia.* — See the general observations concerning the reports supplied by certain countries (Appendix I A).

23. *Repatriation of seamen.*

Number of reports due : 16

Number of report received : 13

Reports missing : *Mexico, Nicaragua, Uruguay.*

*Bulgaria.* — See under Convention No. 22.

*Colombia.* — See the general observations concerning the reports supplied by certain countries (Appendix I A).

*Spain.* — See under Convention No. 22.

*Yugoslavia.* — See under Convention No. 8.

24. *Sickness insurance (industry, etc.).*

Number of reports due : 16

Number of reports received : 14

Reports missing : *Nicaragua, Uruguay.*

*Austria.* — With reference to the application of Article 6 of the Convention (which provides for the administration of sickness insurance by self-governing institutions in the management of which the insured persons are to participate) the Government states that extraordinary Government Commissioners have been entrusted with the administration of current business in a certain number of insurance institutions, pending the renewal of the administrative bodies whose period of office has come to an end. The Committee ventures to request the Government to be good enough to indicate the probable date of this renewal.

*Bulgaria.* — § 18 of the Act of 25 March 1924 lays down that the right to medical treatment is subject to a qualifying period of eight consecutive weeks. The Convention does not provide for a qualifying period in respect of medical treatment. The Committee has drawn attention to this discrepancy in each of its reports for the last three years. The report supplied this year by the Government indicates that the position is still unchanged. The Committee therefore feels obliged to repeat its previous observation.

*Chile.* — Last year the Committee drew attention to a slight discrepancy consisting in the fact that, whereas 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 the law requires a waiting period of four days. The report supplied this year by the Government indicates that the position is still unchanged. The Committee ventures to repeat its observation.

*Colombia.* — See the general observations concerning the reports supplied by certain countries (Appendix I A).

*Latvia.* — The Government indicates that no change has taken place during the period under review in the legislation for the application of this Convention. It would appear however that in virtue of the extraordinary powers conferred upon the Minister of Social Welfare for the duration of the state of emergency proclaimed on 16 May 1934 (Legislative Decree of 17 July 1934, promulgated in Official Bulletin No. 158 of 19 July 1934 and analysed by the International Labour Office in "Industrial and Labour Information" for 3 September 1934), the Minister has dissolved the self-governing bodies of a considerable number of insurance funds and has appointed Government Commissioners in their place. The Committee would be happy to receive further information from the Government on this matter.

*Lithuania.* — Lithuanian legislation in respect of sickness insurance has been completely revised by the Act of 23 January 1934, and the Government has consequently supplied a report which differs considerably from its previous reports. It is to be noted that the slight discrepancy to which attention had been drawn by the Committee in the last two years has been eliminated by the new legislation.

On the other hand, the new legislation gives rise to the following observations:

(1) According to Article 3 paragraph 2 of the Convention, a State ratifying the Convention may make the payment of cash benefit conditional on the insured person having first complied with a qualifying period. But the introduction of such a qualifying period ought not to result in reducing the period during which daily cash benefit may be granted, which is formally fixed by Article 3, paragraph 1 of the Convention at twenty-six weeks as from the first day on which benefit is paid. Yet the Act of 23 January 1934 provides that cash benefit shall be paid for less than twenty-six weeks in the case of persons who have been insured for less than six months.

(2) Lithuanian legislation makes the granting of benefits in kind conditional on the same provisions in respect of a qualifying period as in the case of cash benefits. Under the terms of the Convention, however, the right to benefits in kind cannot be made conditional on a qualifying period. Article 4, paragraph 1, of the Convention lays down that 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, etc.

On both the above points there appears to be a discrepancy between the provisions of Lithuanian legislation and those of the Convention.

*Luxemburg.* — Compulsory sickness insurance does not cover domestic servants (see the obser-

vations made by the Committee in each of its reports for the last three years). The Chamber of Deputies has postponed its decision on a proposal laid before it for the extension of sickness insurance to cover this category of workers. In its latest report the Government states that it will submit proposals to the Chamber of Deputies for the compulsory insurance of domestic servants in connection with the revision of the Social Insurance Code which is shortly to take place, and that a large number of domestic servants are already insured on a voluntary basis. The Committee ventures to express the hope that legislation for the purpose of extending the provisions of the Convention to this class of workers will thus finally be adopted.

*Spain.* — Last year the Committee noted that steps were being taken for the creation of a system of sickness insurance with a view to the application of this Convention, and expressed the hope that the necessary measures would soon be taken. The report supplied by the Government this year indicates that no legislation has yet been adopted in this connection. The Committee therefore feels bound to repeat its observation of last year.

## 25. Sickness insurance (agriculture).

Number of reports due : 11

Number of reports received : 9

Reports missing : *Nicaragua, Uruguay.*

*Austria.* — See under Convention No. 24.

*Bulgaria.* — See under Convention No. 24.

*Chile.* — See under Convention No. 24.

*Colombia.* — See under Convention No. 24.

*Luxemburg.* — As the Committee has noted in past years, legislation is still pending for the extension of compulsory insurance to agricultural workers. The Government states this year that it will again lay proposals before the Chamber of Deputies for the extension of compulsory insurance to agricultural workers in connection with the revision of the Social Insurance Code which is shortly to take place. Insurance is already compulsory for workers employed in agricultural work in connection with the productive organisation of unemployment insurance, and the Central Committee of the sickness insurance funds has suspended all provisions in respect of age-limit and medical examination contained in the rules of the funds as regards the admission of the persons in question. While taking note of this information, the Committee can only express the hope that legislation for the full application of the Convention will be adopted in the near future.

*Spain.* — See under Convention No. 24.

## 26. Minimum wage-fixing machinery.

Number of reports due : 14

Number of reports received : 13

Report missing : *Uruguay.*

*Australia.* — The Convention is applied in Australia by means of the legislation of the various States of the Commonwealth. No reports have been supplied for this year with regard to the application of the Convention in the States of Queensland and Victoria<sup>1</sup>, and since the ratification of the Convention by Australia no report has been supplied on the application of the Convention in South Australia. The Committee realises the difficulty of supplying reports for all the States; it ventures, however, to call the attention of the Government to the above omissions.

<sup>1</sup> The reports concerning Queensland and Victoria were received on 15 April 1935.

*China.* — The Government has supplied a detailed report which indicates (with the relevant figures) that minimum wages have already been applied in a number of State undertakings. The Committee is happy to take note of the beginning that has been made with the application of the Convention and expresses the hope that the Government will be in a position to extend the application of the Convention to other categories of workers whose economic situation is perhaps less favourable than that of the workers already covered.

*Colombia.* — See the general observation concerning the reports supplied by certain countries (Appendix I A).

*Hungary.* — Legislation on the application of the Convention has not yet been adopted, owing to divergencies of opinion between the workers' and employers' representatives consulted by the Government. The report adds that these difficulties have not prevented the Government from continuing its efforts to conciliate the two divergent points of view and that as soon as these obstacles have been overcome by common agreement the competent Ministry will not fail to submit the requisite Bill to the Legislature. The Committee ventures to express the hope that the Convention, having been ratified by Hungary, will soon be effectively applied.

*Spain.* — The report makes no reference to the observations made by the Committee last year. The Committee therefore ventures to repeat these observations. See also the general observations concerning the reports supplied by certain countries (Appendix I A).

27. *Marking of weight (packages transported by vessels).*

Number of reports due : 21

Number of reports received : 20

Report missing : *Uruguay.*

*Germany.* — According to § 2 of the Act of 28 June 1933 the obligation to indicate the weight does not apply to goods transported in bulk. The Committee would be grateful if the Government would be good enough to supply some particulars with regard to the practical application of this exception.

*Venezuela.* — The Government states that it has not yet had an opportunity of submitting to Congress a Bill for the purpose of giving effect to the provisions of the Convention, but that it is determined to take the necessary steps as soon as circumstances permit. The Committee ventures to express the hope that the Government will soon be in a position to secure the application of the Convention.

28. *Protection against accidents (dockers).*

Number of reports due : 3

Number of reports received : 2

Report missing : *Irish Free State*<sup>1</sup>.

*Spain.* — The report does not contain any information on the application of the Convention. See the general observations concerning the reports supplied by certain countries (Appendix I A).

29. *Forced labour.*

Number of reports due : 13

Number of reports received : 13.

*General observation.* — The Committee is glad to note that, as provided for in Article 22 of the Convention, several Governments have supplied

detailed and interesting information on the measures of protection for forced labourers employed as permitted by the Convention. The Committee hopes that the other Governments will in future supply as complete information as possible of this nature.

*Bulgaria, Chile, Denmark, Irish Free State, Norway, Sweden, Yugoslavia* report that the Convention has no practical application in their territories.

*Australia.* — In reply to last year's query regarding the extent to which compulsory portage obtains in *Papua*, the Government states as follows : "The Lieutenant-Governor advises that it is very difficult to state the extent to which recourse is had to compulsory portage. Prisoners are used as carriers on ordinary police patrols to a large and increasing extent and animal and motor transport are used to a certain but very small extent". He adds that presumably with increased prosperity the Papuan administration will be able to construct better roads and use more motor transport, but on the other hand police patrols will be more frequent as the pacification of the territory extends.

The Committee will be interested to receive information in future reports on the progress made towards the replacement of forced portage, as well as on the approximate amount of forced labour employed as porters.

There is said to be no forced labour in the mandated territories of *New Guinea* and *Norfolk Island*. Last year the same statement was made in regard to the mandated territory of *Nauru*.

In respect of *New Guinea*, the Committee notes that under the Native Administration Regulations district officers are authorised to enforce compulsory cultivation for the purpose of assuring the food supplies of the native and his family. This provision seems to come within the provisions of Article 19 of the Convention and it would be of value if future reports could give information on the application of this provision of the Native Administration Regulations.

*Great Britain.* — The Government states, with regard to the *Gambia*, that an Ordinance was passed in July 1934 making provision for the exaction of compulsory labour only for minor communal services and in cases of emergency. The exaction of any other form of forced labour is a punishable offence. It may, however, be noted that the Ordinance excepts from the definition of forced or compulsory labour any work or service exacted under section 9(o) of the Native Authority Ordinance, which permits a native authority to give orders requiring any native to cultivate land in order to secure an adequate supply of food. It would appear that this provision falls under Article 19 of the Convention, and it would be valuable if information could be supplied in regard to the application of the provision.

*Gold Coast.* — The Forced Labour Bill was laid before the Council in November last after being referred to a Select Committee.

*Kenya.* — It was found necessary during the year, in order to avoid delay, to give powers to Provincial Commissioners and District Officers to impose compulsory labour for the transport of government officers and stores in parts of the Colony where other means of transport are impracticable. Such labour is paid at the existing rates of the district. The number of man-days during the year was considerably less than in the previous year.

*Nigeria.* — Regulations (No. 13 of 1934) have been made to deal with invasions of locusts. If the Governor decides that the emergency is sufficient to justify the exaction of labour, the Residents in Charge of Provinces and the native authorities have power to call it out. Sanction was accordingly obtained in several provinces, but forced labour was exacted only in the *Kuta* Division, as in other cases the men turned out voluntarily. No forced labour has been exacted by chiefs, and it was not necessary to employ any compulsory labour for portage. Regulations

<sup>1</sup> The report was received on 17 April 1935.



(No. 3 of 1934) were issued for the regulation of minor communal services, which are excluded by the Convention from the definition of "forced or compulsory labour".

*North Borneo.* — There is no change in the position indicated last year. A statement attached to the report shows that the number of persons compulsorily employed as carriers and the average number of days on which they were employed have decreased slightly since last year.

*Nyasaland.* — No change.

*Sierra Leone.* — It is reported that the chiefs and people have a better appreciation of the extent of compulsory labour permitted and of the penalties for evading it. The chiefs however employ much less than the maximum labour to which they are entitled under the Ordinance. The number of compelled porters was very small, 7,041 man-days only, and much of this labour was not really compulsory but only so called because obtained through the chiefs. For the construction and maintenance of buildings by compulsory labour the number of man-days was 10,930. All this labour was paid at the market rate of 6d. per day. But there was a considerable number of men (average daily number 1,415) employed compulsorily on the maintenance of motor roads by chiefs exercising administrative powers, and this work is unpaid. The report says that it is unpopular and that when conditions improve it is proposed to use paid labour for this work. This form of forced labour is required under Article 10 of the Convention to be progressively abolished. The Committee will be glad to learn in future reports of the progress made in this direction.

*Tanganyika Territory.* — Efforts continue to be made to reduce the number of men who liquidate their tax liabilities by labour instead of cash, but unfortunately the economic depression is the cause of some increase in their number this year (59,316). The number of men (5,468) compulsorily recruited for portage this year was greater than last, but the number of man-days (15,284) was less. There were also 166 labourers compulsorily employed on other work, and it would be interesting to know in what that work consisted.

*Uganda.* — The report states that the right to convert the obligation to perform *luxalo* labour into cash payment was extended to the Toro district, and now prevails in every district except two. The statistics for the year show a slight reduction in the employment of forced labour. Since the report, however, does not give the number of man-days, it appears of little use to comment on the apparent reduction.

*Japan.* — The report states that there is no forced labour in Japan and that no special measures have been necessary in Japan proper or in *Chosen*, *Taiwan*, *Karafuto* and *Kwantung*. In the *South Sea Islands*, apart from the provision of the Mandate and the treaty between Japan and the United States of America, no special legislation or administrative regulations have been enacted as there are stated to have been no facts of forced labour.

*Liberia.* — The Liberian Government has submitted a detailed and interesting report on the application of the Convention. The report gives the following as the only forms of forced or compulsory labour which exist in Liberia: the maintenance of township roads by males between sixteen and sixty years of age, the maximum period of service being 24 days in the year; the construction of main highways and trade routes by paid labour supplied to the Government by the tribal authority; and the construction and maintenance of intra-tribal roads by the tribal authorities.

It appears from the report that the Government regards these forms of labour as falling within the scope of the exceptions to the Convention's definition of "forced or compulsory labour". It would appear, however, that the road labour for main highways and trade routes should be regarded as subject to Articles 11 *et seq.* of the Convention, and it would be useful to have information in future reports on the maximum period of forced

labour permissible, the classes of persons liable, the actual rates of pay enforced, and other conditions of labour.

In regard to the construction and maintenance of intra-tribal roads by the tribal authorities, § 62 of the Administrative Regulations, 1931 provides that such roads shall be built and maintained by the tribal authority without cost to the Government. It would appear that this form of labour should be regarded as falling under Articles 7 and 10 of the Convention.

§ 96 of the Administrative Regulations, 1931 states that unskilled labour on public works shall not, unless the labourers so elect, be employed outside the limits of their tribal areas. This provision seems further to suggest that within the tribal areas the labour services should be regarded as a form of forced or compulsory labour coming within the terms of the Convention.

The report states that no forced or compulsory labour exists in the Republic for the transportation of persons or goods. § 66 of the Administrative Regulations, 1931, however, provides that any travellers requiring carriers shall apply to the chief of the section for the desired number, which he shall supply, while § 71 lays down that, should the chief, upon the reasonable application of any traveller, refuse to furnish porters, a complaint against him shall be made to the District Commissioner, who, upon proof of such refusal, shall fine the chief in a sum not exceeding \$20. It appears that a certain measure of compulsion may result from these provisions, and that the labour should be regarded as falling under Article 18 of the Convention. The Administrative Regulations, 1931 prohibit the employment of women as carriers, and provide for the payment of carriers at the rate of 24 cents per day of 10 hours.

It is also to be noted that the Act relating to the pawning system, approved on 19 December 1930, has made illegal the system which, the report explains, secured to farmers or other persons the services of other individuals for a fixed period of years, and was an indigenous institution which might, in some of its aspects, be considered as coming under the heading of forced or compulsory labour for private employers.

The Government has also supplied the Office with the Annual Message of His Excellency Edwin Barclay, President of Liberia, delivered before the Legislature on 26 October 1934. President Barclay gave an account of a tour taken by him in the Central and Eastern Provinces. He stated: "My first care was to discover how the Regulations of 1931 worked out in practice. I found that the fears expressed, both in legislative circles and by those persons who were wedded to the old ideas that these Regulations were idealistic and impracticable, were without foundation. There was universal approval of the present Administrative Regulations, and the frank statement was made to me that, should Government decide to abrogate these Regulations and the organisation effectuated thereunder, it would be difficult for the chiefs and elders to submit to a change".

In his covering letter to the report, the Secretary of State remarks that he regrets to say that the form of report adopted by the Governing Body is ill fitted to give very much light upon Liberian labour conditions, but that nevertheless the Government had endeavoured to conform therewith as strictly as possible. It may be pointed out, however, that point III of the form for the annual report invites the Governments to 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. Under this point the Government of Liberia would be able to make any comments of a general character on the application of the Convention and of the various laws passed to give legal effect to its terms.

*Netherlands.* — This is the first report of the Netherlands Government on this Convention. In ratifying it the Government stated that there is no forced labour in the home country or in



*Surinam* or *Curaçao*, and with regard to the *Netherlands Indies* made reservations with respect to Articles 3 and 4. As to the former, which provides that the "competent authority" shall mean either an authority of the metropolitan country or the highest central authority of the territory concerned, the report states that the law provides for the regulation of labour dues (mentioned below) by the provincial authorities.

As to Article 4, which provides that no compulsory labour should be imposed for the benefit of private individuals, and if such labour exists it should be put to a stop at once, the report states that services performed for private owners of land cannot be abolished at once, since that would entail the purchase of such lands by Governments at the cost of "many millions".

In 1931 the various colonial Ordinances regulating labour dues were amended in order to bring them into accordance with the Convention, and an Ordinance has recently been submitted to the *Volkstraad* providing for the suppression of these services in Government lands in *Java* and *Madura*, and of compulsory portage in connection with the movements of travellers and troops, except in certain cases where voluntary labour is not available. In such cases the provisions of Article 18 of the Convention are observed.

In the new Ordinances above mentioned the nature of the services to be rendered has been limited as far as possible, and the number of days has been considerably reduced, a definition of persons "fit for work" has been inserted in the law and the application of the Ordinances has been entrusted to European officers. Vernacular copies of the regulations have also been sent out for distribution, in accordance with Article 24.

It is stated in a supplementary report that the maximum number of days during which services can be exacted varies between ten and thirty per annum, that the maximum number in a month is eight and the maximum consecutive number four.

It is to be noted that the information supplied by the Government generally deals only with the territories under direct administration. In the case of the autonomous native territories, the Government states, as regards the *Outer Provinces*, that the native authorities have already complied with the invitation to bring their legislation into harmony with the provisions of the Convention, and as regards *Java*, that the chiefs of the native principalities in the interior of the island have been consulted with the same object in view, and that this consultation will shortly give the desired results.

*Spain*. — The information supplied by the Spanish Government is only positive in respect of the cities under Spanish sovereignty, where it is stated that forced labour is not authorised. In regard to the colonies of the *Gulf of Guinea*, the information does not show: (1) whether forced labour exists or not; (2) whether it is authorised by law or custom or is illegal; and (3) whether if it is authorised by law or custom it is regulated in any way. In regard to the Regulations relating to native labour in the Spanish territories of the *Gulf of Guinea*, which are appended to the annual report, it would seem possible that § 24, which provides that vagrant natives are to be made wards of the "Curaduria" and obliged to work under contract for private employers or for the State, is not in accordance with the Convention in so far as forced contracts with private employers are concerned.

The report, moreover, gives no information in regard to the *Zone of Morocco under Spanish protection*.

*Sudan*. — Though not being a State Member of the Organisation it is unable to ratify the Convention, the *Anglo-Egyptian Sudan* is desirous of observing it and has again furnished an interesting report. It is stated, with reference to Article 7 of the Convention, that "where recognised chiefs, in those parts of the country where feudal con-

ditions still prevail, by custom enjoy personal services of the kind described in this Article, careful observation continues to ensure not only that the enjoyment of such services shall be accompanied by the customary provision of food for the workers, but also that the custom itself shall be neither abused nor extended". It is presumed that the chiefs in question come within the description of "recognised chiefs, who do not receive adequate remuneration in other forms" since these alone are entitled, according to this Article, to exact personal services.

### 30. *Hours of work (commerce and offices).*

Number of reports due : 3

Number of reports received : 2

Report missing : *Uruguay*.

*Bulgaria*. — While recognising the considerable effort made by the Bulgarian Government with a view to the application of the Convention, the Committee feels bound to call attention to the following points in the Bulgarian legislation :

(1) the public services are not subject to the Ordinance of 22 July 1934 ;

(2) the hours of work in wholesale and retail commercial undertakings, including handicraft workshops, are fixed by the Ordinance at 9 hours ;

(3) the Ordinance does not provide for the obligation to notify the competent authority as laid down in Article 5, paragraph 2 of the Convention ;

(4) the report does not contain any information on the measures taken to give effect to Articles 8, 9, 10, 11 and 12 of the Convention ;

(5) the report does not contain any information on the practical application of the Ordinance (points IV, V and VI of the report form).

*Spain*. — The report, which is the first one submitted, merely mentions an Order of 15 March 1934, and adds that "there is nothing fresh to report" and that "the inspectors report a certain number of breaches". It would seem, however, that the hours of work of employees are regulated by the Decree of 1 July 1931, which is mentioned in the report on the application of Convention No. 1.

In any case, in the absence of a report submitted in accordance with the prescribed form, the Committee has no means of ascertaining the exact manner in which the Convention is applied.

## APPENDIX II.

### LIST OF ANNUAL REPORTS NOT RECEIVED BY THE OFFICE BY 30 MARCH 1935.

#### *Convention No. 1. Hours of work (industry) :*

Dominican Republic.  
Greece.  
Nicaragua.  
Uruguay.

#### *Convention No. 2. Unemployment :*

Colombia.  
Greece.  
Irish Free State.  
Nicaragua.  
Uruguay.

#### *Convention No. 3. Childbirth :*

Greece.  
Nicaragua.  
Uruguay.

*Convention No. 4. Night work (women) :*

Greece.  
Nicaragua.  
Uruguay.

*Convention No. 5. Minimum age (industry) :*

Dominican Republic.  
Greece.  
Nicaragua.  
Uruguay.

*Convention No. 6. Night work (young persons) :*

Greece.  
Nicaragua.  
Uruguay.

*Convention No. 7. Minimum age (sea) :*

Dominican Republic.  
Greece.  
Nicaragua.  
Uruguay.

*Convention No. 8. Unemployment indemnity (shipwreck) :*

Greece.  
Nicaragua.  
Uruguay.

*Convention No. 9. Placing of seamen :*

Greece.  
Nicaragua.  
Uruguay.

*Convention No. 10. Minimum age (agriculture) :*

Dominican Republic.  
Nicaragua.  
Uruguay.

*Convention No. 11. Right of association (agriculture) :*

China.  
Nicaragua.  
Uruguay.

*Convention No. 12. Workmen's compensation (agriculture) :*

Nicaragua.  
Uruguay.

*Convention No. 13. White lead (painting) :*

Greece.  
Nicaragua.  
Uruguay.

*Convention No. 14. Weekly rest (industry) :*

China.  
Greece.  
Nicaragua.  
Uruguay.

*Convention No. 15. Minimum age (trimmers and stokers) :*

Greece.  
Nicaragua.  
Uruguay.

*Convention No. 16. Medical examination of young persons (sea) :*

Greece.  
Nicaragua.  
Uruguay.

*Convention No. 17. Workmen's compensation (accidents) :*

Mexico.  
Nicaragua.  
Uruguay.

*Convention No. 18. Workmen's compensation (occupational diseases) :*

Nicaragua.  
Uruguay.

*Convention No. 19. Equality of treatment (accident compensation) :*

China.  
Mexico.  
Nicaragua.  
Uruguay.

*Convention No. 20. Night work (bakeries) :*

Nicaragua.  
Uruguay.

*Convention No. 21. Inspection of emigrants :*

Nicaragua.  
Uruguay.

*Convention No. 22. Seamen's articles of agreement :*

Mexico.  
Nicaragua.  
Uruguay.

*Convention No. 23. Reparation of seamen :*

Mexico.  
Nicaragua.  
Uruguay.

*Convention No. 24. Sickness insurance (industry, etc.) :*

Nicaragua.  
Uruguay.

*Convention No. 25. Sickness insurance (agriculture) :*

Nicaragua.  
Uruguay.

*Convention No. 26. Minimum wage-fixing machinery :*

Uruguay.

*Convention No. 27. Marking of weight (packages transported by vessels) :*

Uruguay.

*Convention No. 28. Protection against accidents (dockers) :*

Irish Free State.

*Convention No. 30. Hours of work (commerce and offices) :*

Uruguay.

List showing, by countries, the number of reports not received :

*China* : 3 reports (out of 5 reports due).

*Dominican Republic* : 4 reports (out of 4 reports due).

*Greece* : 13 reports (out of 13 reports due).

*Irish Free State* : 2 reports (out of 21 reports due).

*Mexico* : 4 reports (out of 4 reports due).

*Nicaragua* : 25 reports (out of 25 reports due).

*Uruguay* : 28 reports (out of 28 reports due).

### APPENDIX III.

#### APPLICATION OF CONVENTIONS TO COLONIES, PROTECTORATES, POSSESSIONS AND TERRITORIES UNDER MANDATE.

*Observations submitted by Sir Selwyn Fremantle.*

*Australia.* — Nothing new.

*Belgium.* — In this year's reports the reply for each Convention to the question regarding application to the colonies refers to previous reports; but information is available in a letter of 18 May 1934 sent in reply to an observation of last year.

*Convention No. 4 (Night work, women).* It is stated that a draft Decree will soon be submitted to the Colonial Council for the application of this Convention.

*Conventions Nos. 12, 17, 18 (Workmen's compensation for accidents and occupational diseases).* It is stated that a draft Decree is under consideration.

*Convention No. 19 (Equality of treatment, accident compensation).* It is stated that the question has been under consideration by the Department concerned and the conclusion reached is that it is desirable before taking a final decision to await the observations, if any, of the Colonial Council on the Decree mentioned above. The Government might be asked whether any progress has been made with these proposed Decrees.

*Convention No. 6 (Night work, young persons).* It was stated last year 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.

With reference to the provisions of *Convention No. 5 (Minimum age, industry)*, it would be interesting to know what is the definition of an adult and whether this Convention could not be adopted with such modification as circumstances require.

*France.* — The Government reports that *Conventions No. 4 (Night work, women)* and *No. 6 (Night work, young persons)* have been applied in *Algeria* by the Decree of 23 October 1933.

*Convention No. 12 (Workmen's compensation, agriculture)* will be applied by Decree of 9 September 1934 to *Indo-China* as far as Europeans are concerned, but this law does not come into force until the Governor General fixes a date, which he is bound to do within one year of publication in the Official Gazette.

*Convention No. 18 (Workmen's compensation, occupational diseases)* has been applied in *Algeria* and also to *French West Africa*.

*Convention No. 19 (Equality of treatment, accident compensation)* applies in *Algeria*.

*Convention No. 26 (Minimum wage-fixing machinery).* The Government declares that according to the terms of Article 421 of the Treaty this Convention is not applied in French overseas possessions on account of local conditions.

The Committee notes that in this case, as in others, the French Government only states that the provisions of the Convention are inapplicable owing to local conditions. It would be of value if the French Government would indicate in future reports the nature of the conditions which render inapplicable the provisions of the Conventions which have been ratified.

*Great Britain.* — Further progress has been made in the extension of Conventions governing the work of women and children to British dependencies.

*Convention No. 4 (Night work, women)* has been applied by legislation to five new territories, in two cases with modifications.

*Convention No. 5 (Minimum age, industry)* has been applied to four new territories, in two cases with the modification that the age should be 12 instead of 14.

*Convention No. 6 (Night work, young persons)* has also been applied to five additional territories, in two cases with modifications.

*Convention No. 7 (Minimum age, sea)* has been applied to two additional territories.

*Convention No. 8 (Unemployment indemnity, shipwreck)* has been introduced in one additional territory.

*Conventions Nos. 17, 18 and 19 (Workmen's compensation).* Further legislation has been enacted in three territories.

*Convention No. 26 (Minimum wage-fixing machinery).* Legislation of a simple character to fix minimum wages has been enacted in three additional dependencies.

*Conventions Nos. 4, 5 and 6. (Night work, women ; Minimum age, industry ; Night work, young persons).* The Malta Act No. 31 of 1926 applying these Conventions does not appear to be yet in force.

The Government states that *Conventions Nos. 4, 6, 7, 8, 15 and 16* (subject to the terms of the Elementary Education Ordinance) may be regarded as applying to *St. Helena* by virtue of § 24 of the "International and General Law Ordinance, 1895" which runs as follows :

"Subject to all local Ordinances and Orders in Council in force for the time being, so much of the law of England, for the time being, as is applicable to local circumstances, is and shall be in force in this Colony, so far as it is suitable and appropriate and subject to such qualifications as local circumstances render necessary".

*Italy.* — The question of extending *Conventions Nos. 7, 9, 15 and 16* to the colonies, which was under consideration last year, is said to be still under consideration, and the extension of *Convention No. 26 (Minimum wage-fixing machinery)* is now also under consideration.

The maritime *Conventions, Nos. 8, 22, 23 and 27* already apply, and it is stated that, though *Convention No. 14 (Weekly rest industry)* has not been formally extended to the colonies, the observance of a weekly rest day is enjoined by religious tradition and is in some cases regulated by Ordinance.

*Convention No. 27 (Marking of weight, packages transported by vessels).* The Convention has been applied to the colonies by Decree of 22 May 1933 and to the *Italian islands of the Aegean Sea* by Decree of 9 October 1933.

*Japan.* — With regard to *Convention No. 2 (Unemployment)* it is stated that two public enquiries have been made regarding the state of unemployment in *Chosen* and large public works have been put in hand for the relief of unemployment. As mentioned last year, employment exchanges exist in *Chosen*.

Legislation has been enacted to apply *Conventions No. 9 (Placing of seamen), No. 7 (Minimum age, sea), No. 15 (Minimum age, trimmers and stokers)* and *No. 16 (Medical examination of young persons, sea)* to *Taiwan*. The Japanese Government might be asked if the application of these three last Conventions to other dependencies is still under consideration, as is said to have been the case three years ago.

*Netherlands.* — The Minister of the Colonies states that the following Conventions have been promulgated in *Surinam* : *No. 11 (Right of association, agriculture)* ; *No. 15 (Minimum age, trimmers and stokers)* ; and *No. 27 (Marking of weight, packages transported by vessels)*, but that it had not been found necessary up to the present to take any steps for the application of these Conventions to the colony. The same statement was made last year regarding the first two of these Conventions, and our report states : "It is not understood whether any law has been passed to apply the Conventions". The same is the case now, and the Netherlands Government may be asked kindly to state whether any law has been passed to apply the Conventions and if not what is the meaning of the expression "the Conventions have been promulgated".

For *Curaçao* the Minister again states that the Governor reports that no need has been felt for the application of any Conventions. The Committee would welcome information as to the nature of the local conditions on which the Governor's statement is based.

The Governor-General of the *Netherlands Indies* sends a note which, *inter alia*, contains the following information :

*Convention No. 4 (Night work, women).* Exemptions on account of tea manufacturing are gradually being reduced in number and this is also the case with breaches of the law.

*Convention No. 12 (Workmen's compensation, agriculture).* This Convention at present only applies to workers under penal sanction contracts,

but it is proposed next year so apply it to all labourers in large agricultural enterprises.

*Convention No. 27 (Marking of weight, packages transported by vessels).* It has not been found possible to introduce this Convention.

*Portugal.* — The Government states, with reference to *Conventions No. 4 (Night work, women)* and *No. 6 (Night work, young persons)*, that it ratified these Conventions with the reservation that they should not apply to the colonies. With regard to the other Conventions, the Portuguese reports continue to refer to a statement made by the Portuguese representative to the Conference Committee on Article 408. From this statement it appears that under the Native Labour Code hours of work are limited to nine in the day, provision is made for compulsory weekly rest, the night work of women and children is prohibited, and workers are entitled to compensation in case of accidents and certain occupational diseases. In these circumstances it appears that in practice the following Conventions have obtained partial application to the Portuguese colonies: *No. 1 (Hours of work, industry)*, *No. 4 (Night work, women)*, *No. 6 (Night work, young persons)*, *No. 14 (Weekly rest, industry)*, *No. 17 (Workmen's compensation, accidents)* and *No. 18 (Workmen's compensation, occupational diseases)*.

*Spain.* — The reports submitted this year by the Spanish Government give the following information on the territorial extent of application of certain Conventions:

*Convention No. 18 (Workmen's compensation, occupational diseases).* The legislation in force in Spain extends only to the African settlements under direct Spanish sovereignty (*Ceuta and Melilla*).

*Convention No. 27 (Marking of weight, packages transported by vessels).* It applies unchanged to all Spanish colonies.

This year's reports fail to specify, as was suggested by the Committee in 1934, to which of the dependencies each Convention is applied and the measures taken to give practical effect to its application. The obscurity as to the application of the Conventions to Spanish dependencies thus persists.

*Union of South Africa.* — The situation remains unchanged as regards the Conventions on which reports have been previously submitted: *No. 2 (Unemployment)*; *No. 4 (Night work, women)*; and *No. 19 (Equality of treatment, accident compensation)*. A report is due for the first time on *Convention No. 26 (Minimum wages-fixing machinery)* and the Government states that the Secretary for *South-West Africa* submits that there is no provision in his territory for the fixing of minimum wages.

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LEAGUE OF NATIONS

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# INTERNATIONAL LABOUR CONFERENCE

NINETEENTH SESSION

GENEVA, 1935

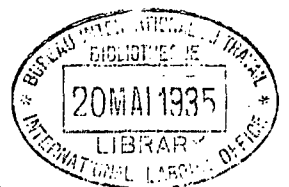
## REPORT OF THE DIRECTOR

### APPENDIX

TABLES SHOWING THE SITUATION OF THE STATES MEMBERS  
IN RESPECT OF THE CONVENTIONS AND RECOMMENDATIONS  
ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE



INTERNATIONAL LABOUR OFFICE  
GENEVA, 1935



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## FIRST SESSION (WASHINGTON, 29 October-29 November 1919).

## Conventions.

\* = Information received since last Report.

## 1. Hours of Work (Industry). — (Date of first coming into force : 13 June 1921.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intimation that they have submitted the Convention to the "competent authority" have supplied information of other measures taken.	(e) States which have not officially communicated any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Argentina. 30- 11- 33. Austria <sup>(1)</sup> . 12- 6- 24. Belgium. 6- 9- 26. Bulgaria. 14- 2- 22. Chile. 15- 9- 25. Colombia. 20- 6- 33. * Cuba. 20- 9- 34. Czechoslovakia. 24- 8- 21. Dominican Republic. 4- 2- 33. France <sup>(2)</sup> . 2- 6- 27. Greece. 19- 11- 20. India. 14- 7- 21. Italy <sup>(3)</sup> . 6- 10- 24. Latvia <sup>(4)</sup> . 15- 8- 25. Lithuania. 19- 6- 31. Luxemburg. 16- 4- 28. * Nicaragua. 12- 4- 34. Portugal. 3- 7- 28. Rumania. 13- 6- 21. Spain <sup>(5)</sup> . 22- 2- 29. Uruguay. 6- 6- 33.	<b>Approval :</b> *Canada. Feb. 1935.  <b>Rejection :</b> Sweden. 15- 6- 21. Switzerland. 3- 2- 22.  <b>Other decisions (adjournment, etc.) :</b> Finland. 1922. Great Britain. 27- 5- 21. Hungary. 4- 3- 25. Japan. 11- 10- 22. Norway. 27- 6- 27. Siam. 1933. Venezuela. 11- 7- 25.	Denmark <sup>(6)</sup> . 1926. Estonia <sup>(6)</sup> . 26- 9- 24. Germany <sup>(7)</sup> . 1- 10- 29. Paraguay. 24- 5- 26. Poland <sup>(6)</sup> . 26- 7- 21.	Albania. 1931. Irish Free State. 30- 4- 25. Netherlands. 21- 7- 21.		Australia. 29- 9- 21. Brazil. 4- 3- 32. New Zealand. 11- 11- 20. South Africa. 1921. Yugoslavia. 26- 4- 26.	China. Guatemala. Haiti. Iraq. Mexico. Panama. Salvador. Turkey.	Bolivia. Ethiopia. Honduras. Iran. Liberia. Peru.

## 2. Unemployment — (Date of first coming into force : 14 July 1921.)

Argentina. 30- 11- 33. Austria. 12- 6- 24. Belgium. 25- 8- 30. Bulgaria. 14- 2- 22. Chile. 31- 5- 33. Colombia. 20- 6- 33. Denmark. 13- 10- 21. Estonia. 20- 12- 22. Finland. 19- 10- 21. France. 25- 8- 25. Germany. 6- 6- 25. Great Britain. 14- 7- 21. Greece. 19- 11- 20. Hungary. 1- 3- 28. India. 14- 7- 21. Irish Free State. 4- 9- 25. Italy. 10- 4- 23. Japan. 23- 11- 22. Luxemburg. 16- 4- 28. Netherlands. 6- 2- 32. * Nicaragua. 12- 4- 34. Norway. 23- 11- 21. Poland. 21- 6- 24. Rumania. 13- 6- 21. South Africa. 20- 2- 24. Spain. 4- 7- 23. Sweden. 27- 9- 21. Switzerland. 9- 10- 22. Uruguay. 6- 6- 33. Yugoslavia. 1- 4- 27.	<b>Other decisions (adjournment, etc.) :</b> Canada <sup>(8)</sup> . 15- 11- 20. Siam. 1922. Venezuela. 11- 7- 25.	Cuba. 11- 6- 23. Czechoslovakia. 22- 12- 20. Latvia. 26- 4- 23. Lithuania <sup>(6)</sup> . Aug. 1922. Paraguay. 24- 5- 26.	Albania. 1931.	Australia. 29- 9- 21. Brazil. 4- 3- 32. New Zealand. 11- 11- 20. Portugal. 9- 12- 26.	China. Dominican Republic. Guatemala. Haiti. Iraq. Mexico. Panama. Salvador. Turkey.	Bolivia. Ethiopia. Honduras. Iran. Liberia. Peru.
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<sup>(1)</sup> Conditionally upon ratification by Belgium, Czechoslovakia, France, Germany, Great Britain, Hungary, Italy, Poland, Switzerland and Yugoslavia.

<sup>(2)</sup> Conditionally upon ratification by Germany and Great Britain.

<sup>(3)</sup> Conditionally upon ratification by Belgium, France, Germany, Great Britain and Switzerland.

<sup>(4)</sup> Conditionally upon ratification by three of the eight States "of chief industrial importance" (Art. 393, § 3, of the Treaty of Versailles).

<sup>(5)</sup> Came into force unconditionally on 1 October 1931.

<sup>(6)</sup> Proposal lapsed.

<sup>(7)</sup> Submitted a second time to the Reichsrat.

<sup>(8)</sup> Canada is shown in this column at the request of the Canadian Government. The Convention was found to be within provincial jurisdiction and was brought before the respective provincial authorities by the central Government.



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FIRST SESSION (WASHINGTON, 29 October-29 November 1919) (*contd.*).

## Conventions.

\* = Information received since last Report.

3. **Childbirth.** — (Date of first coming into force : 13 June 1921.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communicat- ed any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Argentina. 30- 11- 33. * Brazil. 26- 4- 34. Bulgaria. 14- 2- 22. Chile. 15- 9- 25. Colombia. 20- 6- 33. Cuba. 6- 8- 28. Germany. 31- 10- 27. Greece. 19- 11- 20. Hungary. 19- 4- 28. Latvia. 3- 6- 26. Luxemburg. 16- 4- 28. * Nicaragua. 12- 4- 34. Rumania. 13- 6- 21. Spain. 4- 7- 23. Uruguay. 6- 6- 33. Yugoslavia. 1- 4- 27.	<i>Approval :</i> Italy. 18- 4- 22.  <i>Rejection :</i> Great Britain. 1921. Switzerland. 3- 2- 22.  <i>Other decisions (adjournment, etc.) :</i> Canada <sup>(1)</sup> . 15- 11- 20. China. 19- 1- 34. Estonia. 22- 10- 31. Finland. 1922. Japan. 11- 10- 22. Norway. 27- 6- 27. Siam. 1922. Sweden. 15- 6- 21. Venezuela. 11- 7- 25.	Belgium <sup>(2)</sup> . 16- 3- 21. Czecho- slovakia. 22- 12- 20. Denmark <sup>(2)</sup> . 1925. France. <sup>(2)</sup> 4- 11- 30. Lithuania <sup>(2)</sup> . Aug. 1922. Paraguay. 24- 5- 26.	Albania. 1931. Austria <sup>(2)</sup> . 1927. Irish Free State. 30- 4- 25. Nether- lands <sup>(2)</sup> . 21- 7- 21.	Poland. 25- 8- 31.	Australia. 29- 9- 21. New Zealand. 11- 11- 20. Portugal. 9- 12- 26. South Africa. 1921.	Dominican Republic. Guatemala. Haiti. India. Iraq. Mexico. Panama. Salvador. Turkey.	Bolivia. Ethiopia. Honduras. Iran. Liberia. Peru.

4. **Night Work (Women).** — (Date of first coming into force : 13 June 1921.)

Albania. 17- 3- 32. Argentina. 30- 11- 33. Austria. 12- 6- 24. Belgium. 12- 7- 24. * Brazil. 26- 4- 34. Bulgaria. 14- 2- 22. Chile. 8- 10- 31. Colombia. 20- 6- 33. Cuba. 6- 8- 28. Czechoslo- vakia. 24- 8- 21. Estonia. 20- 12- 22. France. 14- 5- 25. Great Britain. 14- 7- 21. Greece. 19- 11- 20. Hungary. 19- 4- 28. India. 14- 7- 21. Irish Free State. 4- 9- 25. Italy. 10- 4- 23. Lithuania. 19- 6- 31. Luxemburg. 16- 4- 28. Netherlands. 4- 9- 22. * Nicaragua. 12- 4- 34. Portugal. 10- 5- 32. Rumania. 13- 6- 21. South Africa. 1- 11- 21. Spain. 29- 9- 32. Switzerland. 9- 10- 22. Uruguay. 6- 6- 33. Venezuela. 7- 3- 33. Yugoslavia. 1- 4- 27.	<i>Other decisions (adjournment, etc.) :</i> Canada <sup>(1)</sup> . 15- 11- 20. China. 19- 1- 34. Finland. 1922. Japan. 11- 10- 22. Norway. 27- 6- 27. Siam. 1922. Sweden. 15- 6- 21.	Denmark <sup>(2)</sup> . 1925. Germany <sup>(4)</sup> . 12- 4- 29. Latvia. 6- 5- 24. Paraguay. 24- 5- 26.	Poland <sup>(2)</sup> . 26- 7- 21.	Australia. 29- 9- 21. New Zealand. 11- 11- 20.	Dominican Republic. Guatemala. Haiti. Iraq. Mexico. Panama. Salvador. Turkey.	Bolivia. Ethiopia. Honduras. Iran. Liberia. Peru.
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<sup>(1)</sup> See note (8) on page 3.<sup>(2)</sup> Proposal lapsed.<sup>(3)</sup> Proposal withdrawn.<sup>(4)</sup> Submitted a second time to the Reichsrat; subsequently withdrawn in view of the proposed revision of the Convention

FIRST SESSION (WASHINGTON, 29 October-29 November 1919) (*contd.*).

## Conventions.

\* = Information received since last Report.

## 5. Minimum Age (Industry). — (Date of first coming into force: 13 June 1921.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intim- ation that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communicat- ed any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Albania. 17- 3- 32. Argentina. 30- 11- 33. Belgium. 12- 7- 24. * Brazil. 26- 4- 34. Bulgaria. 14- 2- 22. Chile. 15- 9- 25. Colombia. 20- 6- 33. Cuba. 6- 8- 28. Czechoslo- vakia. 24- 8- 21. Denmark. 4- 1- 23. Dominican Republic. 4- 2- 33. Estonia. 20- 12- 22. Great Britain. 14- 7- 21. Greece. 19- 11- 20. Irish Free State. 4- 9- 25. Japan. 7- 8- 26. Latvia. 3- 6- 26. Luxemburg. 16- 4- 28. Netherlands. 21- 7- 28. * Nicaragua. 12- 4- 34. Poland. 21- 6- 24. Rumania. 13- 6- 21. Spain. 29- 9- 32. Switzerland. 9- 10- 22. Uruguay. 6- 6- 33. Yugoslavia. 1- 4- 27.	<i>Approval:</i> * Austria. Sept. 1934. Finland. 1922. Italy. 20- 3- 24.  <i>Other decisions (adjournment, etc.):</i> Canada (1). 15- 11- 20. Hungary. 4- 3- 25. India (2). 1921. Norway. 27- 6- 27. Siam. 1922. Sweden. 15- 6- 21. Venezuela. 11- 7- 25.	Germany (3). 12- 4- 29. Lithuania. March 1934. Paraguay. 24- 5- 26.	France. 10- 1- 29.		Australia. 29- 9- 21. New Zealand. 11- 11- 20. Portugal. 9- 12- 26. South Africa. 1921.	China. Guatemala. Haiti. Iraq. Mexico. Panama. Salvador. Turkey.	Bolivia. Ethiopia. Honduras. Iran. Liberia. Peru.

## 6. Night Work (Young Persons). — (Date of first coming into force: 13 June 1921.)

Albania. 17- 3- 32. Argentina. 30- 11- 33. Austria. 12- 6- 24. Belgium. 12- 7- 24. * Brazil. 26- 4- 34. Bulgaria. 14- 2- 22. Chile. 15- 9- 25. Cuba. 6- 8- 28. Denmark. 4- 1- 23. Estonia. 20- 12- 22. France. 25- 8- 25. Great Britain. 14- 7- 21. Greece. 19- 11- 20. Hungary. 19- 4- 28. India. 14- 7- 21. Irish Free State. 4- 9- 25. Italy. 10- 4- 23. Latvia. 3- 6- 26. Lithuania. 19- 6- 31. Luxemburg. 16- 4- 28. Nether- lands. 17- 3- 24. * Nicaragua. 12- 4- 34. Poland. 21- 6- 24. Portugal. 10- 5- 32. Rumania. 13- 6- 21. Spain. 29- 9- 32. Switzerland. 9- 10- 22. Uruguay. 6- 6- 33. Venezuela. 7- 3- 33. Yugoslavia. 1- 4- 27.	<i>Approval:</i> Colombia. 23- 11- 31. Finland. 1922.  <i>Other decisions (adjournment, etc.):</i> Canada (1). 15- 11- 20. Germany (4). 5- 10- 22. Japan. 11- 10- 22. Norway. 27- 6- 27. Siam. 1922. Sweden. 15- 6- 21.	Czechoslovakia. 22- 12- 20. Paraguay. 24- 5- 26.		Australia. 29- 9- 21. New Zealand. 11- 11- 20. South Africa. 1921.	China. Dominican Republic. Guatemala. Haiti. Iraq. Mexico. Panama. Salvador. Turkey.	Bolivia. Ethiopia. Honduras. Iran. Liberia. Peru.
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(1) See note (8) on page 3.

(2) Approved with reservations: see Record of 1921 Session of Conference, p. 1043

(3) Submitted a second time to the Reichsrat.

(4) Reichsrat.

# SECOND SESSION (GENOA, 15 June-10 July 1920).

## Conventions.

\* = Information received since last Report.

### 7. Minimum Age (Sea). — (Date of first coming into force : 27 September 1921.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intimation that they have submitted the Convention to the "competent authority" have supplied information of other measures taken.	(e) States which have not officially communicated any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Argentina. 30- 11- 33. Belgium. 4- 2- 25. Bulgaria. 16- 3- 23. Canada. 31- 3- 26. Colombia. 20- 6- 33. Cuba. 6- 8- 28. Denmark. 12- 5- 24. Dominican Republic. 4- 2- 33. Estonia. 3- 3- 23. Finland. 10- 10- 25. Germany. 11- 6- 29. Great Britain. 14- 7- 21. Greece. 16- 12- 25. Hungary. 1- 3- 28. Irish Free State. 4- 9- 25. Italy. 14- 7- 32. Japan. 7- 6- 24. Latvia. 3- 6- 26. Luxembourg. 16- 4- 28. Netherlands. 26- 3- 25. * Nicaragua. 12- 4- 34. Norway. 7- 10- 27. Poland. 21- 6- 24. Rumania. 8- 5- 22. Spain. 20- 6- 24. Sweden. 27- 9- 21. Uruguay. 6- 6- 33. Yugoslavia. 1- 4- 27.	<i>Other decisions (adjournment, etc.):</i> India <sup>(1)</sup> . 27- 9- 21. Siam. 1922. Switzerland <sup>(2)</sup> . 3- 2- 22. Venezuela. 11- 7- 25.	* Chile. 26- 12- 34. Lithuania <sup>(3)</sup> . Aug. 1922.	Albania. 1931. France. 10- 1- 29.	Austria <sup>(3)</sup> . 1927.	Australia. 29- 9- 21. Brazil. 4- 3- 32. New Zealand. 1923. Portugal. 9- 12- 26.	China. Czechoslovakia. Haiti. Iraq. Mexico. Panama. South Africa. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru. Salvador.

### 8. Unemployment Indemnity (Shipwreck). — (Date of first coming into force : 16 March 1923.)

Argentina. 30- 11- 33. Belgium. 4- 2- 25. Bulgaria. 16- 3- 23. Canada. 31- 3- 26. Colombia. 20- 6- 33. Cuba. 6- 8- 28. Estonia. 3- 3- 23. France. 21- 3- 29. Germany. 4- 3- 30. Great Britain. 12- 3- 26. Greece. 16- 12- 25. Irish Free State. 5- 7- 30. Italy. 8- 9- 24. Latvia. 29- 8- 30. Luxembourg. 16- 4- 28. * Nicaragua. 12- 4- 34. Poland. 21- 6- 24. Rumania. 10- 11- 30. Spain. 20- 6- 24. * Sweden. 1- 1- 35. Uruguay. 6- 6- 33. Yugoslavia. 30- 9- 29.	<i>Approval:</i> Netherlands <sup>(4)</sup> . 13- 1- 23.  <i>Rejection:</i> Finland. 1921. Hungary. 4- 3- 25. India. 27- 9- 21.  <i>Other decisions (adjournment, etc.):</i> Japan. 11- 10- 22. Norway. 27- 6- 27. Siam. 1922. Switzerland <sup>(2)</sup> . 3- 2- 22. Venezuela. 11- 7- 25.	* Chile. 26- 12- 34. Denmark <sup>(3)</sup> . 1926. Lithuania <sup>(3)</sup> . Aug. 1922.	Albania. 1931.	Austria <sup>(3)</sup> . 1927.	Australia. 29- 9- 21. Brazil. 4- 3- 32. New Zealand. 1923. Portugal. 9- 12- 26.	China. Czechoslovakia. Dominican Republic. Haiti. Iraq. Mexico. Panama. South Africa. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru. Salvador.
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<sup>(1)</sup> Approved with reservations : see *Official Bulletin* of the International Labour Office, Vol. V, p. 208, and *Final Record of 1922 Session of Conference*, p. 800.

<sup>(2)</sup> Considered to be without object for Switzerland.

<sup>(3)</sup> Proposal lapsed.

<sup>(4)</sup> Act reserving to the Crown the right to ratify the Convention.

## SECOND SESSION (GENOA, 15 June-10 July 1920) (contd.).

## Conventions.

\* = Information received since last Report.

## 9. Placing of Seamen. — (Date of first coming into force: 23 November 1921.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Argentina. 30- 11- 33. Australia. 3- 8- 25. Belgium. 4- 2- 25. Bulgaria. 16- 3- 23. Colombia. 20- 6- 33. Cuba. 6- 8- 28. Estonia. 3- 3- 23. Finland. 7- 10- 22. France. 25- 1- 28. Germany. 6- 6- 25. Greece. 16- 12- 25. Italy. 8- 9- 24. Japan. 23- 11- 22. Latvia. 3- 6- 26. Luxemburg. 16- 4- 28. * Nicaragua. 12- 4- 34. Norway. 23- 11- 21. Poland. 21- 6- 24. Rumania. 10- 11- 30. Spain. 23- 2- 31. Sweden. 27- 9- 21. Uruguay. 6- 6- 33. Yugoslavia. 30- 9- 29.	<i>Approval:</i> Netherlands <sup>(1)</sup> . 13- 1- 23.  <i>Rejection:</i> Hungary. 4- 3- 25. India. 27- 9- 21.  <i>Other decisions</i> <i>(adjournments,</i> <i>etc.):</i> Canada <sup>(2)</sup> . 28- 5- 21. Great Britain. 8- 11- 21. Siam. 1922. Switzerland <sup>(3)</sup> . 3- 2- 22. Venezuela. 11- 7- 25.	* Chile. 18- 12- 34. Denmark <sup>(4)</sup> . 1926. Lithuania <sup>(4)</sup> . Aug. 1922.	Albania. 1931. Irish Free State. 30- 4- 25.	Austria <sup>(4)</sup> . 1927.	Brazil. 4- 3- 32. New Zealand. 1923. Portugal. 9- 12- 26.	China. Czecho- slovakia. Dominican Republic. Haiti. Iraq. Mexico. Panama. South Africa. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru. Salvador.

## THIRD SESSION (GENEVA, 25 October-19 November 1921).

## Conventions.

\* = Information received since last Report.

## 10. Minimum Age (Agriculture). — (Date of first coming into force: 31 August 1923.)

Austria. 12- 6- 24. Belgium. 13- 6- 28. Bulgaria. 6- 3- 25. Czecho- slovakia. 31- 8- 23. Dominican Republic. 4- 2- 33. Estonia. 8- 9- 22. Hungary. 2- 2- 27. Irish Free State. 26- 5- 25. Italy. 8- 9- 24. Japan. 19- 12- 23. Luxemburg. 16- 4- 28. * Nicaragua. 12- 4- 34. Poland. 21- 6- 24. Rumania. 10- 11- 30. Spain. 29- 8- 32. Sweden. 27- 11- 23. Uruguay. 6- 6- 33.	<i>Approval:</i> Colombia. 23- 11- 31. Netherlands <sup>(1)</sup> . 31- 5- 29.  <i>Rejection:</i> Great Britain. 6- 2- 25. India. 1923.  <i>Other decisions</i> <i>(adjournment,</i> <i>etc.):</i> Canada <sup>(5)</sup> . 29- 6- 22. Finland. 20- 2- 23. Norway. 27- 6- 27. Siam. 1922. Switzerland. 21- 6- 24. Venezuela. 11- 7- 25.	Argentina. 18- 5- 25. Chile. 18- 12- 34. Cuba. 11- 6- 23. Denmark. 1933. Germany <sup>(6)</sup> . 8- 11- 23. Greece <sup>(4)</sup> . 30- 5- 27. Latvia. 18- 5- 24.	Albania. 1931. France. 10- 1- 29.	Australia. 13- 6- 24. Brazil. 4- 3- 32. China. 1923. Lithuania. 1923. New Zealand. 1923. Portugal. 9- 12- 26. South Africa. 1923. Yugoslavia. 26- 4- 26.	Haiti. Iraq. Mexico. Panama. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru. Salvador.
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<sup>(1)</sup> Act reserving to the Crown the right to ratify the Convention.<sup>(2)</sup> Canada is shown in this column at the request of the Canadian Government. The Office is not yet fully informed of the decision of the competent authority.<sup>(3)</sup> Considered to be without object for Switzerland.<sup>(4)</sup> Proposal lapsed.<sup>(5)</sup> See Note 8 on page 3.<sup>(6)</sup> Proposal lapsed; will be reconsidered.

THIRD SESSION (GENEVA, 25 October-19 November 1921) (*contd.*).

## Conventions.

\* = Information received since last Report.

**11. Right of Association (Agriculture).** — (Date of first coming into force : 11 May 1923.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intim- ation that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communicat- ed any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Austria. 12- 6- 24. Belgium. 19- 7- 26. Bulgaria. 6- 3- 25. Chile. 15- 9- 25. * China. 27- 4- 34. Colombia. 20- 6- 33. Czechoslo- vakia. 31- 8- 23. Denmark. 20- 6- 30. Estonia. 8- 9- 22. Finland. 19- 6- 23. France. 23- 3- 29. Germany. 6- 6- 25. Great Britain. 6- 8- 23. India. 11- 5- 23. Irish Free State. 17- 6- 24. Italy. 8- 9- 24. Latvia. 9- 9- 24. Luxemburg. 16- 4- 28. Nether- lands. 20- 8- 26. * Nicaragua. 12- 4- 34. Norway. 11- 6- 29. Poland. 21- 6- 24. Rumania. 10- 11- 30. Spain. 29- 8- 32. Sweden. 27- 11- 23. Uruguay. 6- 6- 33. Yugoslavia. 30- 9- 29.	<i>Other decisions (adjournment, etc.):</i> Canada (1). 29- 6- 22. Hungary. 4- 3- 25. Japan. 27- 6- 23. Siam. 1922. Switzerland. 21- 6- 24. Venezuela. 11- 7- 25.	Argentina. 18- 5- 25. Cuba. 11- 6- 23. Greece (2). 1- 6- 27.	Albania. 1931.		Australia. 13- 6- 24. Brazil. 4- 3- 32. Lithuania. New Zealand 1923. Portugal. 9- 12- 26. South Africa. 1923.	Dominican Republic. Haiti. Iraq. Mexico. Panama. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru. Salvador.

**12. Workmen's Compensation (Agriculture).** — (Date of first coming into force : 26 February 1923.)

Belgium. 26- 10- 32. Bulgaria. 6- 3- 25. Chile. 15- 9- 25. Colombia. 20- 6- 33. Denmark. 26- 2- 23. Estonia. 8- 9- 22. France. 4- 4- 28. Germany. 6- 6- 25. Great Britain. 6- 8- 23. Irish Free State. 17- 6- 24. Italy. 1- 9- 30. Latvia. 29- 11- 29. Luxemburg. 16- 4- 28. Netherlands. 20- 8- 26. * Nicaragua. 12- 4- 34. Poland. 21- 6- 24. Spain. 1- 10- 31. Sweden. 27- 11- 23. Uruguay. 6- 6- 33.	<i>Approval:</i> Hungary. 5- 3- 25.  <i>Rejection:</i> Finland. 4- 7- 29.  <i>Other decisions (adjournment, etc.):</i> Canada (1). 29- 6- 22. India. 1923. Japan. 27- 6- 23. Norway. 27- 6- 27. Rumania. 30- 4- 25. Siam. 1922. Switzerland. 21- 6- 24. Venezuela. 11- 7- 25.	Argentina. 18- 5- 25. Cuba. 11- 6- 23. Greece (2). 1- 6- 27.	Albania. 1931. Austria (2). 1927.	Australia. 13- 6- 24. Brazil. 4- 3- 32. China. 1923. Lithuania. New Zealand 1923. Portugal. 9- 12- 26. South Africa. 1923. Yugoslavia. 26- 4- 26.	Czechoslo- vakia. Dominican Republic. Haiti. Iraq. Mexico. Panama. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru. Salvador.
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(1) See note (8) on page 3.

(2) Proposal lapsed.

## THIRD SESSION (GENEVA, 25 October-19 November 1921) (contd.).

## Conventions.

\* = Information received since last Report.

## 13. White Lead (Painting). — (Date of first coming into force : 31 August 1923.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communicat- ed any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Austria. 12- 6- 24. Belgium. 19- 7- 26. Bulgaria. 6- 3- 25. Chile. 15- 9- 25. Colombia. 20- 6- 33. Cuba. 7- 7- 28. Czecho- slovakia. 31- 8- 23. Estonia. 8- 9- 22. Finland. 5- 4- 29. France. 19- 2- 26. Greece. 22- 12- 26. Hungary <sup>(1)</sup> . 4- 1- 28. Latvia. 9- 9- 24. Luxemburg. 16- 4- 28. * Nicaragua. 12- 4- 34. Norway. 11- 6- 29. Poland. 21- 6- 24. Rumania. 4- 12- 25. Spain. 20- 6- 24. Sweden. 27- 11- 23. Uruguay. 6- 6- 33. Venezuela. 28- 4- 33. Yugoslavia. 30- 9- 29.	<i>Approval :</i> Italy. 20- 3- 24. Netherlands <sup>(2)</sup> . 10- 6- 26.  <i>Rejection :</i> India. 1924.  <i>Other decisions (adjournment, etc.) :</i> Canada <sup>(3)</sup> . 29- 6- 22. Great Britain. 9- 5- 23. Japan. 27- 6- 23. Siam. 1922. Switzerland. 17- 12- 29.	Argentina. 18- 5- 25. Denmark <sup>(4)</sup> . 3- 12- 24. Germany <sup>(5)</sup> . 8- 11- 23.	Albania. 1931. Irish Free State. 30- 4- 25.		Australia. 13- 6- 24. Brazil. 4- 3- 32. China. 1923. Lithuania. 1923. New Zealand. 1923. Portugal. 9- 12- 26. South Africa. 1923.	Dominican Republic. Haiti. Iran. Iraq. Mexico. Panama. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Peru. Salvador.

## 14. Weekly Rest (Industry). — (Date of first coming into force : 19 June 1923.)

Belgium. 19- 7- 26. Bulgaria. 6- 3- 25. Chile. 15- 9- 25. * China. 17- 5- 34. Colombia. 20- 6- 33. Czechoslo- vakia. 31- 8- 23. Estonia. 29- 11- 23. Finland. 19- 6- 23. France. 3- 9- 26. Greece. 11- 5- 29. India. 11- 5- 23. Irish Free State. 22- 7- 30. Italy. 8- 9- 24. Latvia. 9- 9- 24. Lithuania. 19- 6- 31. Luxemburg. 16- 4- 28. * Nicaragua. 12- 4- 34. Poland. 21- 6- 24. Portugal. 3- 7- 28. Rumania. 18- 8- 23. Spain. 20- 6- 24. Sweden. 22- 12- 31. * Switzerland. 16- 1- 35. * Uruguay. 6- 6- 33. Yugoslavia. 1- 4- 27.	<i>Approval :</i> *Canada. Feb. 1935. Cuba <sup>(6)</sup> . 16- 5- 28. Hungary. 4- 3- 25. Nether- lands <sup>(2)</sup> . 10- 6- 26.  <i>Rejection :</i> Great Britain. 9- 5- 23.  <i>Other decisions (adjournment, etc.) :</i> Japan. 27-6-23. Norway. 27- 6- 27. Siam. 1922. Venezuela. 11- 7- 25.	Argentina. 18- 5- 25. Denmark. 1933. Germany <sup>(7)</sup> . 12- 4- 29.	Albania. 1931. Austria <sup>(4)</sup> . 10- 9- 23.		Australia. 13- 6- 24. Brazil. 4- 3- 32. New Zealand. 1923. South Africa. 1923.	Dominican Republic. Haiti. Iraq. Mexico. Panama. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru. Salvador.
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<sup>(1)</sup> Conditionally upon ratification by France, Germany and Great Britain.<sup>(2)</sup> Act reserving to the Crown the right to ratify the Convention.<sup>(3)</sup> See note (8) on page 3.<sup>(4)</sup> Proposal lapsed.<sup>(5)</sup> Proposal lapsed : national legislation brought into harmony with the Convention by the Decree of 27 May 1930 as well as by other legal measures. Exceptions will however be tolerated until 31 Dec. 1938.<sup>(6)</sup> Conditionally upon "application being subordinated to the bringing into conformity of the national legislation in force".<sup>(7)</sup> Submitted a second time to the Reichsrat.

THIRD SESSION (GENEVA, 25 October-19 November 1921) (*contd.*).

## Conventions.

\* = Information received since last Report.

**15. Minimum Age (Trimmers and Stokers).** — (Date of first coming into force : 20 November 1922.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Belgium. 19- 7- 26. Bulgaria. 6- 3- 25. Canada. 31- 3- 26. * Colombia. 20- 6- 33. Cuba. 7- 7- 28. Denmark. 12- 5- 24. Estonia. 8- 9- 22. Finland. 10- 10- 25. France. 16- 1- 28. Germany. 11- 6- 29. Great Britain. 8- 3- 26. Greece. 14- 6- 30. Hungary. 1- 3- 28. India. 20- 11- 22. Irish Free State. 5- 7- 30. Italy. 8- 9- 24. Japan. 4- 12- 30. Latvia. 9- 9- 24. Luxemburg. 16- 4- 28. Netherlands. 17- 6- 31. * Nicaragua. 12- 4- 34. Norway. 7- 10- 27. Poland. 21- 6- 24. Rumania. 18- 8- 23. Spain. 20- 6- 24. Sweden. 14- 7- 25. Uruguay. 6- 6- 33. Yugoslavia. 1- 4- 27.	<i>Other decisions (adjournment, etc.):</i> Siam. 1922. Switzerland <sup>(1)</sup> . 21- 6- 24. Venezuela. 11- 7- 25.	Argentina. 18- 5- 25. * Chile. 18- 12- 34.	Albania. 1931. Austria <sup>(2)</sup> . 10- 9- 23.		Australia. 13- 6- 24. Brazil. 4- 3- 32. China. 1923. Lithuania. 1923. New Zealand. 9- 12- 26. Portugal. 1923. South Africa. 1923.	Czechoslovakia. Dominican Republic. Haiti. Iraq. Mexico. Panama. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru. Salvador.

**16. Medical Examination of Young Persons (Sea).** — (Date of first coming into force : 20 November 1922.)

Belgium. 19- 7- 26. Bulgaria. 6- 3- 25. Canada. 31- 3- 26. Colombia. 20- 6- 33. Cuba. 7- 7- 28. Estonia. 8- 9- 22. Finland. 10- 10- 25. France. 22- 3- 28. Germany. 11- 6- 29. Great Britain. 8- 3- 26. Greece. 28- 6- 30. Hungary. 1- 3- 28. India. 20- 11- 22. Irish Free State. 5- 7- 30. Italy. 8- 9- 24. Japan. 7- 6- 24. Latvia. 9- 9- 24. Luxemburg. 16- 4- 28. Netherlands. 9- 3- 28. * Nicaragua. 12- 4- 34. Poland. 21- 6- 24. Rumania. 18- 8- 23. Spain. 20- 6- 24. Sweden. 14- 7- 25. Uruguay. 6- 6- 33. Yugoslavia. 1- 4- 27.	<i>Other decisions (adjournment, etc.):</i> Norway. 27- 6- 27. Siam. 1922. Switzerland <sup>(1)</sup> . 21- 6- 24.	Argentina. 18- 5- 25. * Chile. 18- 12- 34. Denmark <sup>(2)</sup> . 1926.	Albania. 1931. Austria <sup>(2)</sup> . 10- 9- 23.		Australia. 13- 6- 24. Brazil. 4- 3- 32. China. 1923. Lithuania. 1923. New Zealand. 9- 12- 26. Portugal. 1923. South Africa. 1923.	Czechoslovakia. Dominican Republic. Haiti. Iraq. Mexico. Panama. Turkey. Venezuela.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru. Salvador.
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<sup>(1)</sup> Considered to be without object for Switzerland.<sup>(2)</sup> Proposal lapsed.



## SEVENTH SESSION (GENEVA, 19 May-10 June 1925).

## Conventions.

\* = Information received since last Report.

**17. Workmen's Compensation (Accidents).** — (Date of first coming into force: 1 April 1927.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compet- ent authority" have supplied information of other measures taken.	(e) States which have not officially commu- nicated any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Belgium: 3- 10- 27. Bulgaria. 5- 9- 29. Chile. 8- 10- 31. Colombia. 20- 6- 33. Cuba. 6- 8- 28. Hungary. 19- 4- 28. Latvia. 29- 5- 28. Luxemburg. 16- 4- 28. * Mexico. 12- 5- 34 Netherlands. 13- 9- 27. * Nicaragua. 12- 4- 34. Portugal. 27- 3- 29. Spain. 22- 2- 29. Sweden. 8- 9- 26. Uruguay. 6- 6- 33. Yugoslavia. 1- 4- 27.	<i>Rejection :</i> Finland. 4- 7- 29. Great Britain. 1926. Norway. 27- 6- 27. <i>Other decisions (adjournment, etc.) :</i> Canada (1). 11- 3- 27. Estonia. 14- 10- 30. Italy. 12- 12- 27. Japan. 4- 7- 28. Switzerland. 9- 6- 27. Venezuela. 4- 6- 26.	France. 25- 1- 29. Greece (2). 9- 5- 27. Poland. June 1934. Rumania. 1933.	Albania. 1931. Austria (2). 1927.		Australia. 14- 1- 26. Brazil. 4- 3- 32. Denmark. 1925. Germany. Dec. 1926. India. 1926. Irish Free State. 28- 5- 26. Lithuania. 1927. New Zealand 1927. Siam. 1927. South Africa. 1926.	Argentina. China. Czechoslo- vakia. Dominican Republic. Haiti. Iraq. Panama. Salvador. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru.

**18. Workmen's Compensation (Occupational Diseases).** — (Date of first coming into force: 1 April 1927.)

Austria. 29- 9- 28. Belgium. 3- 10- 27. Bulgaria. 5- 9- 29. Chile. 31- 5- 33. Colombia. 20- 6- 33. Cuba. 6- 8- 28. Czechoslovakia. 19- 9- 32. * Denmark. 18- 6- 34. Finland. 17- 9- 27. France. 13- 8- 31. Germany. 18- 9- 28. Great Britain. 6- 10- 26. Hungary. 19- 4- 28. India. 30- 9- 27. Irish Free State. 25- 11- 27. Italy. 22- 1- 34. Japan. 8- 10- 28. Latvia. 29- 11- 29. Luxemburg. 16- 4- 28. Netherlands. 1- 11- 28. * Nicaragua. 12- 4- 34. Norway. 11- 6- 29. Portugal. 27- 3- 29. Spain. 29- 9- 32. Sweden. 15- 10- 29. Switzerland. 16- 11- 27. Uruguay. 6- 6- 33. Yugoslavia. 1- 4- 27.	<i>Other decisions (adjournment, etc.) :</i> Canada (1). 11- 3- 27. Estonia. 14- 10- 30. Venezuela. 4- 6- 26.	Greece (2). 9- 5- 27. Poland. June 1934. Rumania. 1933.	Albania. 1931.	Australia. 14- 1- 26. Brazil. 4- 3- 32. Lithuania. 1927. New Zealand 1927. Siam. 1927. South Africa. 1925.	Argentina. China. Dominican Republic. Haiti. Iraq. Mexico. Panama. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru. Salvador.
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(1) See note (8) on page 3.

(2) Proposal lapsed.



SEVENTH SESSION (GENEVA, 19 May-10 June 1925) (*contd.*).

## Conventions.

\* = Information received since last Report.

**19. Equality of Treatment (Accident Compensation).** — (Date of first coming into force : 8 September 1926.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intim- ation that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Austria. 29- 9- 28. Belgium. 3- 10- 27. Bulgaria. 5- 9- 29. Chile. 8- 10- 31. * China. 27- 4- 34. Colombia. 20- 6- 33. Cuba. 6- 8- 28. Czechoslo- vakia. 8- 2- 27. Denmark. 31- 3- 28. Estonia. 14- 4- 30. Finland. 17- 9- 27. France. 4- 4- 29. Germany. 18- 9- 28. Great Britain. 6- 10- 26. Hungary. 19- 4- 28. India. 30- 9- 27. Irish Free State. 5- 7- 30. Italy. 15- 3- 28. Japan. 8- 10- 28. Latvia. 29- 5- 28. * Lithuania. 28- 9- 34. Luxemburg. 16- 4- 28. * Mexico. 12- 5- 34. Netherlands. 13- 9- 27. * Nicaragua. 12- 4- 34. Norway. 11- 6- 29. Poland. 28- 2- 28. Portugal. 27- 3- 29. South Africa. 30- 3- 26. Spain. 22- 2- 29. Sweden. 8- 9- 26. Switzerland. 1- 2- 29. Uruguay. 6- 6- 33. Yugoslavia. 1- 4- 27.	<i>Other decisions (adjournment, etc.) :</i> Canada (1). 11- 3- 27. Venezuela. 4- 6- 26.	Greece (2). 20- 5- 27. Rumania. 1933.	Albania. 1931.		Australia. 14- 1- 26. Brazil. 4- 3- 32. New Zea- land. 1927. Siam. 1927.	Argentina. Dominican Republic. Haiti. Iraq. Panama. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru. Salvador.

**20. Night Work (Bakeries).** — (Date of first coming into force : 26 May 1928.)

Bulgaria. 5- 9- 29. Chile. 31- 5- 33. Colombia. 20- 6- 33. Cuba. 6- 8- 28. Estonia. 23- 12- 29. Finland. 26- 5- 28. Luxemburg. 16- 4- 28. * Nicaragua. 12- 4- 34. Spain. 29- 8- 32. Uruguay. 6- 6- 33.	<i>Rejection :</i> Great Britain. 1926. Norway. 27- 6- 27. Sweden. 4- 4- 30. <i>Other decisions (adjournment, etc.) :</i> Canada (1). 11- 3- 27. Italy. 12- 12- 27. Japan. 4- 7- 28. Switzerland. 13- 6- 29. Venezuela. 4- 6- 26.	Austria (2). 22- 11- 26. Czechoslovakia (3). 21- 1- 27. France. 29- 11- 27. Germany (4). 12- 4- 29. Greece. 20- 5- 27. Latvia. 26- 5- 27. Poland. 12- 12- 26. Rumania. 1933.	Albania. 1931. Netherlands. (6) 3- 9- 26. Portugal. 1926.	Hungary. 1927.	Australia. 14- 1- 26. Brazil. 4- 3- 32. Denmark. 1925. India. 1926. Irish Free State. 27- 4- 26. Lithuania. 1927. New Zealand 1927. Siam. 1927. South Africa. 1926. Yugoslavia. 26- 4- 26.	Argentina. Belgium. China. Dominican Republic. Mexico. Haiti. Iraq. Panama. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru. Salvador.
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(1) See note (8) on page 3.

(2) Proposal lapsed.

(3) The procedure of ratification has been begun.

(4) Submitted a second time to the Reichsrat.

(6) Proposal withdrawn.

## EIGHTH SESSION (GENEVA, 26 May-5 June 1926).

## Convention.

\* = Information received since last Report.

## 21. Inspection of Emigrants. — (Date of first coming into force : 29 December 1927.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intim- ation that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Albania. 17- 3- 32. Australia. 18- 4- 31. Austria. 29-12- 27. Belgium. 15- 2- 28. Bulgaria. 29-11- 29. * Colombia. 20- 6- 33. Czechoslovakia. 25- 5- 28. Finland. 5- 4- 29. France (1). 13- 1- 32. Great Britain (2). 16- 9- 27. Hungary. 3- 2- 31. India. 14- 1- 28. Irish Free State. 5- 7- 30. Japan. 8-10- 28. Luxemburg. 16- 4- 28. Netherlands. 13- 9- 27. * Nicaragua. 12- 4- 34. Sweden (3). 15-10- 29. Uruguay. 6- 6- 33.	<b>Approval :</b> Cuba (4). 16- 5- 28. Germany (5). 16- 1- 30. <b>Rejection :</b> Yugoslavia. Aug. 1930. <b>Other decisions</b> <i>(adjournment, etc.) :</i> Canada (6). 1928. Estonia. 14-10- 30. Norway. 27- 6- 27. Rumania. 27- 3- 29. Switzerland. 29- 9- 27.	Latvia. 24- 5- 27. Spain. 25- 3- 32.		Poland. 21- 2- 31.	Brazil. 4- 3- 32. China. 1927. Denmark. 8-10- 26. Italy. 1929. Lithuania. New Zealand. 5-12- 27. Portugal. 6- 4- 27. Siam. 1927. South Africa. 31- 1- 27. Venezuela. 1927.	Argentina. Chile. Dominican Republic. Greece. Haiti. Iraq. Mexico. Panama. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru. Salvador.

## NINTH SESSION (GENEVA, 7-24 June 1926).

## Conventions.

\* = Information received since last Report.

## 22. Seamen's Articles of Agreement. — (Date of first coming into force : 4 April 1928.)

Belgium. 3-10- 27. Bulgaria. 29-11- 29. Colombia. 20- 6- 33. Cuba. 7- 7- 28. Estonia. 10- 5- 29. France. 4- 4- 28. Germany. 20- 9- 30. Great Britain. 14- 6- 29. India. 31-10- 32. Irish Free State. 5- 7- 30. Italy. 10-10- 29. Luxemburg. 16- 4- 28. * Mexico. 12- 5- 34. * Nicaragua. 12- 4- 34. Poland. 8- 8- 31. Spain. 23- 2- 31. Uruguay. 6- 6- 33. Yugoslavia. 30- 9- 29.	<b>Approval :</b> *Australia. 7- 2- 35. *Canada. Feb. 1935. Finland. 20- 4- 28. Netherlands (7). 2- 7- 28. <b>Other decisions</b> <i>(adjournment, etc.) :</i> Hungary. 16-11- 28. Japan. 4- 7- 28. Norway. 27- 6- 27. Rumania. 27- 3- 29. Sweden. 7- 5- 27. Switzerland (8). 29- 9- 27.	*Chile. 18-12- 34. Denmark (9). 3-11- 26. Latvia. 24- 5- 27.	Albania. 1931. Austria (9). 1927.	Brazil. 4- 3- 32. China. 1927. Lithuania. New Zealand. 5-12- 27. Portugal. 6- 4- 27. Siam. 1927. South Africa. 31- 1- 27. Venezuela. 1927.	Argentina. Czechoslovakia. Dominican Republic. Greece. Haiti. Iraq. Panama. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru. Salvador.
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(1) Conditionally upon ratification by Italy, Poland and Spain.

(2) Conditionally upon ratification by France, Germany, Italy, Netherlands, Norway and Spain.

(3) Conditionally upon ratification by Denmark, Finland and Norway.

(4) Conditionally upon "application being subordinated to the bringing into conformity of the national legislation in force".

(5) Conditionally upon ratification by Belgium, France, Great Britain, Italy, Portugal and Spain; decision of the Reichsrat.

(6) See note (2) on page 7.

(7) Act reserving to the Crown the right to ratify this Convention.

(8) Considered to be without object for Switzerland.

(9) Proposal lapsed.

# NINTH SESSION (GENEVA, 7-24 June 1926) (contd.).

## Conventions.

\* = Information received since last Report.

### 23. Repatriation of Seamen. — (Date of first coming into force: 16 April 1928.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intimation that they have submitted the Convention to the "competent authority" have supplied information of other measures taken.	(e) States which have not officially communicated any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Belgium. 3- 10- 27. Bulgaria. 29- 11- 29. Colombia. 20- 6- 33. Cuba. 7- 7- 28. Estonia. 9- 7- 28. France. 4- 3- 29. Germany. 14- 3- 30. Irish Free State. 5- 7- 30. Italy. 10- 10- 29. Luxemburg. 16- 4- 28. * Mexico. 12- 5- 34. * Nicaragua. 12- 4- 34. Poland. 8- 8- 31. Spain. 23- 2- 31. Uruguay. 6- 6- 33. Yugoslavia. 30- 9- 29.	<i>Approval:</i> Netherlands <sup>(1)</sup> . 2- 7- 28.  <i>Rejection:</i> Finland. 1928. Sweden. 7- 5- 27.  <i>Other decisions (adjournment, etc.):</i> Canada <sup>(2)</sup> . 1928. Great Britain. 1929. Hungary. 16- 11- 28. India. 20- 9- 27. Japan. 4- 7- 28. Norway. 27- 6- 27. Rumania. 27- 3- 29. Switzerland <sup>(3)</sup> . 29- 9- 27.	Denmark <sup>(4)</sup> . 3- 11- 26. Latvia. 24- 5- 27.	Albania. 1931. Austria <sup>(4)</sup> . 1927.		Australia. 2- 3- 27. Brazil. 4- 3- 32. China. 1927. Lithuania. New Zealand. 5- 12- 27. Portugal. 6- 4- 27. Siam. 1927. South Africa. 31- 1- 27. Venezuela. 1927.	Argentina. Chile. Czecho-slovakia. Dominican Republic. Greece. Haiti. Iraq. Panama. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru. Salvador.

# TENTH SESSION (GENEVA, 25 May-16 June 1927).

## Conventions.

\* = Information received since last Report.

### 24. Sickness Insurance (Industry, etc.) — (Date of first coming into force: 15 July 1928.)

Austria. 18- 2- 29. Bulgaria. 1- 11- 30. Chile. 8- 10- 31. Colombia. 20- 6- 33. Czechoslovakia. 17- 1- 29. Germany. 23- 1- 28. Great Britain. 20- 2- 31. Hungary. 19- 4- 28. Latvia. 29- 11- 29. Lithuania. 19- 6- 31. Luxemburg. 16- 4- 28. * Nicaragua. 12- 4- 34. Rumania. 28- 6- 29. Spain. 29- 9- 32. Uruguay. 6- 6- 33. Yugoslavia. 30- 9- 29.	<i>Rejection:</i> India. 27- 3- 28.  <i>Other decisions (adjournment, etc.):</i> Estonia. 14- 10- 30. Finland. 7- 2- 30. Japan. 19- 3- 30. Norway. 11- 5- 29. Sweden. 4- 5- 28. Switzerland. 18- 6- 29.	Cuba. 19- 12- 27.	Albania. 1931. France. 10- 1- 29.	Poland. 25- 8- 31.	Australia. 5- 12- 27. Brazil. 4- 3- 32. Canada. 20- 2- 28. Denmark. 1927. Irish Free State. 22- 2- 28. Italy. 1- 4- 31. Netherlands. 29- 6- 28. New Zealand. 5- 12- 27. Portugal. 10- 12- 27. Siam. 1928. South Africa. 1927.	Argentina. Belgium. China. Dominican Republic. Greece. Haiti. Iraq. Mexico. Panama. Salvador. Turkey. Venezuela.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru.
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<sup>(1)</sup> Act reserving to the Crown the right to ratify the Convention.

<sup>(2)</sup> See note (2) on page 7.

<sup>(3)</sup> Considered to be without object for Switzerland.

<sup>(4)</sup> Proposal lapsed.

TENTH SESSION (GENEVA, 25 May-16 June 1927) (*contd.*).

## Conventions.

\* = Information received since last Report.

**25. Sickness Insurance (Agriculture).** — (Date of first coming into force: 15 July 1928.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intim- ation that they have submitted the Convention to the "compet- ent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Austria. 18- 2- 29. Bulgaria. 1- 11- 30. Chile. 8- 10- 31. Colombia. 20- 6- 33. Czechoslovakia. 17- 1- 29. Germany. 23- 1- 28. Great Britain. 20- 2- 31. Luxemburg. 16- 4- 28. * Nicaragua. 12- 4- 34. Spain. 29- 9- 32. Uruguay. 6- 6- 33.	<i>Rejection:</i> India. 27- 3- 28. Yugoslavia. Aug. 1930.  <i>Other decisions (adjournment, etc.):</i> Estonia. 14- 10- 30. Finland. 7- 2- 30. Japan. 19- 3- 30. Norway. 11- 5- 29. Rumania. 27- 3- 29. Sweden. 4- 5- 28. Switzerland. 18- 6- 29.	Cuba. 19- 12- 27. Latvia. 27- 19- 27.	Albania. 1931. France. 10- 1- 29. Hungary. 20- 12- 28.	Poland. 25- 8- 31.	Australia. 5- 12- 27. Brazil. 4- 3- 32. Canada. 20- 2- 28. Denmark. 1927. Irish Free State. 22- 2- 28. Italy. 1- 4- 31. Lithuania. 1928. Netherlands. 29- 6- 28. New Zealand. 5- 12- 27. Portugal. 10- 12- 27. Siam. 1928. South Africa. 1927.	Argentina. Belgium. China. Dominican Republic. Greece. Haiti. Iraq. Mexico. Panama. Salvador. Turkey. Venezuela.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru.

## ELEVENTH SESSION (GENEVA, 30 May-16 June 1928).

## Convention.

\* = Information received since last Report.

**26. Minimum Wage-Fixing Machinery.** — (Date of first coming into force: 14 June 1930.)

Australia. 9- 3- 31. Chile. 31- 5- 33. China. 5- 5- 30. Colombia. 20- 6- 33. France. 18- 9- 30. Germany. 30- 5- 29. Great Britain. 14- 6- 29. Hungary. 30- 7- 32. Irish Free State. 3- 6- 30. Italy. 9- 9- 30. * Mexico. 12- 5- 34. * Nicaragua. 12- 4- 34. Norway. 7- 7- 33. South Africa. 28- 12- 32. Spain. 8- 4- 30. Uruguay. 6- 6- 33.	<i>Approval:</i> Bulgaria. 5- 1- 33. Netherlands <sup>(1)</sup> . 19- 1- 34.  <i>Rejection:</i> Yugoslavia. Aug. 1930.  <i>Other decisions (adjournment, etc.):</i> Estonia. 14- 10- 30. Finland. 1929. India. 20- 1- 30. Japan. 19- 3- 30. Rumania. 27- 3- 29. Sweden. 1- 6- 29. Switzerland. 18- 6- 29.	* Belgium. 25- 7- 34. * Canada. 15- 3- 35. Cuba. 20- 10- 29. Czechoslovakia. 28- 11- 29.	Albania. 1931.	Austria <sup>(2)</sup> . June 1929. Poland. 25- 8- 31.	Brazil. 4- 3- 32. Denmark. Nov. 1928. Lithuania. 1928. Luxemburg. 12- 12- 29. New Zealand. 7- 11- 29. Portugal. 29- 11- 28. Siam. 1929.	Argentina. Dominican Republic. Greece. Haiti. Iraq. Latvia. Panama. Turkey. Venezuela.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Peru. Salvador.
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<sup>(1)</sup> Act reserving to the Crown the right to ratify the Convention.<sup>(2)</sup> Proposal lapsed.

## TWELFTH SESSION (GENEVA, 30 May-21 June 1929).

## Conventions.

\* = Information received since last Report.

**27. Marking of Weight (Packages Transported by Vessels).** — (Date of first coming into force : 9 March 1932.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Australia. 9- 3- 31. * Belgium. 6- 6- 34. Chile. 31- 5- 33. China. 24- 6- 31. * Czecho- slovakia. 26- 3- 34. Denmark <sup>(1)</sup> . 18- 1- 33. Estonia. 18- 1- 32. Finland. 8- 8- 32. Germany. 5- 7- 33. India. 7- 9- 31. Irish Free State. 5- 7- 30. Italy. 18- 7- 33. Japan. 16- 3- 31. * Lithuania. 23- 9- 34. Luxemburg. 1- 4- 31. * Mexico. 12- 5- 34. Netherlands. 4- 1- 33. * Nicaragua. 12- 4- 34. Norway. 1- 7- 32. Poland. 18- 6- 32. Portugal. 1- 3- 32. Rumania. 7- 12- 32. South Africa <sup>(2)</sup> . 21- 2- 33. Spain. 29- 8- 32. Sweden. 11- 4- 32. * Switzerland. 8- 11- 34. Uruguay. 6- 6- 33. Venezuela. 17- 12- 32. Yugoslavia. 22- 4- 33.	<i>Approval :</i> * Bulgaria. 10- 9- 34. * Canada. Feb. 1935. France. 6- 3- 35. Hungary. 18- 5- 32.  <i>Other decisions (adjournment. etc.) :</i> Siam. 1932.	Cuba. 22- 10- 29.	Albania. 1931. Austria <sup>(3)</sup> . 1930.		Brazil. 4- 3- 32. Great Britain. 1930. New Zea- land. 16- 7- 30.	Argentina. Colombia. Dominican Republic. Greece. Guatemala. Haiti. Iraq. Latvia. Panama. Turkey.	Bolivia. Ethiopia. Honduras. Iran. Liberia. Paraguay. Peru. Salvador.

**28. Protection against Accidents (Dockers) (1929).** (Date of first coming into force : 1 April 1932 )

Irish Free  
State. 5- 7- 30.  
 Luxemburg. 1- 4- 31.  
 Spain. 29- 8- 32.  
 \* Nicaragua. 12- 4- 34.

In accordance with Article 23, paragraph 2, of this Convention, it ceased to be open for ratification by States Members from 30 October 1934, on which date the Protection against Accidents (Dockers) Convention (Revised), 1932, (No. 32) came into force (see page 18). The information previously given in these columns therefore no longer serves any useful purpose.

<sup>(1)</sup> Conditionally upon ratification by Belgium, France, Germany, Great Britain, Italy and Netherlands.

<sup>(2)</sup> Conditionally upon ratification by France, Germany, Great Britain and Italy.

<sup>(3)</sup> The procedure of ratification has been begun.

## FOURTEENTH SESSION (GENEVA, 10-28 June 1930).

## Conventions.

\* = Information received since last Report.

**29. Forced Labour.** — (Date of first coming into force : 1 May 1932.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compe- tent authority", have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
<b>Australia.</b> 2- 1- 32. <b>Bulgaria.</b> 22- 9- 32. <b>Chile.</b> 31- 5- 33. <b>Denmark.</b> 11- 2- 32. <b>Great Britain.</b> 3- 6- 31. <b>Irish Free State.</b> 2- 3- 31. <b>* Italy.</b> 18- 6- 34. <b>Japan.</b> 21- 11- 32. <b>Liberia.</b> 1- 5- 31. <b>* Mexico.</b> 12- 5- 34. <b>Netherlands.</b> 31- 3- 33. <b>* Nicaragua.</b> 12- 4- 34. <b>Norway.</b> 1- 7- 32. <b>Spain.</b> 29- 8- 32. <b>Sweden.</b> 22- 12- 31. <b>Yugoslavia.</b> 4- 3- 33.	<i>Approval :</i> <b>Uruguay.</b> 5- 4- 33.  <i>Rejection :</i> <b>India.</b> 5- 10- 31.  <i>Other decisions (adjournments, etc.) :</i> <b>Canada</b> <sup>(1)</sup> . 18- 4- 31. <b>Estonia.</b> 3- 11- 31. <b>Switzerland.</b> 18- 6- 31.	<b>*Finland.</b> April 1934. <b>Luxemburg.</b> 15- 12- 31. <b>Rumania.</b> 1933.	<b>Albania.</b> 1931. <b>Austria.</b> 1931. <b>France.</b> 16- 9- 32.	<b>Hungary.</b> 1933.	<b>Brazil.</b> 4- 3- 32. <b>Cuba.</b> 23- 2- 31. <b>Germany.</b> 27- 12- 31. <b>Lithuania.</b> 1930. <b>New Zealand.</b> 22- 7- 31. <b>Portugal.</b> 6- 1- 31. <b>Siam.</b> 1931. <b>South Africa.</b> 14- 4- 31.	<b>Argentina.</b> <b>Belgium.</b> <b>China.</b> <b>Colombia.</b> <b>Dominican Republic.</b> <b>Iraq.</b> <b>Latvia.</b> <b>Poland.</b> <b>Turkey.</b>	<b>Bolivia.</b> <b>Czechoslovakia.</b> <b>Ethiopia.</b> <b>Greece.</b> <b>Guatemala.</b> <b>Haiti.</b> <b>Honduras.</b> <b>Iran.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Persia.</b> <b>Salvador.</b> <b>Venezuela.</b>

**30. Hours of Work (Commerce and Offices).** — (Date of first coming into force : 29 August 1933.)

<b>Austria</b> <sup>(2)</sup> . 16- 2- 33. <b>Bulgaria.</b> 22- 6- 32. <b>* Mexico.</b> 12- 5- 34. <b>* Nicaragua.</b> 12- 4- 34. <b>Spain.</b> 29- 8- 32. <b>Uruguay.</b> 6- 6- 33.	<i>Rejection :</i> <b>Great Britain.</b> 13- 7- 31. <b>India.</b> 3- 10- 31. <b>Yugoslavia.</b> 30- 12- 31.  <i>Other decisions (adjournments, etc.) :</i> <b>Canada</b> <sup>(1)</sup> . 18- 4- 31. <b>Estonia.</b> 10- 12- 31. <b>Japan.</b> 12- 10- 32. <b>Norway.</b> 6- 3- 31. <b>Siam.</b> 1933. <b>Sweden.</b> 13- 3- 31. <b>Switzerland.</b> 18- 6- 31.	<b>*Chile.</b> 18- 12- 34. <b>*Finland.</b> April 1934. <b>Luxemburg.</b> 15- 12- 31. <b>Poland.</b> 25- 8- 31. <b>Rumania.</b> 1933.	<b>Albania.</b> 1931.	<b>Hungary.</b> 1933.	<b>Australia.</b> 21- 4- 31. <b>Brazil.</b> 4- 3- 32. <b>Cuba.</b> 23- 2- 31. <b>Denmark.</b> 1931. <b>France.</b> 16- 9- 32. <b>Germany.</b> 27- 12- 31. <b>Irish Free State.</b> 17- 12- 30. <b>Italy.</b> 1- 4- 31. <b>Lithuania.</b> 1930. <b>Netherlands.</b> 23- 10- 31. <b>New Zealand.</b> 22- 7- 31. <b>Portugal.</b> 6- 1- 31. <b>South Africa.</b> 2- 10- 30.	<b>Argentina.</b> <b>Belgium.</b> <b>China.</b> <b>Colombia.</b> <b>Czechoslovakia.</b> <b>Dominican Republic.</b> <b>Iraq.</b> <b>Latvia.</b> <b>Turkey.</b>	<b>Bolivia.</b> <b>Ethiopia.</b> <b>Greece.</b> <b>Guatemala.</b> <b>Haiti.</b> <b>Honduras.</b> <b>Liberia.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Salvador.</b> <b>Venezuela.</b>
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<sup>(1)</sup> See note (8) on page 3.<sup>(2)</sup> Conditionally upon ratification by Germany.

# FIFTEENTH SESSION (GENEVA, 28 May-18 June 1931).

## Convention.

\* = Information received since last Report.

### 31. Hours of Work (Coal Mines).

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intimation that they have submitted the Convention to the "competent authority" have supplied information of other measures taken.	(e) States which have not officially communicated any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Spain. 29- 8- 32.	<i>Rejection :</i> Siam. 1931.  <i>Other decisions (adjournment; etc.):</i> Estonia. 9- 2- 33. Hungary. 1932. India. 2- 3- 32. Japan. 20- 12- 33. Norway. 10- 5- 32. Sweden. 12- 2- 32. Switzerland. 29- 9- 32.	Albania. March 1933. *Finland. <sup>(1)</sup> April 1934. France. 16- 9- 32. Latvia. 12- 12- 32. Luxemburg. 15- 12- 31. Netherlands <sup>(2)</sup> . 16- 12- 32. Poland <sup>(1)</sup> . 20- 1- 33.	Germany. 14- 12- 32. Rumania. 1933.	Austria. 1932.	Australia. 24- 2- 32. Brazil. 4- 3- 32. Canada. 6- 2- 33. Cuba. 9- 5- 32. Denmark. 8- 10- 31. Great Britain. Oct. 1931. Irish Free State. Nov. 1931. Italy. 26- 10- 31. Lithuania. 10- 11- 31. New Zealand. 11- 11- 31. Portugal. 1931. South Africa. 1932. Yugoslavia. 10- 5- 32.	Argentina. Chile. China. Colombia. Czechoslovakia. Iraq. Mexico. Nicaragua. Turkey. Venezuela.	Belgium. Bolivia. Bulgaria. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Liberia. Panama. Paraguay. Peru. Salvador. Uruguay.

# SIXTEENTH SESSION (GENEVA, 12-30 April 1932).

## Conventions.

\* = Information received since last Report.

### 32. Protection against Accidents (Dockers) (Revised), 1932.

(Date of first coming into force : 30 October 1934.)

* Great Britain. 10- 1- 35. Italy. 30- 10- 33. * Mexico. 12- 5- 34. * Spain. 28- 7- 34. Uruguay. 6- 6- 33.	<i>Approval :</i> *Canada. Feb. 1935. Sweden. 9- 2- 33.  <i>Other decisions (adjournment, etc.):</i> Japan. 20- 12- 33. Siam. 1933. Switzerland <sup>(3)</sup> . 16- 6- 33.	*Chile. 18- 12- 34. *Finland. April 1934.	Rumania. 1933.	Hungary. 1933.	Albania. 1932. Australia. 31- 8- 32. Brazil. 17- 6- 32. *China. 1935. Cuba. 1935. Denmark. 8- 10- 32. Estonia. 26- 10- 33. * France. 8- 3- 34. Irish Free State. 28- 7- 32. Lithuania. 1932. *Netherlands. 14- 10- 33. New Zealand. 7- 10- 32. *Portugal. 11- 7- 33. South Africa. 7- 12- 32. Yugoslavia. 16- 1- 34.	Belgium. Colombia. Germany <sup>(4)</sup> . Guatemala. India. Iraq. Latvia. Luxemburg. Panama. Poland. Turkey. Venezuela.	Argentina. Austria. Bolivia. Bulgaria. Czechoslovakia. Dominican Republic. Ethiopia. Greece. Haiti. Honduras. Iran. Liberia. Nicaragua. Norway. Paraguay. Peru. Salvador.
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<sup>(1)</sup> Conditionally upon ratification by States mentioned in Article 18 of the Draft Convention.

<sup>(2)</sup> Bill reserving to the Crown the right to ratify the Convention.

<sup>(3)</sup> Considered to be without object for Switzerland.

<sup>(4)</sup> Preparatory measures for the ratification and application of this Convention are proceeding.



## SIXTEENTH SESSION (GENEVA, 12-30 April 1932) (contd.)

## Conventions.

\* = Information received since last Report.

## 33. Minimum Age (Non-Industrial Employment). — (Date of first coming into force : 6 June 1935.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intimation that they have submitted the Convention to the "competent authority" have supplied information of other measures taken.	(e) States which have not officially communicated any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
* Belgium. 6- 6- 34. * Spain. 22- 6- 34. Uruguay. 6- 6- 33.	<i>Approval :</i> * Austria. Sept. 1934. Netherlands <sup>(1)</sup> . 17- 11- 33.  <i>Rejection :</i> India. 20- 9- 32.  <i>Other decisions (adjournment, etc.) :</i> *Great Britain, Nov. 1934. Japan. 20- 12- 33. Siam. 1933. Sweden. 9- 2- 33. Switzerland. 16- 6- 33.	Finland. April 1934. * Poland. June 1934. Rumania. 1933.	*France. 8- 3- 34.	Hungary. 1933.	Albania. 1932. Australia. 31- 8- 32. Brazil. 17- 6- 32. Canada. 12- 5- 33. *China. 1935. *Cuba. 1935. Denmark. 8- 10- 32. Estonia. 26- 10- 33. Irish Free State. 28- 7- 32. Italy. 4- 6- 32. Lithuania. 1932. New Zealand. 7- 10- 32. *Portugal. 11- 7- 33. South Africa. 24- 1- 33. Yugoslavia. 16- 1- 34.	Colombia. Guatemala. Iraq. Latvia. Luxemburg. Mexico. Panama. Turkey. Venezuela.	Argentina. Bolivia. Bulgaria. Chile. Czechoslovakia. Dominican Republic. Ethiopia. Germany. Greece. Haiti. Honduras. Iran. Liberia. Nicaragua. Norway. Paraguay. Peru. Salvador.

## SEVENTEENTH SESSION (GENEVA, 8-30 June 1933).

## Conventions.

\* = Information received since last Report.

## 34. Fee-Charging Employment Agencies.

<i>Rejection :</i> India. 14- 12- 33. * Switzerland. 19- 9- 34.  <i>Other decisions, (adjournment, etc.) :</i> Siam. 1934. * Sweden. 8- 6- 34.	*Chile. 18- 12- 34. *Finland. April 1934. *Spain. 18- 12- 34.	* Norway. 16- 3- 34.	* Great Britain. March 1935.	Albania. Oct. 1933. * Australia. 4- 7- 34. Brazil. 1934. *Cuba. 1935. *Denmark. 5- 4- 34. Estonia. 13- 10- 34. * France. 8- 3- 34. *Germany. June 1934. * Irish Free State. 6- 2- 34. Italy. Oct. 1933. *Japan. 22- 12- 34. *Latvia. 22- 12- 34. Lithuania. 12- 9- 33. New Zealand. 17- 10- 33. *Netherlands. 19- 4- 34. *Portugal. 2- 3- 34. * South Africa. 12- 2- 34.	*Austria. *Belgium. *China. *Canada. Colombia. Poland. Rumania. *Turkey. *Venezuela. *Yugoslavia.	Argentina. Bolivia. Bulgaria. Czechoslovakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Hungary. Iran. Iraq. Liberia. Luxemburg. Mexico. Nicaragua. Panama. Paraguay. Peru. Salvador. Uruguay.
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<sup>(1)</sup> Act reserving to the Crown the right to ratify the Convention.

SEVENTEENTH SESSION (GENEVA, 8-30 June 1933) (contd).

Conventions.

\* = Information received since last Report.

35. Old-Age Insurance (Industry, etc.).

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intim- ation that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
	<p><i>Rejection :</i> India. 14- 12- 33. * Switzerland. 19- 9- 34.</p> <p><i>Other decisions, (adjournment, etc.) :</i> Siam. 1934. * Sweden. 8- 6- 34.</p>	<p>*Chile. 18- 12- 34. *Spain. 18- 12- 34.</p>	<p>* Finland. April 1934. * Hungary. 13- 12- 34. * Norway. 16- 3- 34.</p>		<p>Albania. Oct. 1933. * Australia. 4- 7- 34. Brazil. 1934. * Cuba. 1935. * Denmark. 5- 4- 34. Estonia. 13- 10- 34. * France. 8- 3- 34. * Germany. June 1934. Great Britain. Oct. 1933. * Irish Free State. 6- 2- 34. Italy. Oct. 1933. * Japan. 22- 12- 34. * Latvia. 22- 12- 34. Lithuania. 12- 9- 33. * Nether- lands. 19- 4- 34. New Zealand. 17- 10- 33. * Portugal. 2- 3- 34. * South Africa. 14- 2- 34.</p>	<p>*Austria. *Belgium. *Canada. *China. Colombia. Poland. Rumania. *Turkey. *Venezuela. *Yugo- slavia.</p>	<p>Argentina. Bolivia. Bulgaria. Czechoslo- vakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxem- burg. Mexico. Nicaragua. Panama. Paraguay. Peru. Salvador. Uruguay.</p>

36. Old-Age Insurance (Agriculture).

<p><i>Rejection :</i> India. 14- 12- 33. * Switzerland. 19- 9- 34.</p> <p><i>Other decisions, (adjournment, etc.) :</i> Siam. 1934. * Sweden. 8- 6- 34.</p>	<p>*Chile. 18- 12- 34. *Spain. 18- 12- 34.</p>	<p>* Finland. April 1934. * Hungary. 13- 12- 34. * Norway. 16- 3- 34.</p>	<p>Albania. Oct. 1933. * Australia. 4- 7- 34. Brazil. 1934. * Cuba. 1935. * Denmark. 5- 4- 34. * Estonia. 13- 10- 34. * France. 8- 3- 34. * Germany. June 1934. Great Britain. Oct. 1933. * Irish Free State. 6- 2- 34. Italy. Oct. 1933. * Japan. 22- 12- 34. * Latvia. 22- 12- 34. Lithuania. 12- 9- 33. * Nether- lands. 19- 4- 34. New Zealand. 17- 10- 33. * Portugal. 2- 3- 34. * South Africa. 14- 2- 34.</p>	<p>*Austria. *Belgium. *Canada. *China. Colombia. Poland. Rumania. *Turkey. *Venezuela. *Yugo- slavia.</p>	<p>Argentina. Bolivia. Bulgaria. Czechoslo- vakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxem- burg. Mexico. Nicaragua. Panama. Paraguay. Peru. Salvador. Uruguay.</p>
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SEVENTEENTH SESSION (GENEVA, 8-30 June 1933) (*contd.*).

## Conventions.

\* = Information received since last Report.

## 37. Invalidity Insurance (Industry, etc.).

(a) Ratifications communicated and date of registration. (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially com- municated any information.
		(2) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
	<i>Rejection :</i> India. 14- 12- 33. * Switzerland. 19- 9- 34.  <i>Other decisions, (adjournment, etc.) :</i> Siam. 1934. * Sweden. 8- 6- 34.	*Chile. 18- 12- 34. *Spain. 18- 12- 34.	* Finland. April 1934. * Hungary. 13- 12- 34. * Norway. 16- 3- 34.		Albania. Oct. 1933. * Australia. 4- 7- 34. Brazil. 1934. * Cuba. 1935. * Denmark. 5- 4- 34. * Estonia. 13- 10- 34. * France. 8- 3- 34. Germany. June 1934. Great Britain. Oct. 1933. * Irish Free State. 6- 2- 34. Italy. Oct. 1933. * Japan. 22- 12- 34. * Latvia. 22- 12- 34. Lithuania. 12- 9- 33. * Nether- lands. 19- 4- 34. New Zealand. 17- 10- 33. * Portugal. 2- 3- 34. * South Africa 12- 2- 34.	* Austria. * Belgium. * Canada. * China. Colombia. Poland. Rumania. * Turkey. * Venezuela. * Yugo- slavia.	Argentina. Bolivia. Bulgaria. Czechoslo- vakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxem- burg. Mexico. Nicaragua. Panama. Paraguay. Peru. Salvador. Uruguay.

## 38. Invalidity Insurance (Agriculture).

<i>Rejection :</i> India. 14- 12- 33. * Switzerland. 19- 9- 34.  <i>Other decisions, (adjournment, etc.) :</i> Siam. 1934. * Sweden. 8- 6- 34.	*Chile. 18- 12- 34. *Spain. 18- 12- 34.	* Finland. April 1934. * Hungary. 13- 12- 34. * Norway. 16- 3- 34.	Albania. Oct. 1933. * Australia. 4- 7- 34. Brazil. 1934. * Cuba. 1935. * Denmark. 5- 4- 34. * Estonia. 13- 10- 34. * France. 8- 3- 34. * Germany. June 1934. Great Britain. Oct. 1933. * Irish Free State. 6- 2- 34. Italy. Oct. 1933. * Japan. 22- 12- 34. * Latvia. 22- 12- 34. Lithuania. 12- 9- 33. * Nether- lands. 19- 4- 34. New Zealand. 17- 10- 33. * Portugal. 2- 3- 34. * South Africa 12- 2- 34.	* Austria. * Belgium. * Canada. * China. Colombia. Poland. Rumania. * Turkey. * Venezuela. * Yugo- slavia.	Argentina. Bolivia. Bulgaria. Czechoslo- vakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxem- burg. Mexico. Nicaragua. Panama. Paraguay. Peru. Salvador. Uruguay.
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## SEVENTEENTH SESSION (GENEVA, 8-30 June 1933) (contd).

## Conventions.

\* = Information received since last Report.

## 39. Survivors' Insurance (Industry. etc.).

(a) Ratifications communicated and date of registration. (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intim- ation that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
	<i>Rejection :</i> India. 14- 12- 33. * Switzerland. 19- 9- 34.  <i>Other decisions, (adjournment, etc.) :</i> Siam. 1934. * Sweden. 8- 6- 34.	*Spain. 18- 12- 34.	* Finland. April 1934. * Hungary. 13- 12- 34. * Norway. 16- 3- 34.		Albania. Oct. 1933. * Australia. 4- 7- 34. Brazil. 1934. * Cuba. 1935. * Denmark. 5- 4- 34. * Estonia. 13- 10- 34. * France. 8- 3- 34. * Germany. June 1934. Great Britain. Oct. 1933. * Irish Free State. 6- 2- 34. Italy. Oct. 1933. * Japan. 22- 12- 34. * Latvia. 22- 12- 34. Lithuania. 12- 9- 33. * Nether- lands. 19- 4- 34. New Zealand. 17- 10- 33. * Portugal. 2- 3- 34. * South Africa. 12- 2- 34.	*Austria. *Belgium. *Canada. *Chile. *China. Colombia. Poland. Rumania. *Turkey. *Venezuela. *Yugo- slavia.	Argentina. Bolivia. Bulgaria. Czechoslo- vakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxem- burg. Mexico. Nicaragua. Panama. Paraguay. Peru. Salvador. Uruguay.

## 40. Survivors' Insurance (Agriculture).

<i>Rejection :</i> India. 14- 12- 33. * Switzerland. 19- 9- 34.  <i>Other decisions, (adjournment, etc.) :</i> Siam. 1934. * Sweden. 8- 6- 34.	*Spain. 18- 12- 34.	* Finland. April 1934. * Hungary. 13- 12- 34. * Norway. 16- 3- 34.	Albania. Oct. 1933. * Australia. 4- 7- 34. Brazil. 1934. * Cuba. 1935. * Denmark. 5- 4- 34. * Estonia. 13- 10- 34. * France. 8- 3- 34. * Germany. June 1934. Great Britain. Oct. 1933. * Irish Free State. 6- 2- 34. Italy. Oct. 1933. * Japan. 22- 12- 34. * Latvia. 22- 12- 34. Lithuania. 12- 9- 33. * Nether- lands. 19- 4- 34. New Zealand. 17- 10- 33. * Portugal. 2- 3- 34. * South Africa. 12- 2- 34.	*Austria. *Belgium. *Canada. *Chile. *China. Colombia. Poland. Rumania. *Turkey. *Venezuela. *Yugo- slavia.	Argentina. Bolivia. Bulgaria. Czechoslo- vakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxem- burg. Mexico. Nicaragua. Panama. Paraguay. Peru. Salvador. Uruguay.
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## EIGHTEENTH SESSION (GENEVA, 4-23 June 1934)

## Conventions.

\* = Informations received since last Report.

## 41. Night Work (Women) (Revised).

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intimation that they have submitted the Convention to the "competent authority" have supplied information of other measures taken.	(e) States which have not officially communicated any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
	<i>Other decisions, (adjournment, etc.) :</i> *Sweden. 13- 3- 35.			*Norway. 15- 2- 35.	*Australia. 13- 12- 34. *Cuba. 1935. *Great Britain. Oct. 1934. *Italy. 1935. *New Zealand. 5- 11- 34. *Portugal. 6- 2- 35. *South Africa <sup>(1)</sup> . 11- 1- 35.	*Belgium. *China. *Colombia. *Dominican Rep. *Finland. *India. *Poland. *Rumania. *Spain. *Turkey. *Venezuela.	All the other States Members.

## 42. Workmen's Compensation (Occupational Diseases) (Revised).

	<i>Approval :</i> *Hungary. 1935.  <i>Other decisions, (adjournment, etc.) :</i> *Sweden. 13- 3- 35.	*Norway. 15- 2- 35.			*Australia. 13- 12- 34. *Cuba. 1935. *Great Britain. Oct. 1934. *Italy. 1935. *New Zealand. 5- 11- 34. *Portugal. 6- 2- 35. *South Africa <sup>(1)</sup> . 14- 1- 35.	*Belgium. *China. *Colombia. *Dominican Rep. *Finland. *India. *Poland. *Rumania. *Spain. *Turkey. *Venezuela.	All the other States Members.
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## 43. Sheet-Glass Works.

	<i>Rejection :</i> *South Africa <sup>(2)</sup> . 11- 12- 34  <i>Other decisions, (adjournment, etc.) :</i> *Sweden. 13- 3- 35.	*Norway. 15- 2- 35.		*India. 13- 2- 35.	*Australia. 13- 12- 34. *Cuba. 1935. *Great Britain. Oct. 1934. *Italy. 1935. *New Zealand. 6- 11- 34. *Portugal. 6- 2- 35.	*Belgium. *China. *Colombia. *Dominican Rep. *Finland. *Poland. *Rumania. *Spain. *Turkey. *Venezuela.	All the other States Members.
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## 44. Unemployment Provision.

	<i>Rejection :</i> *South Africa <sup>(2)</sup> . 11- 12- 34  <i>Other decisions, (adjournment, etc.) :</i> *Sweden. 13- 3- 35.			*India. 13- 2- 35. *Norway. 15- 2- 35.	*Australia. 13- 12- 34. *Cuba. 1935. *Great Britain. Oct. 1934. *Italy. 1935. *New Zealand. 5- 11- 34. *Portugal. 6- 2- 35.	*China. *Colombia. *Dominican Rep. *Finland. *Poland. *Rumania. *Spain. *Turkey. *Venezuela.	All the other States Members.
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<sup>(1)</sup> The date given refers to the submission of the Convention to the Executive Council and not, as in the case of other Conventions, to the submission of the Convention to Parliament.<sup>(2)</sup> Decision of the Executive Council.

# FIRST SESSION (WASHINGTON, 29 October-29 November 1919).

## Recommendations.

### 1. Unemployment.

\* = Information received since last Report.

(a)	(b)	(c)	(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	States which have supplied other official information.	States which have supplied no official information.
<b>Albania.</b> 13- 1- 32. <b>Australia (¹).</b> <b>Belgium.</b> 16- 6- 21. <b>Bulgaria.</b> 10- 2- 22. <b>Denmark.</b> 15- 7- 21. <b>Estonia.</b> 15- 5- 26. <b>Finland.</b> 22- 3- 21. <b>France.</b> 25- 1- 21. <b>Germany.</b> 25- 10- 26. <b>Great Britain.</b> 10- 9- 21. <b>Hungary.</b> 6- 6- 32. <b>India.</b> 12- 7- 21. <b>Italy.</b> 12- 7- 21. <b>Japan.</b> 4- 8- 26. <b>Netherlands.</b> 17- 5- 21. <b>Norway.</b> 31- 5- 21. <b>Poland.</b> 26- 7- 21. <b>Rumania.</b> 31- 5- 21. <b>Siam.</b> 10- 5- 22. <b>Spain.</b> 4- 7- 21. <b>Sweden.</b> 3- 6- 21 ; 3- 10- 21. <b>Switzerland.</b> 3- 8- 23 ; 16- 1- 26. <b>Yugoslavia.</b> 17- 8- 32.	<b>Argentina.</b> 8- 9- 20. <b>Austria.</b> 1930. <b>Brazil.</b> 4- 3- 32. <b>Canada.</b> 28- 5- 21. <b>Chile.</b> 7- 8- 24. <b>Cuba.</b> 17- 1- 22. <b>Lithuania (²).</b> Aug. 1922. <b>New Zealand.</b> 11- 11- 20. <b>South Africa.</b> 1921. <b>Venezuela.</b> 1920.	<b>Czechoslovakia.</b> <b>Greece.</b> <b>Haiti.</b> <b>Latvia.</b> <b>Luxemburg.</b> <b>Nicaragua.</b> <b>Panama.</b> <b>Turkey.</b> <b>Uruguay.</b>	<b>Bolivia.</b> <b>China.</b> <b>Colombia.</b> <b>Dominican Republic.</b> <b>Ethiopia.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Irish Free State.</b> <b>Liberia.</b> <b>Mexico.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b>

### 2. Reciprocity of Treatment.

<b>Albania.</b> 13- 1- 32. <b>Australia (¹).</b> <b>Belgium.</b> 16- 6- 21. <b>Bulgaria.</b> 10- 2- 22. <b>Chile.</b> 1- 7- 21. <b>Denmark.</b> 15- 7- 21. <b>Estonia.</b> 15- 5- 26 ; 10- 2- 32. <b>Finland.</b> 22- 3- 21. <b>France.</b> 25- 1- 21. <b>Germany.</b> 25- 10- 26. <b>Great Britain.</b> 3- 1- 33. <b>Hungary.</b> 6- 6- 32. <b>India.</b> 12- 7- 21. <b>Italy.</b> 12- 7- 21. <b>Japan.</b> 4- 8- 26. <b>Netherlands.</b> 17- 5- 21. <b>Norway.</b> 31- 5- 21. <b>Poland.</b> 26- 7- 21. <b>Rumania.</b> 31- 5- 21. <b>Siam.</b> 10- 5- 22. <b>Spain.</b> 4- 7- 21. <b>Sweden.</b> 3- 6- 21 ; 3- 10- 21. <b>Switzerland.</b> 3- 8- 23 ; 16- 1- 26. <b>Yugoslavia.</b> 17- 8- 32.	<b>Argentina.</b> 8- 9- 20. <b>Austria.</b> 1930. <b>Brazil.</b> 4- 3- 32. <b>Canada.</b> 28- 5- 21. <b>Cuba.</b> 17- 1- 22. <b>Lithuania (²).</b> Aug. 1922. <b>New Zealand.</b> 11- 11- 20. <b>South Africa.</b> 1921. <b>Venezuela.</b> 1920.	<b>Czechoslovakia.</b> <b>Greece.</b> <b>Haiti.</b> <b>Latvia.</b> <b>Luxemburg.</b> <b>Nicaragua.</b> <b>Panama.</b> <b>Turkey.</b> <b>Uruguay.</b>	<b>Bolivia.</b> <b>China.</b> <b>Colombia.</b> <b>Dominican Republic.</b> <b>Ethiopia.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Irish Free State.</b> <b>Liberia.</b> <b>Mexico.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b>
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(¹) The Prime Minister of Australia has communicated to the Secretary-General of the League of Nations information supplied by the States of the Commonwealth on the subject of measures giving effect to the Recommendations, which fall within the competence of the States:— Western Australia, 29. 5. 25; New South Wales, 1. 5. 25; South Australia, 13. 7. 32; Tasmania, 1925; 10.6.27; Victoria 1. 5. 25; Queensland, 2. 7. 25.

(²) Proposal lapsed.

FIRST SESSION (WASHINGTON, 29 Oct.-29 Nov. 1919) (*contd.*).

## Recommendations.

## 3. Anthrax Prevention.

\* = Information received since last Report.

(a)	(b)	(c)	(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	States which have supplied other official information.	States which have supplied no official information.
Albania. 13- 1- 32. Australia <sup>(1)</sup> . Belgium. 16- 6- 21. Bulgaria. 10- 2- 22. Czechoslovakia. 28- 11- 33. Denmark. 15- 7- 21. Estonia. 15- 5- 26. Finland. 22- 3- 21. France. 25- 1- 21. Great Britain. 11- 1- 21. Hungary. 14- 3- 29 ; 12- 8- 29. India. 12- 7- 21. Italy. 12- 7- 21. Japan. 4- 8- 26. Netherlands. 17- 5- 21. Norway. 31- 5- 21. Poland. 26- 7- 21. Rumania. 31- 5- 21. Siam. 10- 5- 22. Spain. 4- 7- 21. Sweden. 3- 6- 21. Switzerland. 3- 8- 23 ; 16- 1- 26.	Argentina. 8- 9- 20. Austria. 1930. Brazil. 4- 3- 32. Canada. 28- 5- 21. Chile. 7- 8- 24. Cuba. 17- 1- 22. Lithuania <sup>(2)</sup> . Aug. 1922. New Zealand. 11- 11- 20. South Africa. 1921. Venezuela. 1920.	Germany. Greece. Haiti. Latvia. Luxemburg. Nicaragua. Panama. Turkey. Uruguay. Yugoslavia.	Bolivia. China. Colombia. Dominican Republic. Ethiopia. Guatemala. Honduras. Iran. Iraq. Irish Free State. Liberia. Mexico. Paraguay. Peru. Portugal. Salvador.

## 4. Lead Poisoning (Women and Children).

Albania. 13- 1- 32. Australia <sup>(1)</sup> . Belgium. 16- 6- 21. Bulgaria. 10- 2- 22. Denmark. 15- 7- 21. Estonia. 15- 5- 26. Finland. 23- 3- 32. France. 25- 1- 21 ; 8- 10- 26. Great Britain. 11- 1- 21. Hungary. 6- 6- 32. India. 12- 7- 21. Italy. 12- 7- 21. Japan. 4- 8- 26. Netherlands. 17- 5- 21. Norway. 31- 5- 21. Poland. 26- 7- 21. Rumania. 31- 5- 21. Siam. 10- 5- 22. Spain. 4- 7- 21. Sweden. 3- 6- 21. Switzerland. 3- 8- 23 ; 16- 1- 26. Yugoslavia. 17- 8- 32.	Argentina. 8- 9- 20. Austria. 1930. Brazil. 4- 3- 32. Canada. 28- 5- 21. Chile. 7- 8- 24. Cuba. 17- 1- 22. Lithuania <sup>(2)</sup> . Aug. 1922. New Zealand. 11- 11- 20. South Africa. 1921. Venezuela. 1920.	Czechoslovakia. Germany. Greece. Haiti. Latvia. Luxemburg. Nicaragua. Panama. Portugal. Turkey. Uruguay.	Bolivia. China. Colombia. Dominican Republic. Ethiopia. Guatemala. Honduras. Iran. Iraq. Irish Free State. Liberia. Mexico. Paraguay. Peru. Salvador.
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<sup>(1)</sup> See note (1) on preceding page.<sup>(2)</sup> Proposal lapsed.

Recommendations.

5. Labour Inspection (Health Services).

\* = Information received since last Report.

(a)		(b)		(c)		(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).		States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.		States which have supplied other official information.		States which have supplied no official information.
Albania. 13- 1- 32.		Argentina. 8- 9- 20.		Czechoslovakia.		Bolivia.
Australia <sup>(1)</sup> .		Austria. 1930.		Greece.		China.
Belgium. 16- 6- 21.		Brazil. 4- 3- 32.		Haiti.		Colombia.
Bulgaria. 10- 2- 22.		Canada. 28- 5- 21.		Latvia.		Dominican Republic.
Chile. 1- 7- 21.		Cuba. 17- 1- 22.		Luxemburg.		Ethiopia.
Denmark. 15- 7- 21.		Lithuania <sup>(2)</sup> . Aug. 1922.		Nicaragua.		Guatemala.
Estonia. 15- 5- 26.		New Zealand. 11- 11- 20.		Panama.		Honduras.
Finland. 22- 3- 21.		South Africa. 1921.		Turkey.		Iran.
France. 25- 1- 21.		Venezuela. 1920.		Uruguay.		Iraq.
Germany. 9- 8- 26.						Irish Free State
Great Britain. 11- 1- 21.						Liberia.
Hungary. 6- 6- 32.						Mexico.
India. 12- 7- 21.						Paraguay.
Italy. 12- 7- 21.						Peru.
Japan. 4- 8- 26.						Portugal.
Netherlands. 17- 5- 21.						Salvador.
Norway. 31- 5- 21.						
Poland. 26- 7- 21.						
Rumania. 31- 5- 21.						
Siam. 10- 5- 22.						
Spain. 4- 7- 21.						
Sweden. 3- 6- 21 ; 3- 10- 21.						
Switzerland. 3- 8- 23 ; 16- 1- 26.						
Yugoslavia. 17- 8- 32.						

6. White Phosphorus.

(a)	(b)	(c)	(d)	(e)	(f)	(g)
Adherence to the Berne Convention (1906) communicated before the Washington Conference.	Date of coming into force of the Convention.	Adherence to the Berne Convention communicated in application of the Washington Recommendation.	Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" and date of submission.	States which have supplied other official information.	States which have supplied no official information.
Canada. 20- 9- 14.	20- 9- 19.	Australia. 30- 12- 19.	Albania. 13- 1- 32.	Argentina. 8- 9- 20.	Guatemala.	Bolivia.
Denmark <sup>(4)</sup> . 1- 1- 12.	1- 1- 12.	Austria. 23- 3- 21.	Chile. 13- 1- 32.	Brazil. 4- 3- 32.	Haiti.	Colombia.
France <sup>(4)</sup> . 1- 1- 12.	1- 1- 12.	Belgium. 8- 12- 22.	Greece. Aug. 1925.	Cuba. 17- 1- 22.	Latvia.	Dominican Republic.
Germany <sup>(4)</sup> . 1- 1- 12.	1- 1- 12.	Bulgaria. 1- 11- 26.	Siam. 1- 11- 20.	Lithuania. Aug. 1922.	Nicaragua.	Ethiopia.
Great Britain. 28- 12- 08.	28- 12- 13.	China. 6- 12- 23.	Venezuela. 1920.	Panama.	Panama.	Guatemala.
Italy. 6- 7- 10.	6- 7- 15.	Egypt. 7- 4- 32.				Honduras.
Luxemburg <sup>(4)</sup> . 1- 1- 12.	1- 1- 12.	Czechoslovakia. 30- 3- 21.				Iraq.
Netherlands <sup>(4)</sup> . 27- 11- 11.	27- 11- 16.	Free City of Danzig <sup>(5)</sup> . 23- 8- 21.				Liberia.
New Zealand. 27- 11- 11.	27- 11- 16.	Estonia. 2- 2- 23.				Mexico.
Norway. 26- 6- 14.	10- 7- 19.	Finland. 13- 10- 21.				Paraguay.
South Africa <sup>(3)</sup> . 6- 12- 10.	3- 5- 14.	Hungary. 19- 11- 25.				Peru.
Spain. 29- 10- 09.	29- 10- 14.	India. 30- 12- 19.				Portugal.
Switzerland <sup>(4)</sup> . 1- 1- 12.	1- 1- 12.	Iran. 5- 6- 33.				Salvador.
		Irish Free State. 15- 4- 26.				Uruguay.
		Japan. 14- 10- 21.				
		Morocco <sup>(6)</sup> . 5- 7- 27.				
		Palestine <sup>(7)</sup> . 17- 9- 25.				
		Poland. 14- 1- 21.				
		Rumania. 21- 7- 21.				
		Sweden. 10- 4- 20.				
		Turkey. 17- 2- 33.				
		Yugoslavia. 24- 12- 29.				

<sup>(1)</sup> See note (1) on page 24.

<sup>(2)</sup> Proposal lapsed.

<sup>(3)</sup> With retrospective effect from 3 May 1909.

<sup>(4)</sup> These States were signatories of the Convention and were bound by Article 4 to deposit their ratifications of the Con-

vention by 31 December 1908. The Convention was to come into force three years later.

<sup>(5)</sup> Adherence communicated by Poland.

<sup>(6)</sup> Adherence communicated by France.

<sup>(7)</sup> Adherence communicated by Great Britain.



## SECOND SESSION (GENOA, 15 June-10 July 1920).

## Recommendations.

## 7. Hours of Work (Fishing).

\* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
<b>Albania.</b> 13- 1- 32. <b>Australia.</b> 28- 8- 24. <b>Bulgaria.</b> 10- 3- 23. <b>Canada.</b> 4- 6- 21. <b>Chile.</b> 1- 7- 21. <b>Estonia.</b> 15- 5- 26. <b>Finland.</b> 23- 3- 32. <b>France.</b> 2- 4- 24. <b>Great Britain.</b> 3- 1- 33. <b>India.</b> 7- 3- 22. <b>Italy.</b> 5- 1- 22. <b>Japan.</b> 4- 8- 26. <b>Norway.</b> 1-12- 26. <b>Poland.</b> 9- 5- 32. <b>Sweden.</b> 5- 7- 21. <b>Switzerland.</b> 2- 3- 22 ; 16- 1- 26.	<b>Argentina.</b> 8- 9- 21. <b>Austria</b> <sup>(1)</sup> . 1927. <b>Brazil.</b> 4- 3- 32. <b>Cuba.</b> 17- 1- 22. <b>Denmark.</b> 18- 3- 21. <b>Hungary.</b> 13- 3- 24. <b>Lithuania</b> <sup>(1)</sup> . Aug. 1922. <b>Luxemburg.</b> <b>Netherlands.</b> 14- 2- 22. <b>New Zealand.</b> 1923. <b>Rumania.</b> 1922. <b>Siam.</b> 1922. <b>Venezuela.</b> 1922.	<b>Belgium.</b> <b>Czechoslovakia.</b> <b>Germany.</b> <b>Greece.</b> <b>Haiti.</b> <b>Latvia.</b> <b>Nicaragua.</b> <b>South Africa.</b> <b>Spain.</b> <b>Turkey.</b> <b>Uruguay:</b> <b>Yugoslavia.</b>	<b>Bolivia.</b> <b>China.</b> <b>Colombia.</b> <b>Dominican</b> <b>Republic.</b> <b>Ethiopia.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Irish Free State.</b> <b>Liberia.</b> <b>Mexico.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b>

## 8. Hours of Work (Inland Navigation).

<b>Albania.</b> 13- 1- 32. <b>Australia.</b> 28- 8- 24. <b>Bulgaria.</b> 10- 3- 23. <b>Canada.</b> 4- 6- 21. <b>Chile.</b> 1- 7- 21. <b>Estonia.</b> 15- 5- 26. <b>Finland.</b> 23- 3- 32. <b>France.</b> 2- 4- 24. <b>Great Britain.</b> 3- 1- 33. <b>Hungary.</b> 6- 6- 32. <b>India.</b> 17- 11- 22. <b>Italy.</b> 5- 1- 22. <b>Japan.</b> 4- 8- 26. <b>Norway.</b> 1-12- 26. <b>Poland.</b> 9- 5- 32. <b>Sweden.</b> 5- 7- 21. <b>Switzerland.</b> 2- 3- 22 ; 16- 1- 26.	<b>Argentina.</b> 8- 9- 21. <b>Austria</b> <sup>(1)</sup> . 1927. <b>Brazil.</b> 4- 3- 32. <b>Cuba.</b> 17- 1- 22. <b>Denmark.</b> 18- 3- 21. <b>Lithuania</b> <sup>(1)</sup> . Aug. 1922. <b>Luxemburg.</b> <b>Netherlands.</b> 14- 2- 22. <b>New Zealand.</b> 1923. <b>Rumania.</b> 1922. <b>Siam.</b> 1922. <b>Venezuela.</b> 1922.	<b>Belgium.</b> <b>Czechoslovakia.</b> <b>Germany.</b> <b>Haiti.</b> <b>Latvia.</b> <b>Nicaragua.</b> <b>South Africa.</b> <b>Spain.</b> <b>Turkey.</b> <b>Uruguay.</b> <b>Yugoslavia.</b>	<b>Bolivia.</b> <b>China.</b> <b>Colombia.</b> <b>Dominican</b> <b>Republic.</b> <b>Ethiopia.</b> <b>Greece.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Irish Free State.</b> <b>Liberia.</b> <b>Mexico.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b>
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<sup>(1)</sup> Proposal lapsed.

# SECOND SESSION (GENOA, 15 June-10 July 1920) (contd.).

## Recommendations.

### 9. National Seamen's Codes.

\* = Information received since last Report.

(a)	(b)	(c)	(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	States which have supplied other official information.	States which have supplied no official information.
Albania. 13- 1- 32. Australia. 28- 8- 24. Belgium. 29- 2- 32. Bulgaria. 10- 3- 23. Canada. 4- 6- 21. Chile. 1- 7- 21. Estonia. 15- 5- 26; 9- 7- 28. Finland. 23- 3- 32. France. 2- 4- 24. Germany. 12- 8- 26. Great Britain. 3- 1- 33. Hungary. 6- 6- 32. India. 7- 3- 22. Italy. 5- 1- 22. Japan. 4- 8- 26. Norway. 1- 12- 26. Poland. 9- 5- 32. Sweden. 5- 7- 21. Switzerland. 2- 3- 22.	Argentina. 8- 9- 21. Austria <sup>(1)</sup> . 1927. Brazil. 4- 3- 32. Cuba. 17- 1- 22. Denmark. 18- 3- 21. Lithuania <sup>(2)</sup> . Aug. 1922. Luxemburg. Netherlands. 14- 2- 22. New Zealand. 1923. Rumania. 1922. Siam. 1922. Venezuela. 1922.	Czechoslovakia. Haiti. Latvia. Nicaragua. South Africa. Spain. Turkey. Yugoslavia.	Bolivia. China. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Irish Free State. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Uruguay.

### 10. Unemployment Insurance (Seamen).

Albania. 13- 1- 32. Australia. 28- 8- 24. Bulgaria. 10- 3- 23. Canada. 4- 6- 21. Chile. 1- 7- 21. Estonia. 15- 5- 26. Finland. 23- 3- 32. France. 2- 4- 24. Germany. 12- 8- 26. Great Britain. 3- 1- 33. Hungary. 6- 6- 32. India. 7- 3- 22. Italy. 5- 1- 22. Japan. 4- 8- 26. Norway. 1- 12- 26. Poland. 9- 5- 32. Sweden. 5- 7- 21. Switzerland. 2- 3- 22. Yugoslavia. 17- 8- 32.	Argentina. 8- 9- 21. Austria <sup>(1)</sup> . 1927. Brazil. 4- 3- 32. Cuba. 17- 1- 22. Denmark. 18- 3- 21. Lithuania <sup>(2)</sup> . Aug. 1922. Luxemburg. New Zealand. 14- 2- 22. Rumania. 1923. Siam. 1922. Venezuela. 1922.	Belgium. Czechoslovakia. Haiti. Latvia. Nicaragua. South Africa. Spain. Turkey.	Bolivia. China. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Irish Free State. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Uruguay.
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<sup>(1)</sup> Proposal lapsed.

## THIRD SESSION, (GENEVA, 25 October-19 November 1921).

## Recommendations.

**11. Unemployment (Agriculture).**

\* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
Albania. 13- 1- 32. Australia <sup>(1)</sup> . Belgium. 2- 3- 27. Bulgaria. 5- 3- 25. Estonia. 15- 5- 26. Finland. 2- 4- 24. France. 15- 4- 24. Great Britain. 3- 1- 33. Hungary. 15- 11- 27. India. 8- 5- 23. Italy. 16- 1- 26. Japan. 4- 8- 26. Norway. 1- 12- 26. Poland. 7- 6- 23. Siam. 21- 8- 22. Sweden. 13- 11- 23. Switzerland. 22- 5- 23; 16- 1- 26.	Austria <sup>(2)</sup> . 1927. Brazil. 4- 3- 32. Canada. 23- 3- 23. Chile. 7- 8- 24. China. 1923. Cuba. 31- 8- 22. Denmark. 6- 6- 22. Lithuania. 22- 6- 23. New Zealand. 1923. Rumania. 15- 10- 25. South Africa. 1923. Venezuela. 1923.	Czechoslovakia. Germany. Haiti. Latvia. Luxemburg. Nicaragua. Spain. Turkey. Uruguay. Yugoslavia.	Argentina. Bolivia. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Irish Free State. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador.

**12. Childbirth (Agriculture).**

Albania. 13- 1- 32. Australia <sup>(1)</sup> . Bulgaria. 5- 3- 25. Estonia. 15- 5- 26. Finland. 23- 3- 32. France. 15- 4- 24. Great Britain. 3- 1- 33. Hungary. 6- 6- 32. India. 8- 5- 23. Italy. 16- 1- 26. Japan. 4- 8- 26. Norway. 1- 12- 26. Poland. 7- 6- 23. Siam. 21- 8- 22. Sweden. 13- 11- 23. Switzerland. 22- 5- 23; 16- 1- 26.	Austria <sup>(2)</sup> . 1927. Brazil. 4- 3- 32. Canada. 23- 3- 23. Chile. 7- 8- 24. China. 1923. Cuba. 31- 8- 22. Denmark. 6- 6- 22. Lithuania. 22- 6- 23. Netherlands. 1923. New Zealand. 15- 10- 25. Rumania. 1923. South Africa. 1923. Venezuela. 1923.	Belgium. Czechoslovakia. Germany. Haiti. Latvia. Luxemburg. Nicaragua. Spain. Turkey. Uruguay. Yugoslavia.	Argentina. Bolivia. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Irish Free State. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador.
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<sup>(1)</sup> The Prime Minister of Australia has communicated to the Secretary-General of the League of Nations information supplied by the States of the Commonwealth on the subject of measures giving effect to the Recommendations, which fall within the competence of the States:— New South Wales, 1. 5. 25; Queensland, 1. 5. 25; South Australia, 13. 7. 32; Tasmania, 1. 5. 25; Victoria, 1. 5. 25; Western Australia, 11. 9. 25.

<sup>(2)</sup> Proposal lapsed.

# THIRD SESSION (GENEVA, 25 Oct.-19 Nov. 1921) (contd.).

## Recommendations.

### 13. Night Work of Women (Agriculture). \* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
Albania. 13- 1- 32. Australia (¹). Bulgaria. 5- 3- 25. Czechoslovakia. 24- 10- 25. Estonia. 15- 5- 26. Finland. 23- 3- 32. France. 15- 4- 24. Great Britain. 19- 3- 24. Hungary. 15- 11- 27. India. 8- 5- 23. Italy. 16- 1- 26. Japan. 4- 8- 26. Norway. 1- 12- 26. Poland. 7- 6- 23. Siam. 21- 8- 22. Sweden. 13- 11- 23. Switzerland. 22- 5- 23 ; 16- 1- 26.	Austria (²). 1927. Brazil. 4- 3- 32. Canada. 23- 3- 23. Chile. 7- 8- 24. China. 1923. Cuba. 31- 8- 22. Denmark. 6- 6- 22. Lithuania. 22- 6- 23. Netherlands. 1923. New Zealand. 15- 10- 25. Rumania. 1923. South Africa. 1923. Venezuela. 1923.	Germany. Haiti. Latvia. Luxemburg. Nicaragua. Spain. Turkey. Uruguay. Yugoslavia.	Argentina. Belgium. Bolivia. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Irish Free State. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador.

### 14. Night Work of Children and Young Persons (Agriculture).

Albania. 13- 1- 32. Australia (¹). Bulgaria. 5- 3- 25. Czechoslovakia. 24- 10- 25. Estonia. 15- 5- 26. Finland. 23- 3- 32. France. 15- 4- 24. Great Britain. 3- 1- 33. Hungary. 15- 11- 27. India. 8- 5- 23. Italy. 16- 1- 26. Japan. 4- 8- 26. Norway. 1- 12- 26. Poland. 7- 6- 23. Siam. 21- 8- 22. Sweden. 13- 11- 23. Switzerland. 22- 5- 23 ; 16- 1- 26.	Austria (²). 1927. Brazil. 4- 3- 32. Canada. 23- 3- 23. Chile. 7- 8- 24. China. 1923. Cuba. 31- 8- 22. Denmark. 6- 6- 22. Lithuania. 22- 6- 23. Netherlands. 1923. New Zealand. 15- 10- 25. Rumania. 1923. South Africa. 1923. Venezuela. 1923.	Germany. Haiti. Latvia. Luxemburg. Nicaragua. Spain. Turkey. Uruguay. Yugoslavia.	Argentina. Belgium. Bolivia. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Irish Free State. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador.
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(¹) See note (1) on preceding page.

(²) Proposal lapsed.

THIRD SESSION (GENEVA, 25 Oct.-19 Nov. 1921) (*contd.*).

## Recommendations.

**15. Vocational Education (Agriculture).**

\* = Information received since last Report.

(a)	(b)	(c)	(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	States which have supplied other official information.	States which have supplied no official information.
<b>Albania.</b> 13- 1- 32. <b>Australia</b> <sup>(1)</sup> . <b>Belgium.</b> 2- 3- 27. <b>Bulgaria.</b> 5- 3- 25. <b>Czechoslovakia.</b> 24- 10- 25. <b>Estonia.</b> 15- 5- 26; 10- 2- 32. <b>Finland.</b> 2- 4- 24. <b>France.</b> 15- 4- 24. <b>Germany.</b> 9- 4- 27. <b>Great Britain.</b> 3- 1- 33. <b>Hungary.</b> 15- 11- 27; 15- 8- 32. <b>India.</b> 8- 5- 23. <b>Italy.</b> 16- 1- 26. <b>Japan.</b> 4- 8- 26. <b>Norway.</b> 1- 12- 26. <b>Poland.</b> 7- 6- 23. <b>Rumania.</b> 1- 4- 25. <b>Siam.</b> 21- 8- 22. <b>Sweden.</b> 13- 11- 23. <b>Switzerland.</b> 22- 5- 23; 16- 1- 26.	<b>Austria</b> <sup>(2)</sup> . 1927. <b>Brazil.</b> 4- 3- 32. <b>Canada.</b> 23- 3- 23. <b>Chile.</b> 7- 8- 24. <b>China.</b> 1923. <b>Cuba.</b> 31- 8- 22. <b>Denmark.</b> 6- 6- 22. <b>Lithuania.</b> 22- 6- 23. <b>Netherlands.</b> 1923. <b>New Zealand.</b> 1923. <b>South Africa.</b> 1923. <b>Venezuela.</b> 1923.	<b>Haiti.</b> <b>Latvia.</b> <b>Luxemburg.</b> <b>Nicaragua.</b> <b>Spain.</b> <b>Turkey.</b> <b>Uruguay.</b> <b>Yugoslavia.</b>	<b>Argentina.</b> <b>Bolivia.</b> <b>Colombia.</b> <b>Dominican Republic.</b> <b>Ethiopia.</b> <b>Greece.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Irish Free State</b> <b>Liberia.</b> <b>Mexico.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b>

**16. Living-in Conditions (Agriculture).**

<b>Albania.</b> 13- 1- 32. <b>Australia</b> <sup>(1)</sup> . <b>Belgium.</b> 2- 3- 27. <b>Bulgaria.</b> 5- 3- 25. <b>Estonia.</b> 15- 5- 26. <b>Finland.</b> 23- 3- 32. <b>France.</b> 15- 4- 24. <b>Great Britain.</b> 3- 1- 33. <b>Hungary.</b> 15- 11- 27. <b>India.</b> 8- 5- 23. <b>Italy.</b> 16- 1- 26. <b>Japan.</b> 4- 8- 26. <b>Norway.</b> 1- 12- 26. <b>Poland.</b> 7- 6- 23. <b>Siam.</b> 21- 8- 22. <b>Sweden.</b> 13- 11- 23. <b>Switzerland.</b> 22- 5- 23; 16- 1- 26.	<b>Austria</b> <sup>(2)</sup> . 1927. <b>Brazil.</b> 4- 3- 32. <b>Canada.</b> 23- 3- 23. <b>Chile.</b> 7- 8- 24. <b>China.</b> 1923. <b>Cuba.</b> 31- 8- 22. <b>Denmark.</b> 6- 6- 22. <b>Lithuania.</b> 22- 6- 23. <b>Netherlands.</b> 1923. <b>New Zealand.</b> 15- 10- 25. <b>South Africa.</b> 1923. <b>Venezuela.</b> 1923.	<b>Czechoslovakia.</b> <b>Germany.</b> <b>Haiti.</b> <b>Latvia.</b> <b>Luxemburg.</b> <b>Nicaragua.</b> <b>Spain.</b> <b>Turkey.</b> <b>Uruguay.</b> <b>Yugoslavia.</b>	<b>Argentina.</b> <b>Bolivia.</b> <b>Colombia.</b> <b>Dominican Republic.</b> <b>Ethiopia.</b> <b>Greece.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Irish Free State</b> <b>Liberia.</b> <b>Mexico.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b>
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<sup>(1)</sup> See note (1), on page 29.<sup>(2)</sup> Proposal lapsed.

# THIRD SESSION (GENEVA, 25 Oct.-19 Nov. 1921) (contd.).

## Recommendations.

### 17. Social Insurance (Agriculture).

\* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
Albania. 13- 1- 32. Australia (¹). Belgium. 2- 3- 27. Bulgaria. 5- 3- 25. Czechoslovakia. 24- 10- 25. Estonia. 15- 5- 26. Finland. 23- 3- 32. France. 15- 4- 24. Germany. 9- 8- 26. Great Britain. 3- 1- 33. Hungary. 6- 6- 32. India. 8- 5- 23. Italy. 16- 1- 26. Japan. 4- 8- 26. Norway. 1- 12- 26. Poland. 7- 6- 23. Siam. 21- 8- 22. Sweden. 13- 11- 23. Switzerland. 22- 5- 23 ; 16- 1- 26.	Austria (²). 1927. Brazil. 4- 3- 32. Canada. 23- 3- 23. Chile. 7- 8- 24. China. 1923. Cuba. 31- 8- 22. Denmark. 6- 6- 22. Lithuania. Netherlands. 22- 6- 23. New Zealand. 1923. Rumania. 15- 10- 25. South Africa. 1923. Venezuela. 1923.	Haiti. Latvia. Luxemburg. Nicaragua. Spain. Turkey. Yugoslavia.	Argentina. Bolivia. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Irish Free State. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Uruguay.

### 18. Weekly Rest (Commerce).

Albania. 13- 1- 32. Australia (¹). Belgium. 6- 7- 25. Bulgaria. 5- 3- 25. Czechoslovakia. 24- 10- 25. Estonia. 15- 5- 26. Finland. 2- 4- 24. France. 15- 4- 24. Great Britain. 3- 1- 33. Hungary. 6- 6- 32. India. 30- 10- 22. Italy. 16- 1- 26. Japan. 4- 8- 26. Norway. 1- 12- 26. Poland. 7- 6- 23. Rumania. 1- 4- 25. Siam. 21- 8- 22. Sweden. 13- 11- 23. Switzerland. 22- 5- 23 ; 16- 1- 26. Yugoslavia. 17- 8- 32.	Austria (²). 1927. Brazil. 4- 3- 32. Canada. 23- 3- 23. Chile. 7- 8- 24. China. 1923. Cuba. 31- 8- 22. Denmark. 6- 6- 22. Lithuania. Netherlands. 22- 6- 23. New Zealand. 1923. South Africa. 1923. Venezuela. 1923.	Germany. Haiti. Latvia. Luxemburg. Nicaragua. Spain. Turkey. Uruguay.	Argentina. Bolivia. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Irish Free State. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador.
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(¹) See note (1) on page 29.

(²) Proposal lapsed.

## FOURTH SESSION (GENEVA, 18 October-3 November 1922).

## Recommendation.

## 19. Migration Statistics.

\* = Information received since last Report.

(a)		(b)		(c)		(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).		States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.		States which have supplied other official information.		States which have supplied no official information.
Albania.	13- 1- 32.	Brazil.	4- 3- 32.	Cuba.		Argentina.
Australia.	2- 6- 25.	Bulgaria.	1924.	Germany.		Bolivia.
Austria.	2- 7- 27.	Chile.	7- 8- 24.	Haiti.		China.
Belgium.	18- 6- 25.	Denmark.	14- 4- 23.	Luxemburg.		Colombia.
Canada.	29- 11- 23.	Latvia.	24- 1- 24.	Nicaragua.		Dominican
Czechoslovakia.	21- 3- 25.	Lithuania.		Turkey.		Republic.
Estonia.	15- 5- 26.	Netherlands.	24- 10- 23.	Uruguay.		Ethiopia.
Finland.	15- 4- 24.	New Zealand.	6- 11- 24.			Greece.
France.	26- 4- 24.	Venezuela.	30- 6- 24.			Guatemala.
Great Britain.	3- 1- 33.					Honduras.
Hungary.	30- 4- 26.					Iran.
India.	20- 11- 23.					Iraq.
Italy.	14- 8- 25.					Irish Free State.
Japan.	9- 4- 24.					Liberia.
Norway.	1- 12- 26.					Mexico.
Poland.	25- 7- 23.					Panama.
Rumania.	1- 4- 25.					Paraguay.
Siam.	2- 4- 23.					Peru.
South Africa.	27- 4- 23.					Portugal.
Spain.	15- 4- 25.					Salvador.
Sweden.	23- 12- 25.					
Switzerland.	22- 5- 28; 16- 1- 26.					
Yugoslavia.	17- 8- 32.					

## FIFTH SESSION (GENEVA, 22-29 October 1923).

## Recommendation.

## 20. Labour Inspection.

\* = Information received since last Report.

Albania.	13- 1- 32.	Brazil.	4- 3- 32.	Haiti.		Argentina.
Australia (¹).		Canada.	3- 3- 24.	Luxemburg.		Bolivia.
Austria.	2- 7- 27.	Chile.	7- 8- 24.	Nicaragua.		Colombia.
Belgium.	6- 11- 24.	China.	1925.	Spain.		Dominican
Bulgaria.	23- 1- 25.	Cuba.	31- 10- 24.	Turkey.		Republic.
Czechoslovakia.	19- 11- 25.	Denmark.	12- 4- 24.	Uruguay.		Ethiopia.
Estonia.	18- 9- 25.	Germany.	1925.			Greece.
Finland.	21- 1- 26.	Lithuania.				Guatemala.
France.	22- 1- 25.	Netherlands.	4- 11- 24.			Honduras.
Great Britain.	6- 8- 24.	New Zealand.	1925.			Iran.
Hungary.	6- 6- 32.	Venezuela.	19- 4- 24.			Iraq.
India.	20- 3- 24.					Latvia.
Irish Free State.	29- 10- 25.					Liberia.
Italy.	16- 1- 26.					Mexico.
Japan.	18- 9- 25.					Panama.
Norway.	1- 12- 26.					Paraguay.
Poland.	13- 5- 25.					Peru.
Rumania.	1- 4- 25.					Portugal.
Siam.	20- 3- 24.					Salvador.
South Africa.	24- 4- 24.					
Sweden.	23- 12- 25.					
Switzerland.	6- 3- 25.					
Yugoslavia.	17- 8- 32.					

(¹) The Prime Minister of Australia has communicated to the Secretary-General of the League of Nations information supplied by the States of the Commonwealth on the subject of measures giving effect to the Recommendation, which falls within the competence of the States:— New South Wales, 1. 5. 25; Queensland, 1. 5. 25; South Australia, 13. 7. 32; Tasmania, 1. 5. 25; Victoria, 1. 5. 25; Western Australia, 1. 5. 25.

# SIXTH SESSION (GENEVA, 16 June-5 July 1924).

## Recommendation.

### 21. Utilisation of Spare Time.

\* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
Albania. 13- 1- 32. Australia (¹). 5- 11- 26. Belgium. 17- 3- 26. Canada. 6- 3- 30. Czechoslovakia. 10- 2- 32. Estonia. 5- 8- 26. Finland. 5- 1- 27. France. 6- 1- 27. Germany. 27- 7- 25. Great Britain. 6- 6- 32. Hungary. 2- 12- 24. India. 20- 11- 25. Irish Free State. 16- 1- 26. Italy. 8- 3- 26. Japan. 17- 9- 25. Norway. 1- 3- 26. Poland. 4- 3- 25. Siam. 2- 6- 25. South Africa. 28- 7- 25. Spain. 20- 10- 25. Sweden. 26- 8- 25. Switzerland.	Austria. 1930. Brazil. 4- 3- 32. Bulgaria. 1928. Cuba. 3- 11- 25. Denmark. 23- 2- 25. Lithuania. Netherlands. 4- 5- 25. New Zealand. 24- 7- 30. Rumania. 27- 2- 29. Venezuela. 1925.	Argentina. Chile. China. Haiti. Luxemburg. Rumania. Turkey. Uruguay. Yugoslavia.	Bolivia. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Latvia. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador.

# SEVENTH SESSION (GENEVA, 19 May-10 June 1925).

## Recommendations.

### 22. Workmen's Compensation (Minimum Scale).

\* = Information received since last Report.

Albania. 13- 1- 32. Australia. Sept. 1926. Belgium. 10- 12- 25. Bulgaria. 27- 1- 30. Estonia. 10- 2- 32. Finland. 23- 3- 32. France. 8- 12- 26. Great Britain. 4- 10- 26. India. 9- 9- 26. Irish Free State. 25- 6- 26. Japan. 31- 12- 26. Luxemburg. 20- 2- 26. Netherlands. 12- 2- 27. Norway. 1- 12- 26. Poland. 15- 2- 27. Siam. 15- 3- 27. Sweden. 8- 9- 26. Switzerland. 11- 5- 33. Yugoslavia. 17- 8- 32.	Austria (²). 1927. Brazil. 4- 3- 32. Canada. 31- 3- 27. Cuba. 1927. Denmark. 30- 1- 26. Hungary. 18- 10- 27. Italy. 15- 12- 26. Lithuania. New Zealand. 1927. Portugal. 1926. Rumania. 27- 2- 29. South Africa. 1925.	Czechoslovakia. Germany. Greece. Haiti. Latvia. Rumania. Turkey. Uruguay. Venezuela.	Argentina. Bolivia. Chile. China. Colombia. Dominican Republic. Ethiopia. Guatemala. Honduras. Iran. Iraq. Liberia. Mexico. Panama. Paraguay. Peru. Salvador. Spain.
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(¹) The Prime Minister of Australia has communicated to the Secretary-General of the League of Nations information supplied by the States of the Commonwealth on the subject of measures giving effect to the Recommendation, which falls within the competence of the States:— New South Wales, 21. 1. 26; Queensland, 2. 7. 25; South Australia, 3. 5. 26; Tasmania, 10.6.27; Victoria, 17. 9. 25; Western Australia, 27. 10. 25.

(²) Proposal lapsed.



SEVENTH SESSION (GENEVA, 19 May-10 June 1925) (*contd.*).

## Recommendations.

**23. Workmen's Compensation (Jurisdiction).**

\* = Information received since last Report.

(a)	(b)	(c)	(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	States which have supplied other official information.	States which have supplied no official information.
Albania. 13- 1- 32. Australia. Sept. 1926. Belgium. 10- 12- 25. Bulgaria. 27- 1- 30. Estonia. 10- 2- 32. Finland. 12- 9- 27. France. 8- 12- 26. Germany. 31- 8- 28. Great Britain. 4- 10- 26. India. 9- 9- 26. Irish Free State. 25- 6- 26. Japan. 31- 12- 26. Luxemburg. 20- 2- 26. Netherlands. 12- 2- 27. Norway. 1- 12- 26. Poland. 15- 2- 27. Siam. 15- 3- 27. Sweden. 8- 9- 26. Switzerland. 11- 5- 33. Yugoslavia. 17- 8- 32.	Austria <sup>(1)</sup> . 1927. Brazil. 4- 3- 32. Canada. 31- 3- 27. Cuba. 1927. Denmark. 30- 1- 26. Hungary. 18- 10- 27. Italy. 15- 12- 26. Lithuania. New Zealand. 1927. Portugal. 1926. Rumania. 27- 2- 29. South Africa. 1925.	Czechoslovakia. Greece. Haiti. Latvia. Nicaragua. Turkey. Uruguay. Venezuela.	Argentina. Bolivia. Chile. China. Colombia. Dominican Republic. Ethiopia. Guatemala. Honduras. Iran. Iraq. Liberia. Mexico. Panama. Paraguay. Peru. Salvador. Spain.

**24. Workmen's Compensation (Occupational Diseases).**

Albania. 13- 1- 32. Australia. Sept. 1926. Austria. 13- 2- 30. Belgium. 10- 12- 25. Bulgaria. 27- 1- 30. Czechoslovakia. 10- 1- 33. Estonia. 10- 2- 32. Finland. 12- 9- 27. France. 8- 12- 26. Germany. 31- 8- 28. Great Britain. 4- 10- 26. Hungary. 19- 1- 32. India. 9- 9- 26. Irish Free State. 25- 6- 26 ; 24- 11- 27. Japan. 31- 12- 26. Luxemburg. 20- 2- 26. Netherlands. 12- 2- 27. Norway. 1- 12- 26. Poland. 15- 2- 27. Siam. 15- 3- 27. Sweden. 8- 9- 26. Switzerland. 11- 5- 33. Yugoslavia. 17- 8- 32.	Brazil. 4- 3- 32. Canada. 31- 3- 27. Cuba. 1927. Denmark. 30- 1- 26. Italy. 15- 12- 26. Lithuania. New Zealand. 1927. Portugal. 1926. Rumania. 27- 2- 29. South Africa. 1925.	Greece. Haiti. Latvia. Nicaragua. Turkey. Uruguay. Venezuela.	Argentina. Bolivia. Chile. China. Colombia. Dominican Republic. Ethiopia. Guatemala. Honduras. Iran. Iraq. Liberia. Mexico. Panama. Paraguay. Peru. Salvador. Spain.
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<sup>(1)</sup> Proposal lapsed.

SEVENTH SESSION (GENEVA, 19 May-10 June 1925) (contd.).

Recommendations.

**25. Equality of Treatment (Accident Compensation).**

\* = Information received since last Report.

(a)		(b)		(c)		(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).		States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.		States which have supplied other official information.		States which have supplied no official information.
Albania.	13- 1- 32.	Brazil.	4- 3- 32.	Greece.		Argentina.
Australia.	Sept. 1926.	Canada.	31- 3- 27.	Haiti.		Bolivia.
Austria.	13- 2- 30.	Cuba.	1927.	Latvia.		Chile.
Belgium.	10- 12- 25.	Denmark.	30- 1- 26.	Nicaragua.		China.
Bulgaria.	27- 1- 30.	Hungary.	18- 10- 27.	Turkey.		Colombia.
Czechoslovakia.	2- 6- 28.	Italy.	15- 12- 26.	Uruguay.		Dominican Republic.
Estonia.	10- 2- 32.	Lithuania.		Venezuela.		Ethiopia.
Finland.	12- 9- 27.	New Zealand.	1927.			Guatemala.
France.	8- 12- 26.	Portugal.	1926.			Honduras.
Germany.	31- 8- 28.	Rumania.	27- 2- 29.			Iran.
Great Britain.	4- 10- 26.	South Africa.	1925.			Iraq.
India.	9- 9- 26.					Liberia.
Irish Free State.	25- 6- 26.					Mexico.
Japan.	31- 12- 26.					Panama.
Luxemburg.	20- 2- 26.					Paraguay.
Netherlands.	12- 2- 27.					Peru.
Norway.	1- 12- 26.					Salvador.
Poland.	15- 2- 27.					Spain.
Siam.	15- 3- 27.					
Sweden.	8- 9- 26.					
Switzerland.	11- 5- 33.					
Yugoslavia.	17- 8- 32.					

EIGHTH SESSION (GENEVA, 26 May-5 June 1926).

Recommendation.

**26. Migration (Protection of Females at Sea).**

\* = Information received since last Report

Albania.	13- 1- 32.	Australia.	2- 3- 27.	Argentina.		Bolivia.
Austria.	26- 4- 33.	Brazil.	4- 3- 32.	Haiti.		Bulgaria.
Belgium.	11- 2- 28.	Canada.	20- 2- 28.	Nicaragua.		Chile.
Czechoslovakia.	24- 5- 28.	China.	1927.	Turkey.		Colombia.
Estonia.	10- 2- 32.	Cuba.	1927.			Dominican Republic.
Finland.	23- 3- 32.	Denmark.	8- 10- 26.			Ethiopia.
Great Britain.	14- 9- 27.	France.	1- 2- 29.			Greece.
Hungary.	15- 4- 31.	Germany.	1927.			Guatemala.
India.	12- 1- 28.	Italy.	1929.			Honduras.
Irish Free State.	8- 8- 27.	Lithuania.				Iran.
Japan.	24- 1- 28.	Luxemburg.				Iraq.
Netherlands.	4- 8- 27.	New Zealand.	5- 12- 27.			Latvia.
Norway.	28- 7- 27.	South Africa.	31- 1- 27.			Liberia.
Poland.	4- 1- 30.	Venezuela.	1927.			Mexico.
Rumania.	29- 5- 29.	Yugoslavia.	Aug. 1930.			Panama.
Siam.	15- 3- 27.					Paraguay.
Sweden.	19- 4- 27.					Peru.
Switzerland.	11- 5- 33.					Portugal.
						Salvador.
						Spain.
						Uruguay.

## NINTH SESSION (GENEVA, 7-24 June 1926).

## Recommendations.

**27. Repatriation (Ship Masters and Apprentices).**

\* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
Albania. 13- 1- 32. Belgium. 29- 2- 32. Estonia. 9- 7- 28. Finland. 23- 3- 32. France. 5-12- 27. Germany. 23- 4- 30. Great Britain. 11- 6- 29. Hungary. 6- 6- 32. India. 10-11- 27. Irish Free State. 8- 8- 27. Japan. 24- 1- 28. Netherlands. 7-11- 27. Norway. 28- 7- 27. Poland. 9- 5- 32. Siam. 15- 3- 27. Sweden. 13- 7- 27. Switzerland. 11- 5- 33.	Australia. 2- 3- 27. Austria <sup>(1)</sup> . 1927. Brazil. 4- 3- 32. Bulgaria. 18- 3- 32. Canada. 20- 2- 28. China. 1927. Cuba. 1927. Denmark. 8-10- 26. Lithuania. Luxemburg. New Zealand. 5-12- 27. Rumania. 27- 2- 29. South Africa. 31- 1- 27. Venezuela. 1927.	Argentina. Czechoslovakia. Haiti. Italy. Nicaragua. Turkey. Yugoslavia.	Bolivia. Chile. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Latvia. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Spain. Uruguay.

**28. Labour Inspection (Seamen).**

Albania. 13- 1- 32. Estonia. 10- 2- 32. Finland. 23- 3- 32. France. 5-12- 27. Germany. 10- 9- 30. Great Britain. 11- 6- 29. Hungary. 6- 6- 32. India. 10-11- 27; 13- 5- 31. Irish Free State. 8- 8- 27. Japan. 24- 1- 28. Netherlands. 7-11- 27. Norway. 28- 7- 27. Poland. 9- 5- 32. Siam. 15- 3- 27. Sweden. 13- 7- 27. Switzerland. 11- 5- 33. Yugoslavia. 17- 8- 32.	Australia. 2- 3- 27. Austria <sup>(1)</sup> . 1927. Brazil. 4- 3- 32. Bulgaria. 18- 3- 32. Canada. 20- 2- 28. China. 1927. Cuba. 1927. Denmark. 8-10- 26. Italy. 1929. Lithuania. Luxemburg. New Zealand. 5-12- 27. Rumania. 27- 2- 29. South Africa. 31- 1- 27. Venezuela. 1927.	Argentina. Belgium. Czechoslovakia. Haiti. Nicaragua. Turkey.	Bolivia. Chile. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Latvia. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Spain. Uruguay.
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<sup>(1)</sup> Proposal lapsed.

# TENTH SESSION (GENEVA, 25 May-16 June 1927).

## Recommendation.

### 29. Sickness Insurance.

\* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
<b>Albania.</b> 13- 1- 32. <b>Czechoslovakia.</b> 13- 7- 29. <b>Estonia.</b> 10- 2- 32. <b>Finland.</b> 23- 3- 32. <b>* France.</b> 26- 3- 34. <b>Great Britain.</b> 18- 2- 31. <b>India.</b> 16- 7- 28. <b>Irish Free State.</b> 18- 5- 28. <b>Japan.</b> 26- 11- 28. <b>Norway.</b> 16- 3- 28. <b>Poland.</b> 8- 6- 29. <b>Rumania.</b> 29- 5- 29. <b>Siam.</b> 28- 4- 28. <b>Sweden.</b> 28- 6- 28. <b>Switzerland.</b> 11- 5- 33. <b>Yugoslavia.</b> 17- 8- 32.	<b>Australia.</b> 5- 12- 27. <b>Austria (¹).</b> 1928. <b>Brazil.</b> 4- 3- 32. <b>Canada.</b> 14- 4- 31. <b>Cuba.</b> 19- 12- 27. <b>Denmark.</b> 12- 11- 27. <b>Germany.</b> 1927. <b>Hungary.</b> 24- 10- 33. <b>Lithuania.</b> 1928. <b>Luxemburg.</b> <b>Netherlands.</b> 29- 6- 28. <b>New Zealand.</b> 5- 12- 27. <b>South Africa.</b> 1927.	<b>Argentina.</b> <b>Belgium.</b> <b>Colombia.</b> <b>Haiti.</b> <b>Italy.</b> <b>Nicaragua.</b> <b>Salvador.</b> <b>Turkey.</b> <b>Venezuela.</b>	<b>Bolivia.</b> <b>Bulgaria.</b> <b>Chile.</b> <b>China.</b> <b>Dominican Republic.</b> <b>Ethiopia.</b> <b>Greece.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Latvia.</b> <b>Liberia.</b> <b>Mexico.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Spain.</b> <b>Uruguay.</b>

# ELEVENTH SESSION (GENEVA, 30 May-16 June 1928).

## Recommendation.

### 30. Minimum Wage-Fixing Machinery.

\* = Information received since last Report.

<b>Albania.</b> 13- 1- 32. <b>Australia.</b> 15- 11- 29. <b>Estonia.</b> 10- 2- 32. <b>Finland.</b> 23- 3- 32. <b>France.</b> 19- 10- 32. <b>Germany.</b> 10- 6- 29. <b>Great Britain.</b> 12- 6- 29. <b>Hungary.</b> 6- 6- 32. <b>India.</b> 26- 11- 29. <b>Irish Free State.</b> 23- 4- 29. <b>Japan.</b> 21- 12- 29. <b>Lithuania.</b> 26- 1- 29. <b>Netherlands.</b> 14- 1- 30. <b>Siam.</b> 17- 6- 29. <b>Sweden.</b> 13- 12- 29. <b>Switzerland.</b> 11- 5- 33.	<b>Austria (¹).</b> June 1929. <b>Brazil.</b> 4- 3- 32. <b>Bulgaria.</b> 18- 3- 32. <b>Canada.</b> 14- 4- 31. <b>Cuba.</b> 20- 10- 29. <b>Czechoslovakia.</b> 28- 11- 29. <b>Denmark.</b> 18- 11- 28. <b>Italy.</b> 1929. <b>Luxemburg.</b> 12- 12- 29. <b>New Zealand.</b> 11- 11- 29. <b>Norway.</b> 1929. <b>Rumania.</b> 27- 2- 29. <b>South Africa.</b> 28- 1- 29. <b>Yugoslavia.</b> 22- 12- 29.	<b>Belgium.</b> <b>Colombia.</b> <b>Haiti.</b> <b>Latvia.</b> <b>Nicaragua.</b> <b>Poland.</b> <b>Turkey.</b> <b>Venezuela.</b>	<b>Argentina.</b> <b>Bolivia.</b> <b>Chile.</b> <b>China.</b> <b>Dominican Republic.</b> <b>Ethiopia.</b> <b>Greece.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Liberia.</b> <b>Mexico.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b> <b>Spain.</b> <b>Uruguay.</b>
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(¹) Proposal lapsed.

## TWELFTH SESSION (GENEVA, 30 May-21 June 1929).

## Recommendations.

## 31. Prevention of Industrial Accidents.

\* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
Albania. 13- 1- 32. Australia <sup>(1)</sup> . 11- 8- 33. Belgium. 16- 6- 30. Colombia. 25- 11- 29. Estonia. 10- 2- 32. Finland. 23- 3- 32. France. 1- 4- 33. Guatemala. 22- 12- 30. Hungary. 6- 6- 32. India. 5- 12- 30 ; 11- 11- 31. Irish Free State. 16- 1- 31. Japan. 19- 1- 31. Netherlands. 1- 11- 30. Poland. 24- 12- 30 ; 5- 1- 31. Sweden. 18- 3- 32. Switzerland. 11- 5- 33. Uruguay. 15- 3- 30.	Austria <sup>(2)</sup> . 1930. Brazil. 4- 3- 32. Canada. 14- 4- 31. Cuba. 15- 4- 30. Czechoslovakia. 13- 11- 30. Denmark. 12- 2- 30. Great Britain. 1929. Italy. 1- 4- 31. Lithuania. 1929. New Zealand. 16- 7- 30. Norway. 31- 1- 30. Siam. 1931. South Africa. 29- 10- 29. Yugoslavia. 3- 1- 31.	Germany. Haiti. Latvia. Luxemburg. Nicaragua. * Rumania. Turkey. Venezuela.	Argentina. Bolivia. Bulgaria. Chile. China. Dominican Republic. Ethiopia. Greece. Honduras. Iran. Iraq. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Spain.

## 32. Power-Driven Machinery.

Albania. 13- 1- 32. Australia <sup>(3)</sup> . 11- 8- 33. Colombia. 25- 11- 29. Estonia. 10- 2- 32. Finland. 23- 3- 32. France. 1- 4- 33. Guatemala. 22- 12- 30. Hungary. 6- 6- 32. India. 5- 12- 30. Irish Free State. 16- 1- 31. Japan. 19- 1- 31. Netherlands. 1- 11- 30. Poland. 9- 5- 32. Sweden. 18- 3- 32. Switzerland. 11- 5- 33. Uruguay. 15- 3- 30.	Austria <sup>(2)</sup> . 1930. Brazil. 4- 3- 32. Canada. 14- 4- 31. Cuba. 15- 4- 30. Czechoslovakia. 13- 11- 30. Denmark. 12- 2- 30. Great Britain. 1929. Italy. 1- 4- 31. Lithuania. 1929. New Zealand. 16- 7- 30. Norway. 31- 1- 30. Siam. 1931. South Africa. 29- 10- 29. Yugoslavia. 3- 1- 31.	Germany. Haiti. Latvia. Luxemburg. Nicaragua. * Rumania. Turkey. Venezuela.	Argentina. Belgium. Bolivia. Bulgaria. Chile. China. Dominican Republic. Ethiopia. Greece. Honduras. Iran. Iraq. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Spain.
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<sup>(1)</sup> The Minister for External Affairs of the Commonwealth of Australia communicated to the Secretary-General of the League of Nations information supplied by New South Wales and Western Australia on the subject of measures giving effect to the Recommendation, which falls within the competence of the States.

<sup>(2)</sup> Proposal lapsed.

<sup>(3)</sup> The Minister for External Affairs of the Commonwealth of Australia communicated to the Secretary-General of the League of Nations information supplied by New South Wales, Tasmania and Western Australia on the subject of measures giving effect to the Recommendation, which falls within the competence of the States.

TWELFTH SESSION (GENEVA, 30 May-21 June 1929) (contd.).

Recommendations.

**33. Protection against Accidents (Dockers) Reciprocity.**

\* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
<b>Albania.</b> 13- 1- 32. <b>Belgium.</b> 16- 6- 30. <b>Colombia.</b> 25- 11- 29. <b>Estonia.</b> 10- 2- 32. <b>Finland.</b> 23- 3- 32. <b>France.</b> 1- 4- 33. <b>Guatemala.</b> 22- 12- 30. <b>Hungary.</b> 6- 6- 32. <b>India.</b> 5- 12- 30. <b>Irish Free State.</b> 16- 1- 31. <b>Japan.</b> 19- 1- 31. <b>Netherlands.</b> 1- 11- 30. <b>Sweden.</b> 18- 3- 32. <b>Switzerland.</b> 11- 5- 33. <b>Uruguay.</b> 15- 3- 30.	<b>Australia.</b> 21- 3- 30. <b>Austria (¹).</b> 1930. <b>Brazil.</b> 4- 3- 32. <b>Canada.</b> 14- 4- 31. <b>Cuba.</b> 15- 4- 30. <b>Czechoslovakia.</b> 13- 11- 30. <b>Denmark.</b> 12- 2- 30. <b>Great Britain.</b> 1929. <b>Italy.</b> 1- 4- 31. <b>Lithuania.</b> 1929. <b>Luxemburg.</b> <b>New Zealand.</b> 16- 7- 30. <b>Norway.</b> 31- 1- 30. <b>Siam.</b> 1931. <b>South Africa.</b> 6- 12- 29. <b>Yugoslavia.</b> 3- 1- 31.	<b>Germany.</b> <b>Haiti.</b> <b>Latvia.</b> <b>Nicaragua.</b> <b>Poland.</b> <b>* Rumania.</b> <b>Turkey.</b> <b>Venezuela.</b>	<b>Argentina.</b> <b>Bolivia.</b> <b>Bulgaria.</b> <b>Chile.</b> <b>China.</b> <b>Dominican Republic.</b> <b>Ethiopia.</b> <b>Greece.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Liberia.</b> <b>Mexico.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b> <b>Spain.</b>

**34. Protection against Accidents (Dockers) Consultation of Organisations.**

<b>Albania.</b> 13- 1- 32. <b>Australia (²).</b> 11- 8- 33. <b>Belgium.</b> 16- 6- 30. <b>Colombia.</b> 25- 11- 29. <b>Estonia.</b> 10- 2- 32. <b>Finland.</b> 23- 3- 32. <b>France.</b> 1- 4- 33. <b>Guatemala.</b> 22- 12- 30. <b>Hungary.</b> 6- 6- 32. <b>India.</b> 5- 12- 30. <b>Irish Free State.</b> 16- 1- 31. <b>Japan.</b> 19- 1- 31. <b>Netherlands.</b> 1- 11- 30. <b>Sweden.</b> 18- 3- 32. <b>Switzerland.</b> 11- 5- 33. <b>Uruguay.</b> 15- 3- 30.	<b>Austria (¹).</b> 1930. <b>Brazil.</b> 4- 3- 32. <b>Canada.</b> 14- 4- 31. <b>Cuba.</b> 15- 4- 30. <b>Czechoslovakia.</b> 13- 11- 30. <b>Denmark.</b> 12- 2- 30. <b>Great Britain.</b> 1929. <b>Italy.</b> 1- 4- 31. <b>Lithuania.</b> 1929. <b>Luxemburg.</b> <b>New Zealand.</b> 16- 7- 30. <b>Norway.</b> 31- 1- 30. <b>Siam.</b> 1931. <b>South Africa.</b> 6- 12- 29. <b>Yugoslavia.</b> 3- 1- 31.	<b>Germany.</b> <b>Haiti.</b> <b>Latvia.</b> <b>Nicaragua.</b> <b>Poland.</b> <b>* Rumania.</b> <b>Turkey.</b> <b>Venezuela.</b>	<b>Argentina.</b> <b>Bolivia.</b> <b>Bulgaria.</b> <b>Chile.</b> <b>China.</b> <b>Dominican Republic.</b> <b>Ethiopia.</b> <b>Greece.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Liberia.</b> <b>Mexico.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b> <b>Spain.</b>
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(¹) Proposal lapsed.

(²) The Minister for External Affairs of the Commonwealth of Australia communicated to the Secretary-General of the League of Nations information supplied by New South Wales on the subject of measures giving effect to the Recommendation, which, falls within the competence of the States.

## FOURTEENTH SESSION (GENEVA, 10-28 June 1930).

## Recommendations.

**35. Forced Labour (Indirect Compulsion).**

\* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
Albania. 13- 1- 32. Australia. 27- 11- 31. Bulgaria. 20- 9- 32. Estonia. 10- 2- 32. Finland. 23- 3- 32. France. 11- 2- 33. Great Britain. 1- 6- 31. India. 15- 2- 32. Irish Free State. 12- 1- 31. Japan. 29- 1- 32. Lithuania. 12- 9- 30. Netherlands. 14- 3- 32. Siam. 27- 11- 31. Sweden. 9- 6- 31. Switzerland. 11- 5- 33. Uruguay. 11- 3- 31.	Austria. 1931. Brazil. 4- 3- 32. Canada. 14- 4- 31. Cuba. 23- 2- 31. Denmark. 30- 1- 31. Germany. 27- 12- 31. Hungary. 1932. Italy. 1- 4- 31. New Zealand. 22- 7- 31. Norway. 13- 2- 31. South Africa. 14- 4- 31. Yugoslavia. 23- 12- 31.	Latvia. Nicaragua. Poland. Rumania. Turkey.	Argentina. Belgium. Bolivia. Chile. China. Colombia. Czechoslovakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxemburg. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Spain. Venezuela.

**36. Forced Labour (Regulation).**

Albania. 13- 1- 32. Australia. 27- 11- 31. Bulgaria. 20- 9- 32. Estonia. 10- 2- 32. Finland. 23- 3- 32. France. 11- 2- 33. Great Britain. 1- 6- 31. India. 15- 2- 32. Irish Free State. 12- 1- 31. Japan. 29- 1- 32. Lithuania. 12- 9- 30. Netherlands. 14- 3- 32. Siam. 27- 11- 31. Sweden. 9- 6- 31. Switzerland. 11- 5- 33. Uruguay. 11- 3- 31.	Austria. 1931. Brazil. 4- 3- 32. Canada. 14- 4- 31. Cuba. 23- 2- 31. Denmark. 30- 1- 31. Germany. 27- 12- 31. Hungary. 1932. Italy. 1- 4- 31. New Zealand. 22- 7- 31. Norway. 13- 2- 31. South Africa. 14- 4- 31. Yugoslavia. 23- 12- 31.	Latvia. Nicaragua. Poland. Rumania. Turkey.	Argentina. Belgium. Bolivia. Chile. China. Colombia. Czechoslovakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxemburg. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Spain. Venezuela.
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FOURTEENTH SESSION (GENEVA, 10-28 June 1930) (*contd.*).

Recommendations.

37. Hours of Work (Hotels, etc.).

\* = Information received since last Report.

(a)	(b)	(c)	(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	States which have supplied other official information.	States which have supplied no official information.
Albania. 13- 1- 32. Australia (¹). 11- 8- 33. Austria. 26- 3- 32. Belgium. 28- 1- 32. Bulgaria. 20- 9- 32. Estonia. 10- 2- 32. France. 19-10- 32. Great Britain. 13- 7- 31. India. 7- 5- 31; 10-11- 31. Irish Free State. 12- 1- 31. Japan. 29- 1- 32. Lithuania. 12- 9- 30. Netherlands. 14- 3- 32. Siam. 27-11- 31. Sweden. 9- 6- 31. Switzerland. 11- 5- 33. Uruguay. 11- 3- 31.	Brazil. 4- 3- 32. Canada. 14- 4- 31. Cuba. 23- 2- 31. Denmark. 30- 1- 31. * Finland. April 1934. Germany. 27-12- 31. Hungary. 1932. Italy. 1- 4- 31. New Zealand. 22- 7- 31. Norway. 13- 2- 31. South Africa. 2-10- 30. Yugoslavia. 23-12- 31.	Latvia. Nicaragua. Poland. Rumania. Turkey.	Argentina. Bolivia. Chile. China. Colombia. Czechoslovakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxemburg. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Spain. Venezuela.

38. Hours of Work (Theatres, etc.).

Albania. 13- 1- 32. Australia (¹). 11- 8- 33. Austria. 26- 3- 32. Belgium. 18- 2- 32. Bulgaria. 20- 9- 32. Estonia. 10- 2- 32. France. 19-10- 32. Great Britain. 13- 7- 31. India. 7- 5- 31; 10-11- 31. Irish Free State. 12- 1- 31. Japan. 29- 1- 32. Lithuania. 12- 9- 30. Netherlands. 14- 3- 32. Siam. 27-11- 31. Sweden. 9- 6- 31. Switzerland. 11- 5- 33. Uruguay. 11- 3- 31.	Brazil. 4- 3- 32. Canada. 14- 4- 31. Cuba. 23- 2- 31. Denmark. 30- 1- 31. * Finland. April 1934. Germany. 27-12- 31. Hungary. 1932. Italy. 1- 4- 31. New Zealand. 22- 7- 31. Norway. 13- 2- 31. South Africa. 2-10- 30. Yugoslavia. 23-12- 31.	Latvia. Nicaragua. Poland. Rumania. Turkey.	Argentina. Bolivia. Chile. China. Colombia. Czechoslovakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxemburg. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Spain. Venezuela.
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(¹) The Minister for External Affairs of the Commonwealth of Australia communicated to the Secretary-General of the League of Nations information supplied by the States of the Commonwealth on the subject of measures giving effect to the Recommendation, which falls within the competence of the States: Queensland; South Australia; Tasmania; Victoria; Western Australia.



## FOURTEENTH SESSION (GENEVA, 10-28 June 1930). (contd.).

## Recommendations.

## 39. Hours of Work (Hospitals, etc.).

\* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
Albania. 13- 1- 32. Australia (1). 11- 8- 33. Austria. 26- 3- 32. Bulgaria. 20- 9- 32. Estonia. 10- 2- 32. France. 19- 10- 32. Great Britain. 13- 7- 31. India. 7- 5- 31; 10- 11- 31. Irish Free State. 12- 1- 31. Japan. 29- 1- 32. Lithuania. 12- 9- 30. Netherlands. 14- 3- 32. Siam. 27- 11- 31. Sweden. 9- 6- 31. Switzerland. 11- 5- 33. Uruguay. 11- 3- 31.	Brazil. 4- 3- 32. Canada. 14- 4- 31. Cuba. 23- 2- 31. Denmark. 30- 1- 31. * Finland. April 1934. Germany. 27- 12- 31. Hungary. 1932. Italy. 1- 4- 31. New Zealand. 22- 7- 31. Norway. 13- 2- 31. South Africa. 2- 10- 30. Yugoslavia. 23- 12- 31.	Latvia. Nicaragua. Poland. Rumania. Turkey.	Argentina. Belgium. Bolivia. Chile. China. Colombia. Czechoslovakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxemburg. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Spain. Venezuela.

## SIXTEENTH SESSION (GENEVA, 12-30 April 1932).

## Recommendations.

## 40. Protection against Accidents (Dockers) Reciprocity.

\* = Information received since last Report.

Australia (2). 15- 12- 33. Belgium. 11- 2- 33. * Great Britain. 8- 1- 35. Irish Free State. 31- 10- 32. Japan. 25- 11- 33. Lithuania. 9- 11- 32. New Zealand. 31- 10- 32. Sweden. 4- 5- 33.	Albania. 1932. Brazil. 17- 6- 32. Canada. 12- 5- 33. China. 1933. Denmark. 8- 10- 32. Estonia. 26- 10- 33. * Finland. April 1934. * France. 8- 3- 34. Hungary. 1933. Italy. 4- 6- 32. Netherlands. 14- 10- 33. Siam. 1933. South Africa. 7- 12- 32. Switzerland. 25- 4- 33. Yugoslavia. 16- 1- 34.	* Chile. Colombia. Guatemala. Latvia. Luxemburg. Mexico. Panama. Poland. * Rumania. Turkey. Uruguay.	Argentina. Austria. Bolivia. Bulgaria. Cuba. Czechoslovakia. Dominican Republic. Ethiopia. Germany. Greece. Haiti. Honduras. India. Iran. Iraq. Liberia. Nicaragua. Norway. Paraguay. Peru. Portugal. Salvador. Spain. Venezuela.
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(1) See note (1) on preceding page.

(2) The Minister for External Affairs of the Commonwealth of Australia communicated to the Secretary-General of the League of Nations information supplied by Victoria on the subject of measures giving effect to the Recommendation.

# SIXTEENTH SESSION (GENEVA, 12-30 April 1932) (contd).

## Recommendations.

### 41. Minimum Age (Non-Industrial Employment).

\* = Information received since last Report.

(a)	(b)	(c)	(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	States which have supplied other official information.	States which have supplied no official information.
<b>Australia</b> <sup>(1)</sup> . <b>Belgium.</b> 11- 2- 33. <b>* Great Britain.</b> 8- 1- 35. <b>India.</b> 17- 10- 33. <b>Irish Free State.</b> 31- 10- 32. <b>Japan.</b> 25- 11- 33. <b>Lithuania.</b> 9- 11- 32. <b>Netherlands.</b> 15- 9- 33. <b>New Zealand.</b> 31- 10- 32. <b>Sweden.</b> 4- 5- 33.	<b>Albania.</b> 1932. <b>Brazil.</b> 17- 6- 32. <b>Canada.</b> 12- 5- 33. <b>China.</b> 1933. <b>Denmark.</b> 8- 10- 32. <b>Estonia.</b> 26- 10- 33. <b>* Finland.</b> April 1934. <b>* France.</b> 8- 3- 34. <b>Hungary.</b> 1933. <b>Italy.</b> 1933. <b>Siam.</b> 1933. <b>South Africa.</b> 24- 1- 33. <b>Switzerland.</b> 25- 4- 33. <b>Yugoslavia.</b> 16- 1- 34.	<b>* Austria.</b> <b>Colombia.</b> <b>Guatemala.</b> <b>Latvia.</b> <b>Luxemburg.</b> <b>Mexico.</b> <b>Panama.</b> <b>Poland.</b> <b>* Rumania.</b> <b>Turkey.</b> <b>Uruguay.</b>	<b>Argentina.</b> <b>Bolivia.</b> <b>Bulgaria.</b> <b>Chile.</b> <b>Cuba.</b> <b>Czechoslovakia.</b> <b>Dominican Republic.</b> <b>Ethiopia.</b> <b>Germany.</b> <b>Greece.</b> <b>Haiti.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Liberia.</b> <b>Nicaragua.</b> <b>Norway.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b> <b>Spain.</b> <b>Venezuela.</b>

# SEVENTEENTH SESSION (GENEVA, 8-30 June 1933).

## Recommendations.

### 42. Employment Agencies.

\* = Information received since last Report.

<b>* Australia</b> <sup>(2)</sup> . <b>India.</b> 17- 1- 34. <b>* Irish Free State.</b> 14- 4- 34. <b>* Japan.</b> 25- 1- 35. <b>Lithuania.</b> 13- 9- 33. <b>New Zealand.</b> 27- 10- 33. <b>* Siam.</b> 19- 2- 34. <b>* Sweden.</b> 21- 7- 34.	<b>Albania.</b> Oct. 1933. <b>Brazil.</b> 1934. <b>* Denmark.</b> 5- 4- 34. <b>* Estonia.</b> 13- 10- 34. <b>* Finland.</b> April 1934. <b>* France.</b> 8- 3- 34. <b>* Germany.</b> June 1934. <b>Great Britain.</b> Oct. 1933. <b>Italy.</b> Oct. 1933. <b>* Latvia.</b> 22- 12- 34. <b>* Netherlands.</b> 19- 4- 34. <b>* Norway.</b> 16- 3- 34. <b>* South Africa.</b> 12- 2- 34. <b>* Switzerland.</b> 29- 6- 34.	<b>* Austria.</b> <b>* Canada.</b> <b>* Chile.</b> <b>* China.</b> <b>Colombia.</b> <b>Poland.</b> <b>Rumania.</b> <b>* Spain.</b> <b>* Turkey.</b> <b>* Venezuela.</b> <b>* Yugoslavia.</b>	<b>Argentina.</b> <b>Belgium.</b> <b>Bolivia.</b> <b>Bulgaria.</b> <b>Cuba.</b> <b>Czechoslovakia.</b> <b>Dominican Rep.</b> <b>Ethiopia.</b> <b>Greece.</b> <b>Guatemala.</b> <b>Haiti.</b> <b>Honduras.</b> <b>Hungary.</b> <b>Iran.</b> <b>Iraq.</b> <b>Liberia.</b> <b>Luxemburg.</b> <b>Mexico.</b> <b>Nicaragua.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b> <b>Uruguay.</b>
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<sup>(1)</sup> The Minister for External Affairs of the Commonwealth of Australia communicated to the Secretary-General of the League of Nations information supplied by the States of the Commonwealth on the subject of measures giving effect to the Recommendation, which falls within the competence of the States: New South Wales 21-8-33; Victoria, 15-12-33; Western Australia, 21-8-33.

<sup>(2)</sup> The Minister for External Affairs of the Commonwealth of Australia communicated to the Secretary-General of the League of Nations information supplied by the States of the Commonwealth on the subject of measures giving effect to the Recommendation which falls partially within the competence of the States: New South Wales, Queensland, Tasmania, Victoria, Western Australia: 6-8-34.

SEVENTEENTH SESSION (GENEVA, 8-30 June 1933) (*contd.*).

## Recommendations.

**43. Invalidity, Old-Age, and Survivors' Insurance.**

\* = Information received since last Report.

(a) Communication of action taken to the Secretary General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date	(c) States which have supplied other official information.	(d) States which have supplied no official information.
* Australia <sup>(1)</sup> . India. 18- 1- 34. * Irish Free State. 14- 4- 34. * Japan. 25- 1- 35. Lithuania. 13- 9- 33. New Zealand. 27- 10- 33. * Siam. 19- 2- 34. * Sweden. 21- 7- 34.	Albania. Oct. 1933. Brazil. 1934. * Denmark. 5- 4- 34. * Estonia. 13- 10- 34. * Finland. April 1934. * France. 8- 3- 34. * Germany. June 1934. Great Britain. Oct. 1933. * Hungary. 13- 12- 34. Italy. Oct. 1933. * Latvia. 22- 12- 34. * Netherlands. 19- 4- 34. * Norway. 16- 3- 34. * South Africa. 12- 2- 34. * Switzerland. 29- 6- 34.	* Austria. * Canada. * Chile. * China. Colombia. Poland. Rumania. * Spain. * Turkey. * Venezuela. * Yugoslavia.	Argentina. Belgium. Bolivia. Bulgaria. Cuba. Czechoslovakia. Dominican Rep. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxemburg. Mexico. Nicaragua. Panama. Paraguay. Peru. Portugal. Salvador. Uruguay.

## EIGHTEENTH SESSION (GENEVA, 4-23 June 1934).

## Recommendation.

**44. Unemployment Provision.**

\* = Information received since last Report.

* Australia. 14- 12- 34.	* Great Britain. Oct. 1934. * India. 13- 2- 35. * New Zealand. 5- 11- 34. * South Africa. <sup>(2)</sup> 11- 12- 34. * Sweden. 8- 2- 35.	* China. * Colombia. * Dominican Republic. * Finland. * Poland. * Rumania. * Spain. * Turkey. * Venezuela.	All the other States Members.
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<sup>(1)</sup> The Minister for External Affairs of the Commonwealth of Australia communicated to the Secretary-General of the League of Nations information supplied by the States of the Commonwealth on the subject of measures giving effect to the Recommendation which falls partially within the competence of the States: New South Wales, Queensland, Tasmania, Victoria, Western Australia: 6-8-34.

<sup>(2)</sup> The date given refers to the submission of the Recommendation to the Executive Council and not, as in the case of other Recommendations, to the submission of the Recommendation to Parliament.

## SUMMARY OF RATIFICATIONS

Country	Total number of ratifications	Conventions ratified
Spain .....	32	Hours of Work (Industry); Unemployment; Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Young Persons); Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Placing of Seamen; Minimum Age (Agriculture); Right of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead (Painting); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Accidents); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Night Work (Bakeries); Seamen's Articles of Agreement; Repatriation of Seamen; Sickness Insurance (Industry, etc.); Sickness Insurance (Agriculture); Minimum Wage-Fixing Machinery; Marking of Weight (Packages Transported by Vessels); Protection against Accidents (Dockers) (1929); Forced Labour; Hours of Work (Commerce and Offices); Hours of Work (Coal Mines); Minimum Age (Non-Industrial Employment); Protection against Accidents (Dockers) (Revised 1932).
Nicaragua .....	30	Hours of Work (Industry); Unemployment; Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Young Persons); Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Placing of Seamen; Minimum Age (Agriculture); Right of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead (Painting); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Accidents); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Night Work (Bakeries); Inspection of Emigrants; Seamen's Articles of Agreement; Repatriation of Seamen; Sickness Insurance (Industry, etc.); Sickness Insurance (Agriculture); Minimum Wage-Fixing Machinery; Marking of Weight (Packages Transported by Vessels); Protection against Accidents (Dockers) (1929); Forced Labour; Hours of Work (Commerce and Offices).
Uruguay .....	30	Hours of Work (Industry); Unemployment; Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Young Persons); Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Placing of Seamen; Minimum Age (Agriculture); Right of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead (Painting); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Accidents); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Night Work (Bakeries); Inspection of Emigrants; Seamen's Articles of Agreement; Repatriation of Seamen; Sickness Insurance (Industry, etc.); Sickness Insurance (Agriculture); Minimum Wage-Fixing Machinery; Marking of Weight (Packages Transported by Vessels); Hours of Work (Commerce and Offices); Protection against Accidents (Dockers) (Revised 1932); Minimum Age (Non-Industrial Employment).
Bulgaria .....	27	Hours of Work (Industry); Unemployment; Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Young Persons); Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Placing of Seamen; Minimum Age (Agriculture); Right of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead (Painting); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Accidents); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Night Work (Bakeries); Inspection of Emigrants; Seamen's Articles of Agreement; Repatriation of Seamen; Sickness Insurance (Industry, etc.); Sickness Insurance (Agriculture); Hours of Work (Commerce and Offices); Forced Labour.
Luxemburg .....	27	Hours of Work (Industry); Unemployment; Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Young Persons); Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Placing of Seamen; Minimum Age (Agriculture); Right of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead (Painting); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Accidents); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Night Work (Bakeries); Inspection of Emigrants; Seamen's Articles of Agreement; Repatriation of Seamen; Sickness Insurance (Industry, etc.); Sickness Insurance (Agriculture); Marking of Weight (Packages Transported by Vessels); Protection against Accidents (Dockers) (1929).

Country	Total number of ratifications	Conventions ratified
Colombia .....	24	Hours of Work (Industry); Unemployment; Childbirth; Night Work (Women); Minimum Age (Industry); Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Placing of Seamen; Right of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead (Painting); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Accidents); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Night Work (Bakeries); Inspection of Emigrants; Seamen's Articles of Agreement; Repatriation of Seamen; Sickness Insurance (Industry, etc.); Sickness Insurance (Agriculture); Minimum Wage-Fixing Machinery.
Belgium .....	23	Hours of Work (Industry); Unemployment; Night Work (Women); Minimum Age (Industry); Night Work (Young Persons); Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Placing of Seamen; Minimum Age (Agriculture); Right of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead (Painting); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Accidents); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Inspection of Emigrants; Seamen's Articles of Agreement; Repatriation of Seamen; Marking of Weight (Packages Transported by Vessels); Minimum Age (Non-Industrial Employment).
Irish Free State ...	21	Unemployment; Night Work (Women); Minimum Age (Industry); Night Work (Young Persons); Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Minimum Age (Agriculture); Right of Association (Agriculture); Workmen's Compensation (Agriculture); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Inspection of Emigrants; Seamen's Articles of Agreement; Repatriation of Seamen; Minimum Wage-Fixing Machinery; Marking of Weight (Packages Transported by Vessels); Protection against Accidents (Dockers) (1929); Forced Labour.
Italy .....	21	Hours of Work (Industry) <sup>1</sup> ; Unemployment; Night Work (Women); Night Work (Young Persons); Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Placing of Seamen; Minimum Age (Agriculture); Right of Association (Agriculture); Workmen's Compensation (Agriculture); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Seamen's Articles of Agreement; Repatriation of Seamen; Minimum Wage-Fixing Machinery; Marking of Weight (Packages Transported by Vessels); Forced Labour; Protection against Accidents (Dockers) (Revised) (1932).
Yugoslavia .....	21	Unemployment; Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Young Persons); Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Placing of Seamen; Right of Association (Agriculture); White Lead (Painting); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Accidents); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Seamen's Articles of Agreement; Repatriation of Seamen; Sickness Insurance (Industry, etc.); Forced Labour; Marking of Weight (Packages Transported by Vessels).
Chile .....	19	Hours of Work (Industry); Unemployment; Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Young Persons); Right of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead (Painting); Weekly Rest (Industry); Workmen's Compensation (Accidents); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Night Work (Bakeries); Sickness Insurance (Industry, etc.); Sickness Insurance (Agriculture); Minimum Wage-Fixing Machinery; Marking of Weight (Packages Transported by Vessels); Forced Labour.
Estonia .....	19	Unemployment; Night Work (Women); Minimum Age (Industry); Night Work (Young Persons); Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Placing of Seamen; Minimum Age (Agriculture); Right of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead (Painting); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Equality of Treatment (Accident Compensation); Night Work (Bakeries); Seamen's Articles of Agreement; Repatriation of Seamen; Marking of Weight (Packages Transported by Vessels).
Great Britain .....	19	Unemployment; Night Work (Women); Minimum Age (Industry); Night Work (Young Persons); Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Right of Association (Agriculture); Workmen's Compensation (Agriculture); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Inspection of Emigrants <sup>1</sup> ; Seamen's Articles of Agreement; Sickness Insurance (Industry, etc.); Sickness Insurance (Agriculture); Minimum Wage-Fixing Machinery; Forced Labour; Protection against Accidents (Dockers) (Revised 1932).

<sup>1</sup> Conditional ratification.

Country	Total number of ratifications	Conventions ratified
France .....	18	Hours of Work (Industry) <sup>1</sup> ; Unemployment; Night Work (Women); Night Work (Young Persons); Unemployment Indemnity (Shipwreck); Placing of Seamen; Right of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead (Painting); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Inspection of Emigrants <sup>1</sup> ; Seamen's Articles of Agreement; Repatriation of Seamen; Minimum Wage-Fixing Machinery.
Cuba .....	17	Hours of Work (Industry); Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Young Persons); Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Placing of Seamen; White Lead (Painting); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Accidents); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Night Work (Bakeries); Seamen's Articles of Agreement; Repatriation of Seamen.
Germany .....	17	Unemployment; Childbirth; Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Placing of Seamen; Right of Association (Agriculture); Workmen's Compensation (Agriculture); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Seamen's Articles of Agreement; Repatriation of Seamen; Sickness Insurance (Industry, etc.); Sickness Insurance (Agriculture); Minimum Wage-Fixing Machinery; Marking of Weight (Packages Transported by Vessels).
Latvia .....	17	Hours of Work (Industry) <sup>1</sup> ; Childbirth; Minimum Age (Industry); Night Work (Young Persons); Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Placing of Seamen; Right of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead (Painting); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Accidents); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Sickness Insurance (Industry, etc.).
Poland .....	17	Unemployment; Minimum Age (Industry); Night Work (Young Persons); Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Placing of Seamen; Minimum Age (Agriculture); Right of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead (Painting); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Equality of Treatment (Accident Compensation); Seamen's Articles of Agreement; Repatriation of Seamen; Marking of Weight (Packages Transported by Vessels).
Rumania .....	17	Hours of Work (Industry); Unemployment; Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Young Persons); Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Placing of Seamen; Minimum Age (Agriculture); Right of Association (Agriculture); White Lead (Painting); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Sickness Insurance (Industry, etc.); Marking of Weight (Packages Transported by Vessels).
Sweden .....	17	Unemployment; Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Placing of Seamen; Minimum Age (Agriculture); Right of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead (Painting); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Accidents); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Inspection of Emigrants <sup>1</sup> ; Marking of Weight (Packages transported by Vessels); Forced Labour.
Hungary .....	15	Unemployment; Childbirth; Night Work (Women); Night Work (Young Persons); Minimum Age (Sea); Minimum Age (Agriculture); White Lead (Painting) <sup>1</sup> ; Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Accidents); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Inspection of Emigrants; Sickness Insurance (Industry, etc.); Minimum Wage-Fixing Machinery.
Netherlands .....	15	Unemployment; Night Work (Women); Minimum Age (Industry); Night Work (Young Persons); Minimum Age (Sea); Right of Association (Agriculture); Workmen's Compensation (Agriculture); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Accidents); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Inspection of Emigrants; Marking of Weight (Packages Transported by Vessels); Forced Labour.

<sup>1</sup> Conditional ratification.

Country	Total number of ratifications	Conventions ratified
Austria .....	13	Hours of Work (Industry) <sup>1</sup> ; Unemployment; Night Work (Women); Night Work (Young Persons); Minimum Age (Agriculture); Right of Association (Agriculture); White Lead (Painting); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Inspection of Emigrants; Sickness Insurance (Industry, etc.); Sickness Insurance (Agriculture); Hours of Work (Commerce and Offices) <sup>1</sup> .
Czechoslovakia ....	13	Hours of Work (Industry); Night Work (Women); Minimum Age (Industry); Minimum Age (Agriculture); Right of Association (Agriculture); White Lead (Painting); Weekly Rest (Industry); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Inspection of Emigrants; Marking of Weight (Packages Transported by Vessels); Sickness Insurance (Industry, etc.); Sickness Insurance (Agriculture).
Finland .....	13	Unemployment; Minimum Age (Sea); Placing of Seamen; Right of Association (Agriculture); White Lead (Painting); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Night Work (Bakeries); Inspection of Emigrants; Marking of Weight (Packages Transported by Vessels).
Greece .....	13	Hours of Work (Industry); Unemployment; Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Young Persons); Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Placing of Seamen; White Lead (Painting); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea).
India .....	13	Hours of Work (Industry); Unemployment; Night Work (Women); Night Work (Young Persons); Right of Association (Agriculture); Weekly Rest (Industry); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Inspection of Emigrants; Seamen's Articles of Agreement; Marking of Weight (Packages Transported by Vessels).
Japan .....	12	Unemployment; Minimum Age (Industry); Minimum Age (Sea); Placing of Seamen; Minimum Age (Agriculture); Minimum Age (Trimmers and Stokers); Medical Examination of Young Persons (Sea); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Inspection of Emigrants; Marking of Weight (Packages Transported by Vessels); Forced Labour.
Denmark .....	11	Unemployment; Minimum Age (Industry); Night Work (Young Persons); Minimum Age (Sea); Right of Association (Agriculture); Workmen's Compensation (Agriculture); Minimum Age (Trimmers and Stokers); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Marking of Weight (Packages Transported by Vessels) <sup>1</sup> ; Forced Labour.
Norway .....	11	Unemployment; Minimum Age (Sea); Placing of Seamen; Right of Association (Agriculture); White Lead (Painting); Minimum Age (Trimmers and Stokers); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Minimum Wage-Fixing Machinery; Marking of Weight (Packages Transported by Vessels); Forced Labour.
Argentina .....	9	Hours of Work (Industry); Unemployment; Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Young Persons); Minimum Age (Sea); Unemployment Indemnity (Shipwreck); Placing of Seamen.
Mexico .....	9	Workmen's Compensation (Accidents); Equality of Treatment (Accident Compensation); Seamen's Articles of Agreement; Repatriation of Seamen; Minimum Wage-Fixing Machinery; Marking of Weight (Packages Transported by Vessels); Forced Labour; Hours of Work (Commerce and Offices); Protection against Accidents (Dockers) (Revised 1932).
Portugal .....	8	Hours of Work (Industry); Night Work (Women); Night Work (Young Persons); Weekly Rest (Industry); Workmen's Compensation (Accidents); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Marking of Weight (Packages Transported by Vessels).
Switzerland .....	8	Unemployment; Night Work (Women); Minimum Age (Industry); Night Work (Young Persons); Weekly Rest (Industry); Workmen's Compensation (Occupational Diseases); Equality of Treatment (Accident Compensation); Marking of Weight (Packages Transported by Vessels).
Lithuania .....	7	Hours of Work (Industry); Night Work (Women); Night Work (Young Persons); Weekly Rest (Industry); Equality of Treatment (Accident Compensation); Marking of Weight (Packages Transported by Vessels); Sickness Insurance (Industry, etc.).

<sup>1</sup> Conditional ratification.

Country	Total number of ratifications	Conventions ratified
Australia .....	5	Placing of Seamen ; Inspection of Emigrants ; Minimum Wage-Fixing Machinery ; Marking of Weight (Packages Transported by Vessels) ; Forced Labour.
China .....	5	Right of Association (Agriculture) ; Weekly Rest (Industry) ; Equality of Treatment (Accident Compensation) ; Minimum Wage-Fixing Machinery ; Marking of Weight (Packages Transported by Vessels).
South Africa .....	5	Unemployment ; Night Work (Women) ; Equality of Treatment (Accident Compensation) ; Minimum Wage-Fixing Machinery ; Marking of Weight (Packages Transported by Vessels).
Albania .....	4	Night Work (Women) ; Minimum Age (Industry) ; Night Work (Young Persons) ; Inspection of Emigrants.
Brazil .....	4	Childbirth ; Night Work (Women) ; Minimum Age (Industry) ; Night Work (Young Persons).
Canada .....	4	Minimum Age (Sea) ; Unemployment Indemnity (Shipwreck) ; Minimum Age (Trimmers and Stokers) ; Medical Examination of Young Persons (Sea).
Dominican Republic	4	Hours of Work (Industry) ; Minimum Age (Industry) ; Minimum Age (Sea) ; Minimum Age (Agriculture).
Venezuela .....	4	Night Work (Women) ; Night Work (Young Persons) ; White Lead (Painting) ; Marking of Weight (Packages Transported by Vessels).
Liberia .....	1	Forced Labour.

<sup>1</sup> Conditional ratification.



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LEAGUE OF NATIONS

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# INTERNATIONAL LABOUR CONFERENCE

NINETEENTH SESSION

GENEVA, 1935

SUMMARY OF ANNUAL REPORTS  
UNDER ARTICLE 408

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SUPPLEMENT



INTERNATIONAL LABOUR OFFICE

GENEVA, 1935



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## INTRODUCTION.

In past years, annual reports, or sections of such reports, received by the Office too late for inclusion in the "Summary of Annual Reports under Article 408" have been published in the Provisional Record of the Conference. This year, in view of the amount of the material involved, it has been thought preferable to publish it in the present supplement to the "Summary".

The method followed in preparing the supplement is the same as that adopted for the main volume, except that the headings and the passages reproduced from the report forms have been abbreviated.

Supplementary information or explanations supplied by Governments in response to a request by the Committee of Experts on Article 408 will, as usual, be published in the Provisional Record of the Conference.



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## 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.

COUNTRY	Date of registration of ratification	Report received
Argentine Republic.	30.11.1933	25. 3.1935

#### I.

*(Legislation and administrative regulations, etc., which apply the provisions of the Convention.)*

#### *Argentine Republic.*

Act No. 11,544 of 12 September 1929 concerning the eight-hour day (L. S. 1929, Arg. 1).

Decrees of 11 March 1930 and 16 January 1933 issuing regulations under Act No. 11,544 above (L. S. 1930, Arg. 1 and 1933, Arg. 1).

Decree No. 560 of 31 December 1930 to issue regulations concerning the employment of persons engaged in the railway services (L. S. 1930, Arg. 4), amended by Decree No. 822 of 11 February 1931 (L. S. 1931, Arg. 1).

Decree No. 561 of 31 December 1930 to issue regulations concerning the employment of persons engaged in tramway and omnibus undertakings (L. S. 1930, Arg. 3A), amended by Decree No. 17,816 of 3 March 1933.

Decree No. 562 of 31 December 1930 to issue regulations concerning the employment of persons engaged in maritime and inland navigation and dock and harbour services (L. S. 1930, Arg. 3B).

Decree No. 563 of 31 December 1930 to issue regulations concerning the employment of persons engaged in the telephone, telegraph and wireless telegraphy services (L. S. 1930, Arg. 3C).

Decree No. 564 of 31 December 1930 to issue regulations concerning the employment of persons engaged in electricity and gas undertakings (L. S. 1930, Arg. 3D).

Various Decrees issued in 1930 and 1931 by the authorities of the Provinces of Buenos Aires, Entre Rios, Corrientes, San Luis, Santa Fé and Tucuman.

#### II.

*(Detailed indications with regard to the application of each Article of the Convention.)*

#### ARTICLE 1.

*Argentine Republic.* — Under § 1 of Act No. 11,544 the provisions of the Act apply to persons employed on account of another in any public or private undertaking, even if not carried on for profit. The provisions of the Act do not apply to employment in agriculture, stock raising and domestic work. The report adds that no decision has been taken with regard to the line of demarcation between agriculture and stock raising on the one hand and the undertakings covered by the Act on the other, but that in practice the Act applies to all undertakings enumerated in this Article of the Convention. The special Decrees Nos. 560 to 564 regulate hours of work for persons engaged in the railway services, tramway and omnibus undertakings, maritime and inland navigation and dock and harbour services, telephone, telegraph and wireless telegraphy services, and electricity and gas undertakings.

#### ARTICLE 2.

*Argentine Republic.* — § 1 of Act No. 11,544 lays down that the working hours of persons employed in the undertakings enumerated above, under ARTICLE 1, shall not exceed eight in the day or forty-eight in the week. Undertakings in which only members of the family of the head, owner, occupier, manager, director or principal person in charge of the undertaking are employed are exempted from the provisions of the Act. § 3 of the Act also exempts persons holding positions of supervision or management, who are defined in § 11 of the Regulations of 16 January 1933 as being : “ (a) the head, manager, director or principal person in charge of the undertaking ; (b) superior managing or technical employees who replace the persons mentioned in (a) in the direction or management of the undertaking ; the assistant manager ; members of the liberal professions who are employed exclusively in work proper to their profession or who include in their work any duties of management or supervision ; secretarial staff employed for purposes of management or supervision and not merely

in a subordinate capacity; heads of a branch, department or workshop, persons in charge of a shift, heads of the staff of engine rooms or boiler rooms and of groups of workers (*cuadrillas*), and also the assistant heads when replacing them; foremen, time-keepers and inspectors when replacing the holders of the posts and provided that they perform work of management or supervision; (c) collectors and inspectors of collecting work and salesmen who are paid exclusively on commission". All these persons are deemed to be exceptions only in so far as they are employed exclusively in work proper to their post. § 16 of the Regulations of 16 January 1933 lays down that the cases in which the daily hours of work may be prolonged in order to make up hours lost for reasons for which the workers were not responsible shall be fixed by special regulations, provided that there is an express agreement between employers and workers and that, in the opinion of the competent authority, such prolongation is justified, and, further, provided that the normal daily hours of work are not increased in any such case by more than one hour. § 3 (b) of Act No. 11,544 lays down that where persons are employed in shifts, it shall be permissible to employ persons in excess of eight hours in any one day and forty-eight hours in any one week if the average number of hours over a period of three weeks or less does not exceed eight per day or forty-eight per week. The Decrees Nos. 560 to 564 establish the principle of an eight-hour day and a forty-eight-hour week and, on the question of work in shifts, refer to the provisions of § 3 (b) of Act No. 11,544.

#### ARTICLE 3.

*Argentine Republic.* — § 3 (c) of Act No. 11,544 allows an extension of the limits of hours of work fixed by § 1, in case of accident, actual or threatened, or in case of urgent work to be done to the machinery, tools 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 and provided that the work in question cannot be carried out during the normal working day; each such case shall be reported without delay to the authorities responsible for supervising the observance of this Act.

#### ARTICLE 4.

*Argentine Republic.* — The report states that no provision of this kind exists in the Act, as it has not been found necessary.

#### ARTICLE 5.

*Argentine Republic.* — Act No. 11,544 does not contain any provision of this kind, but the special Regulations issued

under Decrees Nos. 560 to 564, after consultation with the employers' and workers' organisations concerned, allow the limit of eight hours a day to be exceeded in certain cases, provided that, over a given period, the weekly average of forty-eight hours is observed.

#### ARTICLE 6.

*Argentine Republic.* — § 4 of Act No. 11,544 lays down that regulations may be issued by the Executive to fix for each industry, branch of commerce or occupation and for each region: (a) the permanent exceptions that may be allowed in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of an establishment, or for certain classes of workers whose work is essentially intermittent; (b) the temporary exceptions that may be allowed, so that establishments may deal with exceptional cases of pressure of work. In granting permits for such exceptions, account shall be taken of the extent of unemployment at the time. § 5 lays down that all these regulations and permits for exceptions shall be issued after consultation with the organisations of employers and workers concerned, and shall fix the maximum amount of overtime to be authorised in each instance. The normal rate of pay shall be increased by not less than 50 per cent. in the case of overtime and 100 per cent. if work is carried out on holidays.

#### ARTICLE 8.

*Argentine Republic.* — § 6 of Act No. 11,544 lays down that in order to facilitate the administration of the Act, every employer shall be required: (a) to notify by means of the posting up of notices in conspicuous places in the works or other suitable place the hours at which work begins and ends, or whether work is carried on by shifts. The hours at which the work of each shift begins and ends shall be so fixed that the duration of the work shall not exceed the limits laid down in the Act, and when so notified they shall be applied in that form, and shall not be changed except with such fresh notice as may be specified by the Executive; (b) to notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours; (c) to enter in a register all overtime worked in pursuance of §§ 3, 4 and 5 of the Act.

#### ARTICLE 14.

*Argentine Republic.* — § 7 of Act No. 11,544 lays down that the provisions of the Act may be suspended either wholly or in part by a Decree of the National Executive in the event of war or other emergency endangering public safety. The



## 1. Hours of work (Industry).

report adds that the powers referred to in this section of the Act have not been exercised.

### III.

*(List and information to be communicated to the International Labour Office in accordance with Article 7 of the Convention.)*

*Argentine Republic.* — The report gives the following information :

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

Argentine law contains no provisions corresponding to Article 4 of the Convention, since there is no category of processes classified as having to be carried on continuously.

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

See above, under ARTICLE 5.

*(c) Regulations made under Article 6.*

The regulations mentioned in Article 6 of the Convention are issued by the Executive at the suggestion of the authorities responsible for supervising the application of the legislation. These authorities must first consult the representative organisations of employers and workers in the industry or branch in question. The regulations issued up to 30 September 1934 are the following : for persons engaged in gas and electricity services (31 December 1930) ; for persons engaged in the railway services (31 December 1930) ; for persons engaged in maritime and inland navigation and dock and harbour services (31 December 1930) ; for persons engaged in telephone, telegraph and wireless telegraphy services (31 December 1930) ; for persons engaged in tramway and omnibus services (31 December 1930 and 3 March 1933). All these regulations fix the normal hours of work at eight in the day and forty-eight in the week. They prescribe the way in which the working day is to be calculated for the different categories of staff, under what conditions overtime may be worked and the rates at which it is to be paid, in accordance with § 5 of the Act

### IV.

*(Application of the Convention to colonies, etc.)*

### V.

*(Authorities entrusted with the application and methods of enforcement, etc.)*

*Argentine Republic.* — The report states that Act No. 11,544 is part of the national law and is expressly incorporated in the Civil Code in accordance with Article 67, paragraph 11 of the Constitution. Its enforcement, however, is in the hands of the authorities in each of the fourteen Provinces. In the Capital and in the National Territories the legislation is enforced by the National Government acting through the National Department of Labour and its local officials.

### VI.

*(Judicial decisions, etc.)*

### VII.

*(General appreciation of the manner in which the Convention is applied, etc.)*  
*(Observations of employers' and workers' organisations.)*

*Argentine Republic.* — During the period covered by the report no special overtime has been authorised by the national authorities except in the cases specified in § 15 of the Decree of 16 January 1933, which refers to the preparation of balance sheets and inventories. No observations of general interest with regard to the application of the law have been received by the authorities.

*Czechoslovakia.* — By letter dated 7 May 1935<sup>1</sup> the Government informed the Office that the information supplied by the factory inspectors with regard to the application of the legislation giving effect to the Convention is to be found in the "Annual Report of the Factory Inspectorate for the year 1933", pp. 51-56. This information may be summarised as follows : As a consequence of the economic depression, the full utilisation during the whole year of the statutory forty-eight hours was more or less exceptional. On 7 July 1933 the Government decided to make the observance of the forty-hour week, especially for unskilled workers, a condition for contracts being given for building work undertaken or subsidised by the State. By his circular No. G 3110-16/8, the Minister of Social Welfare instructed the factory inspectors to ensure the strict application of this decision. It was chiefly in the small workshops that the factory inspectors had to intervene in connection with the non-observance of the forty-eight hour week. In continuous process undertakings the inspectors had to take steps against the system of two twelve hour shifts adopted in place of three eight hour shifts. In some cases the two shift system involved the employment of three groups of workers, each group, after every shift of twelve hours, being allowed a rest interval of twenty-four hours, so that its working week did not exceed fifty-six hours; such a distribution of the hours of work is, however, contrary to the spirit of the Eight Hour Day Act. With regard to overtime, the Minister of Social Welfare gave instructions to the competent au-

<sup>1</sup> The report of the Czechoslovak Government, which was received by the Office on 15 February 1935, is summarised in the "Summary of Annual Reports under Article 408", 1935, pp. 5-18.

thorities to be very strict in granting exemptions. In respect of each separate application the factory inspectors undertook detailed enquiries in the undertakings concerned and tried to persuade the management of the undertakings to take alternative measures, such as working two shifts, the employment of new workers, etc. Applications based upon insufficient reasons were rejected. The inspectors consulted the works councils and the trade unions. Exemptions were granted only if the inspectors were satisfied by enquiry at the employment exchanges that there was a shortage of properly qualified workers. For the most part, the applications related only to a part of certain sections of the undertakings concerned. In 1933, 678 overtime permits were granted to 769 undertakings in respect of 30,736 employees out of a total of 154,221 workers employed by the undertakings in question. The total number of hours of overtime authorised was 1,199,135, or 72,937 fewer than the previous year. Seventy-six per cent. of the overtime permitted related to the four following branches of industrial activity: textile, clothing and food industries and financial establishments.

## 2. Convention concerning unemployment.

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	25. 3.1935
Irish Free State. .	4. 9.1925	3. 4.1935

### I.

(Legislation and administrative regulations, etc., which apply the provisions of the Convention.)

#### Argentine Republic.

Act No. 8,999 of 8 October 1912 concerning the National Department of Labour.

Act No. 9,148 of 25 September 1913 concerning official labour exchanges.

Act No. 11,868 of 21 August 1934 concerning the unemployment census.

Act No. 11,896 of 28 August 1934 concerning the institution of a National Unemployment Board.

Act No. 12,101 of 29 September 1934 to amend Act No. 9,148 of 25 September 1913 (L. S. 1934, Arg. 2).

#### Irish Free State.

The Labour Exchanges Act, 1909, and the Unemployment Insurance Acts, 1920-33 (L. S. 1920, G.B. 3; 1924, I.F.S. 1; 1926, I.F.S. 3).

## II.

(Detailed indications with regard to the application of each Article of the Convention.)

### ARTICLE 1.

*Argentine Republic.* — The National Department of Labour sends regularly to the International Labour Office its *Boletín Informativo*, which contains at regular intervals a table showing the activities of the free public employment agencies attached to the Department. This table shows, by occupations and by trades, the applications for employment and vacancies notified, the vacancies filled and the wages paid, etc. With regard to unemployment statistics, the figures obtained during the general census of 1932 have been communicated to the Office. Act No. 11,868 makes provision for half-yearly employment censuses throughout the whole country. The first census of this kind was made on 28 February 1935, and its results will be forwarded in due course to the International Labour Office. The Office will also be informed of the results of the work of the National Unemployment Board, which was set up under Act No. 11,896 and the business of which is to combat unemployment.

### ARTICLE 2.

*Argentine Republic.* — (a) and (b), § 1 of Act No. 9,148 lays down that free public employment agencies shall be set up, directly dependent on the Employment Registry of the National Department of Labour (§ 5 of Act No. 8,999), as follows: two in the Federal Capital, one in each provincial capital and in each capital of the National Territories, one in the town of Rosario and one at Bahía-Blanca. The report states that up to the present only one exchange has been set up, which is situated in the Capital, but it receives applications for and offers of employment from the interior of the Republic. The report adds that, with a view to the ratification of the Convention, the Government has passed Act No. 12,101 of 1934 to amend Act No. 9,148. § 3 of the former Act prescribes that the Department of Labour shall take steps to co-ordinate on a national scale the operations of all free employment exchanges, whether public or private and whether national, provincial or municipal in scope. § 12 provides for the appointment by the National Department of Labour of a joint committee composed of three employers' and three workers' representatives, selected from candidates proposed by the most representative employers' and workers' organisations, with a representative of the Department of Labour as chairman. This committee is to be consulted on all matters concerning the working of the

### 3. Childbirth.

free employment agencies. Statistics with regard to employment-finding are published in the *Boletín Informativo*.

(c) The Argentine Government considers that, in view of the present international economic situation, the moment is not opportune for launching a scheme for the co-ordination of various national systems of free employment agencies.

*Irish Free State.* — (a) ... The system of national employment exchanges is administered by the central Government through the Department of Industry and Commerce. Local offices, of which there are about 120, are established in the cities and principal towns of the country... According to a statement showing the number of unemployed registered with employment exchanges on the last Monday of each month, the number rose from 71,586 on 30 October 1933 to 110,186 on 24 September 1934. During the twelve months under review, 61,543 vacancies were notified and 56,750 filled.

#### ARTICLE 3.

*Argentine Republic.* — There is no system of unemployment insurance in the Argentine Republic.

#### III.

(*Application of the Convention to colonies, etc.*)

#### IV.

(*Authorities entrusted with the application and methods of enforcement, etc.*)

*Argentine Republic.* — The application of the relevant legislation is in the hands of the National Department of Labour, which also supervises the operations of the commercial employment agencies in the Capital and in the National Territories.

#### V.

(*Judicial decisions, etc.*)

#### VI.

(*General appreciation of the manner in which the Convention is applied, etc.*)  
(*Observations of employers' and workers' organisations.*)

*Argentine Republic.* — The report does not refer to this point. See also under ARTICLE 2.

*Irish Free State.* — See under ARTICLE 2. No observations have been made by the employers' and workers' organisations.

### 3. Convention concerning the employment of women before and after childbirth.

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	25. 3.1935
Cuba . . . . .	6. 8.1928	4. 3.1935

The Government of the *Argentine Republic* states in its report that the benefits provided by Act No. 11,933 of 29 September 1934 in pursuance of Article 3(c) of the Convention will be granted as from 15 October 1935. See below, under ARTICLE 3(c).

The Government of *Cuba* states in its report that effect was given to the Convention by Legislative Decree No. 152 of 20 April 1934 and Legislative Decree No. 1568 of 17 June 1934 to issue Regulations under the said Legislative Decree No. 152. As a result of complaints made successively by the workers' and employers' organisations (see below, under point VI), the Government amended Legislative Decree No. 152 by Legislative Decrees No. 603 of 19 October 1934 and No. 646 of 20 October 1934, and Legislative Decree No. 1568 by Legislative Decree No. 2761, and, on 28 December 1934, the Government published Legislative Decree No. 781, which establishes the definitive text with regard to this question.

#### I.

(*Legislation and administrative regulations, etc., which apply the provisions of the Convention.*)

*Argentine Republic.*

Act No. 11,317 of 30 September 1924 to regulate the employment of women and young persons (L. S. 1924, Arg. 1).

Act. No. 11,932 of 29 September 1934 to amend § 15 of Act No. 11,317 mentioned above (L. S. 1934, Arg. 1 B).

Act No. 11,933 of 29 September 1934 concerning the employment of women before and after childbirth (L. S. 1934, Arg. 1 A).

Act No. 12,111 of 30 September 1934 fixing a rest period of six weeks before and six weeks after childbirth for workers and salaried employees in the service of Government.

*Cuba.*

Legislative Decree No. 152 of 20 April 1934 [concerning the employment of women before and after childbirth], amended by Legislative Decrees No. 603 of 19 October 1934 and No. 646 of 30 October 1934.

Legislative Decree No. 1568 of 17 June 1934 to issue Regulations under Legislative Decree No. 152 mentioned above, superseded by Legislative Decree No. 2761 of 25 October 1934.

Legislative Decree No. 425 of 22 August 1934 extending the rights granted under Legislative Decree No. 152 to women employed by Government, provincial, or municipal authorities.

Legislative Decree No. 781 of 28 December 1934 to establish the new text of Legislative Decree No. 152 mentioned above (L. S. 1934, Cuba 5.)

See also introductory note.

## II.

(Detailed indications with regard to the application of each Article of the Convention.)

### ARTICLE 1.

*Argentine Republic.* — Under §13 of Chapter III (Protection of maternity) of Act No. 11,317, the provisions of the Act apply to industrial or commercial establishments, whether in town or country, and whether public or private. Under §1 of Act No. 11,933 the provisions of the Act apply to industrial and commercial undertakings or dependencies thereof of whatever nature, rural or urban, public or private, not excluding undertakings for vocational training or charitable undertakings. The report adds that, in practice, all the undertakings covered by this Article of the Convention are deemed to be industrial or commercial undertakings, and that no decision has been taken with regard to the last paragraph of the Article. Women employed by Government are covered by Act No. 12,111.

*Cuba.* — § XI of Legislative Decree No. 781 reproduces the text of paragraphs (a) to (d) of this Article of the Convention. § XII of the Legislative Decree lays down that for the purposes of its application a commercial establishment shall be deemed to mean any place in which commercial activities are carried on. The report states that the Commercial Code defines the term "commercial activities" as including maritime trade, insurance, buying and selling, commercial houses, commission business, warehousing, money lending, railway companies and other public services, banks and any other establishments of a similar nature. The line of demarcation between industry and commerce on the one hand and agriculture on the other has not yet been determined. See also introductory note.

### ARTICLE 2.

*Argentine Republic.* — The relevant legislation refers simply to "women". The report adds that no distinction is made between nationals and foreigners or between married and unmarried women.

*Cuba.* — § XIII of Legislative Decree No. 781 defines the term "woman"

as any person of the female sex between the ages of 18 and 40 years inclusive, whether married or single, irrespective of her race and nationality. The term "child" means any infant born in Cuba, legitimate or otherwise, irrespective of its race or nationality. See also introductory note.

### ARTICLE 3.

*Argentine Republic.* — (a), (b) and (c). § 13 of Act No. 11,317 of 30 September 1924 lays down that a woman shall not be employed during the six weeks following her confinement in industrial or commercial establishments or dependencies thereof, whether in towns or in the country, public or private, with the exception of establishments in which only members of the family of the employer are employed. A woman shall be entitled to leave her work on the production of a medical certificate stating that her confinement will probably take place within six weeks. § 1 of Act No. 11,933 of 29 September 1934 lays down that in all industrial and commercial undertakings, or in any branch thereof, of whatever nature, whether urban or rural, public or private, not excluding undertakings for vocational training or charitable undertakings, a woman may not be employed for 30 days before and 45 days after her confinement. § 2 provides that during this period a woman shall receive an allowance equal to her full wage or salary, up to a maximum of 200 pesos. This allowance, which may not be assigned and is immune from seizure, is paid to the beneficiary by the National Superannuation and Pensions Fund out of a fund constituted by a compulsory contribution of one day's wage per quarter payable by every woman worker and salaried employee between the ages of 15 and 45 years, together with equal contributions from the employers and the State. The woman is also entitled to free attendance by a doctor or midwife. The report states that these benefits will come into force on 15 October 1935. Act No. 12,111 provides that women employees and workers in the service of the State shall be entitled to leave for six weeks before and six weeks after confinement, shall have their posts kept open, and shall receive their full wages or salary while on leave. (d) § 15 of Act No. 11,317, amended by Act No. 11,932, provides that nursing mothers shall be entitled to two periods of half an hour each during the working day for the purpose of nursing their children, except when a shorter interval is prescribed by a medical certificate. In establishments in which the number of women employed is not less than a minimum number to be specified by the regulations, suitable nurseries shall be provided for children under the age of two years, in which such children shall be cared for while their mothers are at work.

*Cuba.* — (a) and (b). §§ I and II of Legislative Decree No. 781 contain equivalent provisions. (c) § III of Legislative Decree No. 781 provides that for the whole period during which she is absent from her work in pursuance of §§ I and II, a woman shall be paid benefits sufficient for the full and healthy maintenance of herself and her child. She shall also be entitled to attendance by a doctor or midwife at the expense of the Maternity Insurance Fund. The amount of benefit paid shall not be less than the wage which the woman was earning; it shall be provided by means of a system of insurance to which the State, employers, and all salaried employees and workers, irrespective of sex, shall be bound to contribute in the following proportions: 10 pesos from the State in respect of each confinement; one half of one per cent. of their total monthly wages and salaries bill from the employers; one quarter of one per cent. of their monthly pay from the workers and salaried employees. In order to qualify for benefit the woman must not undertake any other paid work during the period in question (§ V). § II provides that if the doctor makes a mistake in estimating the date of confinement, and if this mistake does not make a difference of more than three weeks, the woman shall receive benefit from the date mentioned in the medical certificate up to the date when her confinement takes place. (d) § VI provides that a woman who is nursing her child shall be entitled to two periods of half an hour each for the purpose of feeding the child, unless the child has to be fed more often or longer at a time. See also introductory note.

#### ARTICLE 4.

*Argentine Republic.* — § 13 of Act No. 11,317 provides that a woman shall not be dismissed on account of pregnancy; and a woman who absents herself from her work in virtue of the provisions laid down above shall retain her employment. § 14 adds that if a woman remains absent from her work for a period longer than that specified above on account of an illness which is medically certified to be due to pregnancy or confinement, and which renders her unfit to resume her work, she shall not be dismissed for this reason. § 3 of Act No. 11,933 lays down that the woman's post or employment must be kept open for her for the periods during which she is not working, as determined by the Act.

*Cuba.* — § VII of Legislative Decree No. 781 provides that pregnancy shall not constitute a reason for dismissing a woman, but that during her absence she shall be entitled to have her post kept open for her. If her pregnancy results

in an illness which renders her unfit for work, the employer shall not be entitled to dismiss her or to notify her that she will lose her post if she does not return to work within a certain time. She may not be dismissed until after the expiry of such maximum period of absence as the Department of Labour shall determine in the light of the circumstances of the case. See also introductory note.

### III.

(*Application of the Convention to colonies, etc.*)

### IV.

(*Authorities entrusted with the application and methods of enforcement, etc.*)

*Argentine Republic.* — See under *Convention No. 4 (Night work, women)* point IV.

*Cuba.* — Responsibility for enforcement of the relevant legislation lies with the Department of Labour, acting through the Inspectorate of Women's and Children's Employment attached to the Department of Hygiene and Social Welfare. § XV of Legislative Decree No. 781 lays down that, in order to ensure the proper application of the Decree, there shall be set up in the capital of each province an administrative committee for the Maternity Fund comprising, *inter alia*, the Chief Labour Inspector for the province as chairman, and representatives of the employers' and workers' organisations registered with the Department of Labour. The Legislative Decree also lays down penalties and fines to be inflicted in case of infringement.

### V.

(*Judicial decisions, etc.*)

### VI.

(*General appreciation of the manner in which the Convention is applied, etc.*)  
(*Observations of employers' and workers' organisations.*)

*Argentine Republic.* — The Convention is applied by the enforcement of the relevant national legislation, offences against which are punishable by fines. In the Capital and the National Territories the fines are imposed, in accordance with the procedure laid down in Act No. 11,570 of 25 September 1929, by the Department of Labour or its officials. The *Boletín Informativo* of the Department

publishes a monthly summary of the visits of inspection to undertakings, the infringements noted, the proceedings taken and the fines inflicted. See also introductory note.

*Cuba.* — The report states that, as was to be expected, the Legislative Decree immediately met with considerable opposition to some of its provisions among the employers' and workers' organisations. In consequence of the campaign undertaken by the women's trade unions, which alleged that, in view of the provisions of Legislative Decree No. 152, it was not equitable that women alone should be required to contribute, the Decree was amended so as to make the payment of contributions obligatory for workers of both sexes. This amendment resulted in turn in protests from the men's unions, and the Government replied by inserting in the new Legislative Decree No. 781 a section, No. XIV, providing for a maternity allowance of 25 pesos for any woman cohabiting, in or out of wedlock, with an insured worker or salaried employee. In spite of energetic protests from the employers' organisations, more especially the National Association of Manufacturers and the National Commercial Association, the Government maintained the employers' contribution, at the same time granting the employers some slight relief by arranging for the Maternity Insurance Fund to meet certain expenses which were originally intended to be borne by the employers. The Government adds that it hopes in its next annual report to give detailed information on the experience gained in the administration of the legislation in question.

ing to the spirit of the four labour Conventions ratified by Albania in 1932. This bill was submitted for consideration to the competent Committee of the Chamber of Deputies which, after having noted that certain amendments of form and substance would be necessary in the Government's Bill, sent it back to the competent Minister. At the present moment the Bill is being examined afresh by the technical services of the National Ministry of Economy, and as soon as this examination is finished it will be once more submitted to Parliament with a view to its definitive conversion into an Act. It will be readily understood that Parliament's delay in accepting definitively appropriate legislation is only due to the difficulties which Albania as a young country meets with in drafting completely new laws, especially on industrial questions, since industrially Albania is still in its first stages of development and it would not be too much to say that this delay, due to the care with which the preparatory studies are being carried out, is an apposite proof of the importance which the Albanian legislature attaches to the regulation of questions affecting industry and workers, while at the same time taking into account the results of the researches made by international organisations. However, I can assure you that, thanks to the measures taken by my Government, which have already been communicated to you (see my letter No. L.I. 157/7 of 26 May 1933)<sup>1</sup>, no infringements of the provisions of the Conventions in question were reported by the organs responsible for supervising enforcement during last year, a fact which is not surprising in view of the small number of industrial undertakings in the country and the fact that very few women and children are employed in industrial undertakings."

#### 4. Convention concerning employment of women during the night.

COUNTRIES	Date of registration of ratification	Reports received
Albania . . . . .	17. 2. 1932	25. 3. 1935
Argentine Republic.	30. 11. 1933	23. 3. 1935
Cuba . . . . .	6. 8. 1928	4. 3. 1935
Venezuela . . . . .	7. 3. 1933	25. 3. 1935

In a letter dated 21 March 1935, which was received by the Office on 25 March, the Minister of Foreign Affairs of *Albania* made the following statement: "As the International Labour Office is aware, the Albanian Government has not failed to submit to Parliament a Bill drafted accord-

The Government of *Cuba* states in its report that the Convention is applied by Legislative Decree No. 598, which was published in the *Gazeta Oficial* on 19 October 1934, and came into force thirty days later.

#### I.

*Legislation and administrative regulations, etc., which apply the provisions of the Convention.)*

#### *Albania.*

See introductory note.

#### *Argentine Republic.*

Act No. 11,317 of 30 September 1924 to regulate the employment of women and young persons (L. S. 1924, Arg. 1).

<sup>1</sup> See *Record of Proceedings of the Seventeenth Session of the International Labour Conference*, Appendix V, p. 526.

#### 4. Night work (women).

##### *Cuba.*

Legislative Decree No. 598 of 19 October 1934 [concerning the employment of women in industry] (L. S. 1934, Cuba 10).

##### *Venezuela.*

Labour Act of 23 June 1928 (L. S. 1928, Ven. 2).

## II.

(Detailed indications with regard to the application of each Article of the Convention.)

### ARTICLE 1.

*Albania.* — See introductory note.

*Argentine Republic.* — Under § 6 of Act No. 11,317 women may not be employed on night work, except in nursing, domestic occupations and undertakings for public entertainments given at night.

*Cuba.* — § II of Legislative Decree No. 598 of 19 October 1934 reproduces the text of Article 1, paragraphs (a), (b) and (c) of the Convention. § III provides that the Secretary of Labour shall determine the line of demarcation between industry on the one hand and commerce agriculture on the other. The report adds that no definition has been given up to now of the terms "commerce" and "agriculture". For information with regard to commercial activities which are subject to the provisions of the Commercial Code, see under *Convention No. 3 (Childbirth)*, ARTICLE 1. See also introductory note.

*Venezuela.* — § 6 of the Act of 23 June 1928 lays down that every undertaking, business or establishment, whatever its nature, whether public or private, at present existing or hereafter established within the territory of the Republic, such as industrial, mining, agricultural and stock raising undertakings and commercial establishments, shall be subject to the provisions of the Act, with the exception of those provisions which the Act itself specifically declares to be applicable only to certain industries. The competent authority has not considered it necessary to determine the line of demarcation between industry on the one hand and commerce and agriculture on the other, since all these activities are covered by the Labour Act and included in the prohibition.

### ARTICLE 2.

*Albania.* — See introductory note.

*Argentine Republic.* — Under § 6 of Act No. 11,317 women may not be employed on night work, and, for the purposes of the section, night work is taken to mean work

between 8 p.m. and 7 a.m. in winter, and between 8 p.m. and 6 a.m. in summer. The report states that, although the night period is only ten hours in summer, § 7 provides that women who are employed both morning and afternoon shall be granted a break of two hours at midday.

*Cuba.* — § IV of Legislative Decree No. 598 of 19 October 1934 lays down that, for the purpose of enforcing the Legislative Decree, the term "night" shall signify a period of at least eleven consecutive hours, which shall include the interval between 10 p.m. and 5 a.m. See, however, introductory note.

*Venezuela.* — § 14 of the Act of 23 June 1928 provides that women shall not be employed outside the hours comprised between 6 a.m. and 6 p.m.

### ARTICLE 3.

*Albania.* — See introductory note.

*Argentine Republic.* — Act No. 11,317 prohibits the employment of women during the night. See above, under ARTICLE 2. The Act contains no provisions to cover family undertakings.

*Cuba.* — § I of Legislative Decree No. 598 of 19 October 1934 lays down that women 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. See, however, introductory note.

*Venezuela.* — § 15 of the Act of 23 June 1928 provides that women shall not be employed outside the hours comprised between 6 a.m. and 6 p.m.

### ARTICLE 4.

*Albania.* — See introductory note.

*Argentine Republic.* — Act No. 11,317 contains no equivalent provisions.

*Cuba.* — § V of Legislative Decree No. 598 of 19 October 1934 lays down that the prohibition contained in § I 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. See, however, introductory note.

*Venezuela.* — The Act of 23 June 1928 does not contain any provision of this nature.

## ARTICLE 6.

*Albania.* — See introductory note.

*Argentine Republic.* — Act No. 11,317 does not contain any equivalent provisions.

*Cuba.* — Cuban legislation does not contain any equivalent provisions. See also introductory note.

*Venezuela.* — The Act of 23 June 1928 does not contain any equivalent provisions.

## ARTICLE 7.

*Albania.* — See introductory note.

*Argentine Republic.* — The report states that the system set up under Act No. 11,317 applies to the whole country. (See under ARTICLE 2).

*Cuba.* — Legislative Decree No. 598 of 19 October 1934 provides, in § IV, that during the summer the night period may be shortened to ten consecutive hours, provided that compensatory rest is accorded during the day. See, however, introductory note.

*Venezuela.* — The Act of 23 June 1928 does not contain any provision of this nature.

## III.

(*Application of the Convention to colonies, etc.*)

## IV.

(*Authorities entrusted with the application and methods of enforcement, etc.*)

*Albania.* — See introductory note.

*Argentine Republic.* — Act No. 11,317 is part of the national legislation, and is expressly incorporated in the Civil Code established in accordance with Article 67, paragraph 11 of the Constitution. Its enforcement, however, is in the hands of the authorities in each of the fourteen Provinces. In the Capital of the Republic the legislation is enforced by the National Government acting through the National Department of Labour, and in the National Territories by the National Government acting through the Governors appointed by it.

*Cuba.* — The report states that the legislation is enforced by the Department of Labour acting through the Section responsible for inspecting the employment of women and children. Legislative Decree No. 598 of 19 October 1934 provides penalties in cases of infringement (§§ XX and XXI). See, however, introductory note.

*Venezuela.* — Under § 4 of the Act of 23 June 1928, the Federal Executive, acting through the Ministry of the Interior, is responsible for supervising the observance of the statutory provisions and regulations concerning labour. The section also lays down that a special service may be established in the Ministry of the Interior to deal with all matters concerning labour, and special inspectorates may also be established to supervise the observance of the statutory provisions and regulations respecting labour.

## V.

(*Judicial decisions. etc.*)

## VI.

(*General appreciation of the manner in which the Convention is applied, etc.*)  
(*Observations of employers' and workers' organisations.*)

*Argentine Republic.* — See under *Convention No. 3 (Childbirth)*, point VI.

*Cuba.* — See introductory note.

*Czechoslovakia.* — By letter dated 7 May 1935<sup>1</sup> the Government informed the Office that the information supplied by the factory inspectors with regard to the application of the legislation giving effect to the Convention is to be found in the "Annual Report of the Factory Inspectorate for the year 1933", p. 57. This information may be summarised as follows: The breaches reported consisted for the most part of a prolongation of work beyond ten o'clock in the evening, especially in dressmaking establishments. The offenders were prosecuted and punished by fines ranging from 50 to 2,000 crowns. During the year the number of women employed during the night was 805.

*Venezuela.* — The report states that, owing to the fact that the social legislation in force in Venezuela is duly enforced in all territories and in all undertakings covered by it, it has not been found necessary to set up a special inspection service for supervising the enforcement of this Convention. The employers' and workers' organisations have never made any observations with regard to the practical application of the provisions of the Convention or of the national legislation which implements those provisions.

<sup>1</sup> The report of the Czechoslovak Government, which was received by the Office on 15 February 1935, is summarised in the "Summary of Annual Reports under Article 408", 1935, pp. 44-54.



**5. Convention fixing the minimum age for admission of children to industrial employment.**

COUNTRIES	Date of registration of ratification	Reports received
Albania . . . . .	17. 3.1932	25. 3.1935
Argentine Republic.	30.11.1933	23. 3.1935
Cuba . . . . .	6. 8.1928	4. 3.1935

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 annuals reports on the application of *Conventions No. 4 (Night work, women)*.

The Government of *Cuba* states in its report that the Convention is applied by Legislative Decree No. 647, which was published in the *Gazeta Oficial* on 2 November 1934. The Decree, which relates to certain questions with regard to the employment of young persons, came into force thirty days after its publication. The report also refers to Legislative Decree No. 2,513 of 19 October 1933, which regulates hours of work and also contains certain provisions which fix at fourteen years the age of admission of young persons as apprentices in workshops or factories or as messengers in Government, provincial or municipal offices, and also in industry and commerce.

I. .

*(Legislation and administrative regulations, etc., which apply the provisions of the Convention.)*

*Albania.*

See introductory note.

*Argentine Republic.*

Act No. 11,317 of 30 September 1924 to regulate the employment of women and young persons (L. S. 1924, Arg. 1).

*Cuba.*

Legislative Decree No. 647 of 2 November 1934 [concerning the employment of young persons] (L. S. 1934, Cuba 11).

II.

*(Detailed indications with regard to the application each Article of the Convention)*

ARTICLE 1.

*Albania.* — See introductory note.

*Argentine Republic.* — § 2 of Act No. 11,317 lays down that young persons

under the age of fourteen years shall not be employed on domestic work or in public or private industrial or commercial undertakings or establishments, whether carried on for profit or for philanthropic purposes. The report adds that the responsible authorities have not expressly defined the line of demarcation between industry and agriculture, and that, in practice, the industrial character of the undertakings covered by this Article of the Convention does not give rise to any discussion.

*Cuba.* — § VII of Legislative Decree No. 647 of 2 November 1934 reproduces the text of Article 1, paragraphs (a), (b), (c) and (d) of the Convention. § VIII lays down that the Secretary of Labour shall determine the line of demarcation between industry on the one hand and commerce and agriculture on the other. See, however, introductory note.

ARTICLE 2.

*Albania.* — See introductory note.

*Argentine Republic.* — § 2 of Act No. 11,317 lays down that young persons under the age of fourteen years shall not be employed on domestic work or in public or private industrial or commercial undertakings or establishments, whether carried on for profit or for philanthropic purposes, with the exception of undertakings or establishments in which only members of the same family are employed.

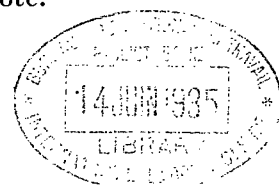
*Cuba.* — § 11 of Legislative Decree No. 647 of 2 November 1934 lays down that young persons under the age of fourteen years shall not be employed in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed. See, however, introductory note.

ARTICLE 3.

*Albania.* — See introductory note.

*Argentine Republic.* — § 3 of Act No. 11,317 provides that the prohibition laid down in § 2 shall not apply to the employment of children for purposes of training in schools recognised for this purpose by the competent education authority. The report adds that this recognition implies an obligation to submit to supervision by the authority in question.

*Cuba.* — § XII of Legislative Decree No. 647 of 2 November 1934 lays down that the provisions of § XI shall not apply to work done by young persons as pupils in technical schools approved and supervised by the Ministry of Instruction. See, however, introductory note.



## ARTICLE 4.

*Albania.* — See introductory note.

*Argentine Republic.* — § 16 of Act No. 11,317 provides that in industrial and commercial establishments in which young persons under the age of eighteen years are employed, the birth certificates of such young persons from the civil register, or equivalent documents, shall be filed in classified order, and, further, a general register shall be kept of such young persons, giving the data prescribed by the regulations. These regulations require that the name, Christian name, age, nationality, sex, etc. of every young person and the address of the parents or guardian shall be entered in the register.

*Cuba.* — § XIII of Legislative Decree No. 647 of 2 November 1934 provides that, in order to facilitate the enforcement of the Legislative Decree, the heads, managers and directors of industrial undertakings shall be required to keep a register of young persons under the age of sixteen years employed by them, indicating their dates of birth according to the information supplied under oath by the fathers or guardians of the young persons in question. See, however, introductory note.

## III.

(Application of the Convention to colonies, etc.)

## IV.

(Authorities entrusted with the application and methods of enforcement, etc.)

*Albania.* — See introductory note.

*Argentine Republic.* — See under Convention No. 4 (Night work, women), point IV.

*Cuba.* — The report states that the Act which provides for the setting up of the Department of Labour makes its Section for the inspection of the work of women and children responsible for the enforcement of the legislation in question. §§ XXIII-XXV of Legislative Decree No. 647 of 2 November 1934 provide penalties to be inflicted in cases of infringement. See, however, introductory note.

## V.

(Judicial decisions, etc.)

## VI.

(General appreciation of the manner in which the Convention is applied, etc.)  
(Observations of employers' and workers' organisations.)

*Albania.* — See introductory note.

*Argentine Republic.* — See under Convention No. 3 (Childbirth), point VI.

*Cuba.* — See introductory note.

*Czechoslovakia.* — By letter dated 7 May 1935<sup>1</sup> the Government informed the Office that the information supplied by the factory inspectors with regard to the application of the legislation giving effect to the Convention is to be found in the "Annual Report of the Factory Inspectorate for the year 1933", pp. 62-63, where it is stated that, according to the reports of the factory inspectors, 34 boys and 6 girls of under 14 years of age were employed unlawfully.

## 6. Convention concerning the night work of young persons employed in industry.

COUNTRIES	Date of registration of ratification	Reports received
Albania . . . . .	17. 3.1932	25. 3.1935
Argentine Republic.	30.11.1933	23. 3.1935
Cuba . . . . .	6. 8.1928	4. 3.1935
Venezuela . . . . .	7. 3.1933	25. 3.1935

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 Government of *Cuba* states in its report that the Convention is applied by Legislative Decree No. 647, which was published in the *Gazeta Oficial* on 2 November 1934. This Legislative Decree, which deals with certain questions relating to the employment of young persons, came into force thirty days after its publication. The

<sup>1</sup> The report of the Czechoslovak Government, which was received by the Office on 15 February 1935, is summarised in the "Summary of Annual Reports under Article 408", 1935, pp. 57-63.

report also refers to Legislative Decree No. 2,513 of 19 October 1933 to regulate hours of work, § X of which prohibits the employment of young persons under eighteen years of age during the night.

## I.

*(Legislation and administrative regulations, etc., which apply the provisions of the Convention.)*

### *Albania.*

See introductory note.

### *Argentine Republic.*

Act No. 11,317 of 30 September 1924 to regulate the employment of women and young persons (L. S. 1924, Arg. 1).

### *Cuba.*

Legislative Decree No. 647 of 2 November 1934 [concerning the employment of young persons] (L. S. 1934, Cuba 11).

### *Venezuela.*

Labour Act of 23 June 1928 (L. S. 1928, Ven. 2).

## II.

*(Detailed indications with regard to the application of each Article of the Convention.)*

### ARTICLE 1.

*Albania.* — See introductory note.

*Argentine Republic.* — § 6 of Act No. 11,317 prohibits the employment of young persons under the age of eighteen years on night work, except in domestic occupations.

*Cuba.* — Legislative Decree No. 2,513 applies to factories, workshops, etc., in general. § VII of Legislative Decree No. 647 of 2 November 1934 reproduces the text of Article 1, paragraphs (a), (b), (c) and (d) of the Convention. § VIII provides that the Secretary of Labour shall determine the line of demarcation between industry on the one hand and commerce and agriculture on the other. The report states that the line of demarcation has not yet been determined. See, however, introductory note.

*Venezuela.* — § 6 of the Act of 23 June 1928 lays down that every undertaking, business or establishment, whatever its nature, whether public or private, at present existing or hereafter established within the territory of the Republic, such as industrial, mining, agricultural and stock-raising undertakings and commercial establishments, shall be subject to the provisions of the Act, with the exception of those provisions which the

Act itself specifically declares to be applicable only to certain industries. The report adds that the undertakings covered by this provision include the "industrial undertakings" covered by Article 1 of the Convention. The Government of Venezuela has not considered it necessary for the competent authorities to determine the line of demarcation between industry on the one hand and commerce and agriculture on the other, since the provisions of the Act of 23 June 1928 include in the prohibition of night work for young persons of under eighteen years of age not only industry, but also commerce and agriculture.

### ARTICLE 2.

*Albania.* — See introductory note.

*Argentine Republic.* — § 6 of Act No. 11,317 prohibits the employment of young persons of under eighteen years on night work, except in domestic occupations. The Act contains no exceptions for family undertakings or continuous process undertakings.

*Cuba.* — § X of Legislative Decree No. 2,513 of 19 October 1933 lays down that young persons under the age of eighteen years shall not be employed on night work. § I of Legislative Decree No. 647 of 2 November 1934 prohibits the employment of young persons under eighteen years of age during the night in public or private industrial undertakings or in any branch thereof, other than undertakings in which only members of the same family are employed. § II provides that the prohibition of night work shall not apply to young persons over sixteen years of age who are employed in the industries enumerated below on work, which, by reason of the nature of the process, is required to be carried on continuously day and night: manufacture of raw sugar; manufacture of paper; iron and steel factories, processes in which reverberatory or regenerative furnaces are used and galvanizing of sheet metal or wire, except the of deoxidation process; glass works; gold mining reduction work. See, however, introductory note.

*Venezuela.* — § 14 of the Act of 23 June 1928 lays down that young persons over fourteen but under eighteen years of age shall not be employed outside the hours comprised between 6 a.m. and 6 p.m. The Act contains no provisions with regard to exceptions for family undertakings or continuous process undertakings.

### ARTICLE 3.

*Albania.* — See introductory note.

*Argentine Republic.* — § 6 of Act No. 11,317 prohibits the employment of young

persons under the age of eighteen years on night work; for the purposes of the section "night work" is taken to mean work between 8 p.m. and 7 a.m. in winter, and between 8 p.m. and 6 a.m. in summer. The report adds that, although the night period is only ten hours in summer, § 7 of the Act provides that young persons under the age of eighteen years who are employed both morning and afternoon shall be granted a break of two hours at mid-day. With regard to bakeries, in which work is prohibited between the hours of 9 p.m. and 5 a.m. by Act No. 11,338 of 1926, the provisions of Act No. 11,317 apply in the case of young persons.

*Cuba.* — § X of Legislative Decree No. 2,513 of 19 October 1933 prohibits the employment of young persons under eighteen years of age on night work. § III of Legislative Decree No. 647 of 2 November 1934 defines the term "night" as a period of at least eleven consecutive hours including the interval between 10 p.m. and 5 a.m. § IV lays down that in coal and lignite mines work may be carried on in the interval between 10 p.m. and 5 a.m., on condition that an interval of ordinarily fifteen hours and in no case of less than thirteen hours separates two periods of work. The Legislative Decree does not contain any provisions with regard to bakeries or tropical countries. See also introductory note.

*Venezuela.* — § 14 of the Act of 23 June 1928 provides that young persons shall not be employed outside the hours comprised between 6 a.m. and 6 p.m. The Act admits of no exceptions.

#### ARTICLE 4.

*Albania.* — See introductory note.

*Argentine Republic.* — Act No. 11,317 contains no provisions of this nature.

*Cuba.* — § V of Legislative Decree No. 647 of 2 November 1934 provides for an exception similar to that which is allowed under this Article of the Convention. See, however, introductory note.

*Venezuela.* — The Act of 23 June 1928 does not contain any provisions of this nature.

#### ARTICLE 7.

*Albania.* — See introductory note.

*Argentine Republic.* — Act No. 11,317 does not contain any provisions of this nature.

*Cuba.* — Under § VI of Legislative Decree No. 647 of 2 November 1934 the President of the Republic may suspend the prohibition of night work for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it. See, however, introductory note.

*Venezuela.* — The Act of 23 June 1928 does not contain any provisions of this nature. The report adds that the prohibition of night work has never been suspended in Venezuela in a case of serious emergency where the public interest demanded it, as provided for in Article 7 of the Convention. There has been no need for the Government and the competent authorities to take any decision of this kind.

### III.

*(Application of the Convention to colonies, etc.)*

### IV.

*(Authorities entrusted with the application and methods of enforcement, etc.)*

*Albania.* — See introductory note.

*Argentine Republic.* — See under *Convention No. 4 (Night work, women)*, point IV.

*Cuba.* — See under *Convention No. 5 (Minimum age, industry)*, point IV.

*Venezuela.* — See under *Convention No. 4 (Night work, women)*, point IV.

### V.

*(Judicial decisions, etc.)*

### VI.

*(General appreciation of the manner in which the Convention is applied, etc.) (Observations of employers' and workers' organisations.)*

*Albania.* — See introductory note.

*Argentine Republic.* — See under *Convention No. 3 (Childbirth)*, point VI.

*Cuba.* — See introductory note.

*Venezuela.* — See under *Convention No. 4 (Night work, women)*, point VI.

## SECOND SESSION (GENOA, 1920).

### 7. Convention fixing the minimum age for admission of children to employment at sea.

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	25. 3.1935
Cuba . . . . .	6. 8.1928	4. 3.1935

The Convention is applied in *Cuba* by Legislative Decree No. 592, which was published in the *Gazeta Oficial* on 17 October 1934, and came into force thirty days later.

By letter dated 18 May 1935<sup>1</sup> the Government of *Yugoslavia* informed the International Labour Office that the Minister of Communications, in agreement with the Minister of Social Policy and Public Health, issued on 29 March 1935 an Order governing the conditions of employment on board sea-going vessels of the Kingdom of *Yugoslavia*<sup>2</sup>. This Order, which was published in the "Official Journal" of 11 April 1935, applies to all sea-going vessels registered by the maritime authorities, to shipowners and to all persons employed on board such vessels, and contains in §§ 2, 4 (1), 4 (2a) and 27 provisions corresponding to those of Articles 1 to 4 of the Convention.

#### I.

(Legislation and administrative regulations, etc., which apply the provisions of the Convention.)

#### *Argentine Republic.*

Act No. 11,317 of 30 September 1924 to regulate the employment of women and young persons (L. S. 1924, Arg. 1).

Decree No. 2,699 of 28 May 1925 issuing regulations under Act No. 11,317 to regulate the employment of women and children (L. S. 1925, Arg. 2).

<sup>1</sup> The report of the Yugoslav Government, which was received by the Office on 26 November 1934, is summarised in the "Summary of Annual Reports under Article 408", 1935, pp. 76-82.

<sup>2</sup> This Order will be published in the "Legislative Series" as L. S. 1935, Yug. 2.

Act No. 11,570 of 25 September 1929 concerning the supervision of the observance of the labour laws and their administration (L. S. 1929, Arg. 2).

Commercial Code.

#### *Cuba.*

Legislative Decree No. 592 of 16 October 1934 [concerning the minimum age for admission of children to employment at sea, the compulsory medical examination of children and young persons employed at sea, and the minimum age for admission to employment as trimmers or stokers] (L. S. 1934, Cuba 9).

#### II.

(Detailed indications with regard to the application of each Article of the Convention.)

#### ARTICLE 1.

*Argentine Republic.* — The Act of 30 September 1924 to regulate the employment of women and young persons and the Decree of 28 May 1925 issuing regulations under the Act apply to industry and commerce; neither contains any definition of the term "vessel". The report states that under § 8 of the Commercial Code the work of sea-going vessels is deemed to be commercial.

*Cuba.* — § 3 of Legislative Decree No. 592 lays down that the term "vessel" shall include all ships and boats of any nature whatever, whether publicly or privately owned, engaged in maritime navigation, with the exception of ships of war. See also introductory note.

#### ARTICLE 2.

*Argentine Republic.* — § 2 of the Act of 30 September 1924 to regulate the employment of women and young persons provides that young persons under the age of fourteen years shall not be employed on domestic work or in public or private industrial or commercial undertakings or establishments, whether carried on for profit or for philanthropic purposes, with the exception of undertakings or establishments in which only members of the same family are employed.

*Cuba.* — § 11 of Legislative Decree No. 592 prohibits the employment of children under fourteen years of age on board ship either as workers or salaried employees. This prohibition does not apply to vessels in which only members of the same family are employed. See also introductory note.

#### ARTICLE 3.

*Argentine Republic.* — Under § 3 of the Act of 30 September 1924, the prohibition laid down in § 2 does not apply to the employment of children for purposes of training in schools recognised for this purpose by the competent educational authority.

*Cuba.* — Under § 11 of Legislative Decree No. 592, the prohibition of employment on board ship for children under fourteen years of age does not apply to training ships, provided that the work on these ships is approved and supervised by the Department of National Defence. See also introductory note.

#### ARTICLE 4.

*Argentine Republic.* — § 16 of the Act of 30 September 1924 lays down that in industrial and commercial establishments in which young persons under the age of eighteen years are employed, the birth certificates of such young persons from the civil register, or equivalent documents, shall be filed in classified order, and, further, a general register shall be kept of such young persons. § 4 of the Decree of 28 May 1925 issuing regulations under the above-mentioned Act states that the register of young persons shall contain the following data: serial number, name in full, age, nationality, sex, occupation, dates of entering and leaving establishment, wages, address, name of the parents or guardians, and reference to the certificates required under the same section. The report adds that the national regulations concerning registers apply to the whole country, since all questions concerning maritime navigation fall within the province of the National Government, for purposes of legislation, administration and jurisdiction.

*Cuba.* — § 16 of Legislative Decree No. 592 provides that every master or owner must keep a register of the young persons under sixteen years of age employed on board ship. This register must give the dates of birth of the young persons in question, their addresses, and the medical certificates which prove that they are fit for the work required and also their articles of agreement. See also introductory note.

#### III.

(*Application of the Convention to colonies, etc.*)

#### IV.

(*Authorities entrusted with the application and methods of enforcement, etc.*)

*Argentine Republic.* — The report states that the national authorities are alone responsible for the supervision and enforcement of the relevant legislation.

*Cuba.* — See under Convention No. 5 (*Minimum age, Industry*), point IV.

#### V.

(*Judicial decisions, etc.*)

#### VI.

(*General appreciation of the manner in which the Convention is applied, etc.*).  
(*Observations of employers' and workers' organisations.*)

*Argentine Republic.* — The report states that effect is given indirectly to the provisions of the Convention by the enforcement of the corresponding national legislation, offences against which are punishable by fines. All cases of infringement, wherever they may have been committed, are judged in accordance with the procedure laid down in Act No. 11,570 of 25 September 1929 concerning the supervision of the observance of the labour laws and their administration, which applies throughout the Republic. The report adds that the *Boletín Informativo* of the National Department of Labour publishes a monthly summary of the visits of inspection to undertakings, the infringements noted, the proceedings taken and the fines collected.

*Cuba.* — See introductory note.

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

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	25. 3.1935
Cuba . . . . .	6. 8.1928	4. 3.1935

The Government of the *Argentine Republic* states in its report that no legislative measures have so far been passed to im-

## 8. Unemployment indemnity (shipwreck).

plement the Convention, but that a Bill to amend the Commercial Code by incorporating in it the provisions of the Convention has been passed by the Senate and submitted for examination to the Chamber of Deputies.

The Government of *Cuba* states in its report that the Convention is applied by Legislative Decree No. 660, which was published in the *Gazeta Oficial* on 7 November 1934. This Legislative Decree, which concerns repatriation of seamen, unemployment indemnity to seamen in case of loss or foundering of the ship, and placing of seamen, came into force thirty days after its publication.

By letter dated 18 May 1935<sup>1</sup> the Government of *Yugoslavia* informed the International Labour Office that the Minister of Communications, in agreement with the Minister of Social Policy and Public Health, issued on 29 March 1935 an Order governing the conditions of employment on board sea-going vessels of the Kingdom of Yugoslavia<sup>2</sup>. This Order, which was published in the "Official Journal" of 11 April 1935, applies to all sea-going vessels registered by the maritime authorities, to shipowners and to all persons employed on board such vessels, and contains in §§ 2 (1) and (2), 73 (1) and (2) and 74 provisions corresponding to those of Articles 1 to 3 of the Convention.

### I.

(*Legislation and administrative regulations, etc., which apply the provisions of the Convention.*)

*Argentine Republic.*

See introductory note.

*Cuba.*

Legislative Decree No. 660 of 7 November 1934 [concerning repatriation of seamen, unemployment indemnity to seamen in case of loss or foundering of the ship, and placing of seamen] (L. S. 1934, Cuba 12 B).

### II.

(*Detailed indications with regard to the application of each Article of the Convention.*)

#### ARTICLE 1.

*Argentine Republic.* — See introductory note.

<sup>1</sup> The report of the Yugoslav Government, which was received by the Office on 26 November 1934, is summarised in the "Summary of Annual Reports under Article 408", 1935, pp. 82-89.

<sup>2</sup> This Order will be published in the "Legislative Series" as L. S. 1935, Yug. 2.

*Cuba.* — The provisions of Legislative Decree No. 660 apply, under the terms of § 1, to all vessels registered under the national flag and to all owners, masters, officers and crew of such vessels. The following are exempted from these provisions: ships of war, Government vessels not engaged in trade, vessels engaged in the coasting trade, pleasure yachts, fishing vessels and vessels of less than 100 tons gross registered tonnage or 300 cubic metres. § 2 (a) defines the term "vessel" as all ships and boats of any nature whatsoever, whether publicly or privately owned, ordinarily engaged in maritime navigation. Under § 2 (b) the term "seamen" includes all persons employed or engaged in any capacity on board ship and entered on the ships' articles, with the exception of masters, pilots, pupils on training ships and duly indentured apprentices. The definition also excludes persons in the permanent service of the Government. See also introductory note.

#### ARTICLE 2.

*Argentine Republic.* — See introductory note.

*Cuba.* — § 7 of Legislative Decree No. 660 provides that in case of loss or foundering of a ship the owner or company with whom the seamen has signed his articles of agreement shall pay to each seaman employed on board the vessel an indemnity against the unemployment resulting from such loss or foundering. This indemnity must be paid for the days during which the seaman remains in fact unemployed at the same rate as the wages payable under his articles of agreement, but the total indemnity payable under the terms of the Legislative Decree may not exceed two months' wages. See, however, introductory note.

#### ARTICLE 3.

*Argentine Republic.* — See introductory note.

*Cuba.* — Under § 8 of Legislative Decree No. 660, unemployment indemnity can be recovered by summons in accordance with the law of civil procedure. See, however, introductory note.

### III.

(*Application of the Convention to colonies, etc.*)

### IV.

(*Authorities entrusted with the application and methods of enforcement, etc.*)

*Argentine Republic.* — See introductory note.

*Cuba.* — The report states that the Department of Labour is responsible for the enforcement of the relevant legislation. See, however, introductory note.

## V.

(Judicial decisions, etc.)

## VI.

(General appreciation of the manner in which the Convention is applied, etc.)  
(Observations of employers' and workers' organisations.)

*Argentine Republic.* — See introductory note.

*Cuba.* — See introductory note.

### 9. Convention for establishing facilities for finding employment for seamen.

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	25. 3.1935
Cuba . . . . .	6. 8.1928	4. 3.1935

The Government of the *Argentine Republic* states in its report that the Convention is applied by Acts No. 9,148 of 25 September 1913, No. 9,661 of 25 August 1915, and Nos. 12,101 and 12,102 of 15 October 1934. The two latter Acts of 15 October 1934 have introduced provisions into the national legislation which give effect to the provisions of Articles 1 to 6 of the Convention. The provisions of Article 7 will be applied by a Bill which has already been passed by the Senate and submitted for examination to the Chamber of Deputies.

The Government of *Cuba* states in its report that the Convention is applied by Legislative Decree No. 660, which concerns repatriation of seamen, unemployment indemnity to seamen in cases of loss or foundering of the ship, and placing of seamen. The report also refers to Legislative Decree No. 659 concerning seamen's articles of agreement. These two Decrees were published in the *Gazeta Oficial* of 7 November 1934, and came into force thirty days later.

By letter dated 18 May 1935<sup>1</sup> the Government of *Yugoslavia* informed the International Labour Office that the Minister of Communications, in agreement with the Minister of Social Policy and Public Health, issued on 29 March 1935 an Order governing the conditions of employment on board sea-going vessels of the Kingdom of Yugoslavia<sup>2</sup>. This Order, which was published in the "Official Journal" of 11 April 1935, lays down in § 9 that the finding of employment for seamen, with the exception of masters and officers, shall be carried out exclusively and free of charge by means of public seamen's employment exchanges forming part of the organisation of the Central Employment Exchange and its local branches. The Minister of Social Policy and Public Health is to issue, in agreement with the Minister of Communications, detailed regulations concerning the organisation and working of the public employment exchanges for seamen.

## I.

(Legislation and administrative regulations etc., which apply the provisions of the Convention).

#### *Argentine Republic.*

Act No. 9,148 of 25 September 1913 concerning free employment exchanges (L. S. 1934, Arg. 2 C).

Act No. 9,661 of 25 August 1915 relating to fines for infringement of the Act concerning the work of women and young persons (L. S. 1934, Arg. 2 D).

Act No. 12,101 of 15 October 1934 to amend Act No. 9,148 concerning employment exchanges (L. S. 1934, Arg. 2 A).

Act No. 12,102 of 15 October 1934 to amend § 3 (*bis*) of Act No. 9,661 (L. S. 1934, Arg. 2 B).

#### *Cuba.*

Legislative Decree No. 660 of 7 November 1934 [concerning repatriation of seamen, unemployment indemnity to seamen in case of loss or foundering of the ship, and placing of seamen] (L. S. 1934, Cuba 12 B).

Legislative Decree No. 659 of 7 November 1934 [concerning seamen's articles of agreement] (L. S. 1934, Cuba 12 A).

## II.

(Detailed indications with regard to the application of each Article of the Convention.)

## ARTICLE 1.

*Argentine Republic.* — Act No. 12,102 of 15 October 1934 to amend § 3 (*bis*)

<sup>1</sup> The report of the Yugoslav Government, which was received by the Office on 28 November 1934, is summarised in the "Summary of Annual Reports under Article 408", 1935, pp. 89-99.

<sup>2</sup> This Order will be published in the "Legislative Series as L.S. 1935, Yug. 2.



## 9. Placing of seamen.

of Act No. 9,661 applies to the placing of "officers of the bridge, engine-room officers and members of the crew of sea-going vessels", without giving a specific definition. See also introductory note.

*Cuba.* — Under § 2 (b) of Legislative Decree No. 660, the term "seamen" includes all persons employed or engaged in any capacity on board ship and entered on the ship's articles, with the exception of masters, pilots, pupils of training ships and duly indentured apprentices. The term also excludes persons in the permanent service of the Government. See also introductory note.

### ARTICLE 2.

*Argentine Republic.* — § 3 (bis) of Act No. 9,661 (text of Act No. 12,102 of 15 October 1934) provides that the placing of deck officers, engine-room officers, and crews of sea-going vessels shall not be carried on for gain by any person, association or undertaking, and no fee shall be paid by the above persons for any placing operation. The penalty for infringement of these provisions shall be a fine of 20 to 50 pesos in respect of each person, to be paid by the owner of the agency responsible for the infringement, the penalty being doubled for each subsequent offence. See, however, introductory note.

*Cuba.* — Under § 9 of Legislative Decree No. 660 no person, company or agency is permitted to charge fees for, or to engage directly or indirectly as a commercial enterprise in the placing of seamen in vessels. The penalty for infringement of the provisions of this section is a fine of 30 pesos for the first offence and of 31 to 100 pesos for subsequent offences. See, however, introductory note.

### ARTICLE 3.

*Argentine Republic.* — The report states that the prohibition is absolute. See, however, introductory note.

*Cuba.* — See under ARTICLE 2 above.

### ARTICLE 4.

*Argentine Republic.* — For information with regard to the setting up of free employment exchanges, see under *Convention No. 2 (Unemployment)*, ARTICLE 2. § 13 of Act No. 9,148 (text of Act No. 12,101 of 15 October 1934) provides that free public employment exchanges working in ports of call of sea-going vessels shall have special sections dealing with the placing of officers of the bridge, engine-room officers and seamen. These sections must be managed by persons with practical

maritime experience. § 3 of Act No. 9,148 (text of Act No. 12,101 of 15 October 1934) lays down that the National Department of Labour shall take steps to coordinate the operations of the free public or private employment exchanges which are under state, provincial or municipal jurisdiction, in accordance with a general plan which shall apply to the whole country. The Government adds that, owing to the present international economic situation, it does not seem advisable at the moment to proceed to this coordination. The report states further that the *Boletín Informativo* of the National Department of Labour publishes statistics of the number of applications for and offers of employment, and of the number of placings effected. See, however, introductory note.

*Cuba.* — § 10 of Legislative Decree No. 660 lays down that associations of shipowners and seamen acting under the supervision and authority of the Department of Labour, may jointly organise and manage free of charge an adequate and efficient system of public employment offices for unemployed seamen. These offices must be administered by persons with practical maritime experience. See, however, introductory note.

### ARTICLE 5.

*Argentine Republic.* — Under § 12 of Act No. 9,148 (text of Act No. 12,101 of 15 October 1934), the National Department of Labour shall proceed to the setting up of a joint committee composed of three employers' and three workers' representatives appointed at the suggestion of the most representative employers' and workers' organisations, under the chairmanship of a delegate of the Department in question. This committee shall be consulted on all matters concerning the working of the National Employment Service and of the offices set up under the Act. One of the three employers' delegates must represent the shipowners and one of the three workers' delegates must represent the crews. See, however, introductory note.

*Cuba.* — Under § 12 of Legislative Decree No. 660, committees shall be formed of equal numbers of shipowners' and seamen's representatives, to advise the employment exchanges on all questions concerning them. The chairmen of these committees shall not be elected from among the members of the committees. The regulations applying this Legislative Decree shall decide the powers and duties of these committees and the nature of the supervision which the State shall exercise over them, and also the help to be given by persons interested in seamen's welfare. See, however, introductory note.

## ARTICLE 6.

*Argentine Republic.* — §13 of Act No. 9,148 (text of Act No. 12,101 of 15 October 1934) lays down that in connection with the employment of seamen by means of free public employment exchanges freedom of choice of ship shall be assured to seamen and freedom of choice of crew shall be assured to shipowners. See, however, introductory note.

*Cuba.* — §13 of Legislative Decree No. 660 reserves freedom of choice of ship to seamen and freedom of choice of crew to shipowners. See, however, introductory note.

## ARTICLE 7.

*Argentine Republic.* — The report states that a Bill which has already been approved by the Senate and is now before the Chamber of Deputies will amend the Commercial Code by incorporating in it a provision similar to this Article of the Convention.

*Cuba.* — §3 of Legislative Decree No. 659 provides that the seaman shall examine his articles of agreement and be given all necessary information with regard to them before signing them, and also that he shall receive a copy of the articles. See, however, introductory note.

## ARTICLE 8.

*Argentine Republic.* — The report states that the employment service is open to all seamen without distinction as to nationality.

*Cuba.* — Under the second paragraph of §10 of Legislative Decree No. 660, employment offices must give their services to the seamen of all countries which have ratified this Convention. See, however, introductory note.

## ARTICLE 9.

*Argentine Republic.* — See above under ARTICLE 1.

*Cuba.* — See above under ARTICLE 1.

## ARTICLE 10.

*Argentine Republic.* — The report states that effect will be given in due course to the provisions of this Article.

*Cuba.* — §11 of Legislative Decree No. 660 provides that the employment exchange offices must keep in close and direct touch with the International Labour Office in all matters concerning seamen's unemployment and the working of the offices in question. See, however, introductory note.

## III.

(*Application of the Convention to colonies, etc.*)

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## IV.

(*Authorities entrusted with the application and methods of enforcement, etc.*)

*Argentine Republic.* — The National Department of Labour is responsible for the enforcement of the relevant legislation.

*Cuba.* — The report states that the Department of Labour is responsible for the enforcement of the relevant legislation.

## V.

(*Judicial decisions, etc.*)

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## VI.

(*General appreciation of the manner in which the Convention is applied, etc.*)  
(*Observations of employers' and workers' organisations.*)

*Argentine Republic.* — The report refers to the reply given under *Convention No. 3 (Childbirth)*, point VI. See also under *Convention No. 2 (Unemployment)*, ARTICLE 2 and introductory note.

*Cuba.* — See introductory note.

### THIRD SESSION (GENEVA, 1921).

#### 11. Convention concerning the rights of association and combination of agricultural workers.

COUNTRY	Date of registration of ratification	Report received
China. . . . .	27. 4.1934	7. 5.1935

#### I.

(Legislation and administrative regulations, etc., which apply the provisions of the Convention.)

China.

Act of 30 December 1930 concerning agricultural association.

#### II.

(Detailed indications with regard to the application of Article 1 of the Convention.

#### ARTICLE 1.

China. — The report states that the Convention is applied by the Act of 30 December 1930, § 16 of which lays down that all citizens of the Chinese Republic above the age of twenty years and having one of the following qualifications are eligible for membership of the Rural Agricultural Association: (1) owners of farms; (2) lessees cultivating a farm of more than ten *mows* or a garden of more than three *mows*<sup>1</sup>; (3) students of agriculture who have graduated from middle schools or colleges; (4) men conducting a business directly connected with agriculture. The report adds that the right of association for all persons engaged in agriculture is thus fully recognised.

#### III.

(Application of the Convention to colonies, etc.)

<sup>1</sup> 1 acre = c. 40 mows.

#### IV.

(Authorities entrusted with the application and methods of enforcement, etc.)

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

#### V.

(Judicial decisions, etc.)

#### VI.

(General appreciation of the manner in which the Convention is applied, etc.)  
(Observations of employers' and workers' organisations.)

China. — Up to the end of 1934, there were 11,115 agricultural associations registered by the Ministry of Industries. The Chinese Government finds no difficulty in applying the Convention. See also under ARTICLE 1.

#### 13. Convention concerning the use of white lead in painting.

COUNTRIES	Date of registration of ratification	Reports received
Cuba . . . . .	7. 7.1928	4. 3.1935
Venezuela . . . . .	28. 4.1933	25. 3.1935

The Government of Venezuela states in its report that up to the present it has not been possible to enact either laws or administrative regulations to prohibit the use of white lead in painting, in order to apply the Convention which Venezuela has ratified. The Government has, however, the firm intention of taking the necessary measures as soon as the health authorities communicate the intended drafts for applying the Convention.

## I.

(*Legislation and administrative regulations, etc., which apply the provisions of the Convention.*)

## Cuba.

Legislative Decree No. 215 of 16 May 1934 to prohibit the use of white lead in painting (L. S. 1934, Cuba 13).

## Venezuela.

See introductory note.

## II.

(*Detailed indications with regard to the application of each Article of the Convention.*)

## ARTICLE 1.

Cuba. — § 1 of Legislative Decree No. 215 of 16 May 1934 prohibits the use of white lead, sulphate of lead and all products containing these pigments in the internal painting of buildings. § 2 allows exceptions to the provisions of § 1 for the following: (a) work carried out on rolling stock in railway stations; (b) work done in the open air; (c) work carried out in industrial establishments having considerable cubic capacity, after a recommendation from the Department of Health and Welfare and an authorisation given by the Department of Labour, after consultation with the employers' and workers' organisations concerned; (f) work of a temporary nature and of a fixed duration the authorisation of which appears necessary owing to special circumstances which must be appreciated in each particular case by the Department of Labour after consulting the Department of Health and Welfare and the employers' and workers' organisations concerned. Under § 3 of the Legislative Decree work in which use is made of white pigments containing a maximum of 2 per cent. of lead expressed in terms of metallic lead is also excluded from the prohibition laid down in § 1.

Venezuela. — See introductory note.

## ARTICLE 2.

Cuba. — § 2 of Legislative Decree No. 215 of 16 May 1934 provides that artistic painting and fine lining shall be exempted from the prohibition laid down in § 1.

Venezuela. — See introductory note.

## ARTICLE 3.

Cuba. — § 4 of Legislative Decree No. 215 of 16 May 1934 lays down that the employment of young persons under eight-

een years of age and of all women shall be prohibited in the painting work of an industrial character covered by paragraphs (a), (b), (c) and (f) of § 2 as quoted above (see under ARTICLE 2), if it involves the use of white lead or sulphate of lead or any other products containing these pigments. Under § 5, the above provisions do not apply to apprentices of over sixteen years of age if the exemption is considered indispensable for the purpose of their professional education in the opinion of the Department of Labour, after consultation with the employers' and workers' organisations concerned. § 6 lays down that the authorisation for this exemption shall decide the number of apprentices who may be employed in proportion to the total number of working painters employed. § 7 lays down that apprentices who handle colours containing lead salts must do so in the open air or in work-places having direct ventilation. The report adds that no use has been made up to now of the exception relating to apprentices.

Venezuela. — See introductory note.

## ARTICLE 4.

Cuba. — Legislative Decree No. 215 of 16 May 1934 came into force ninety days after its publication in the *Gazeta Oficial* on 19 May, and the Regulations applying it were to be fixed within this period.

Venezuela. — See introductory note.

## ARTICLE 5.

Cuba. — § 8 of Legislative Decree No. 215 of 16 May 1934 lays down that every person or organisation authorised, in accordance with § 2 of the Decree, to use white lead, sulphate of lead or products containing these pigments in a proportion greater than 2 per cent., shall be obliged: (1) to have the floor, walls and ceilings of the undertaking cleaned once a week; (2) to supply the workers with working clothes or overalls, which shall completely cover them, and with special head-coverings and shoes for scraping and rubbing down work by a damp process and for painting work involving the use of white lead, sulphate of lead or products with a basis of white lead or sulphate of lead; (3) to instal a sufficient number of wash-places and cupboards for keeping the town clothes of the workers and apprentices. Under § 9, workers are not allowed to smoke, eat or drink in the work-places where the processes permitted by § 2 are carried on. § 10 provides that white lead, sulphate of lead or products containing these salts may not be handled in painting work except in the form of paste or of

paint ready for use. § 11 provides that when dry rubbing down and scraping or spray painting with paint containing a basis of white lead, sulphate of lead or products containing these pigments is being carried on, the employers shall supply their workers with respiratory masks containing a damp sponge in front of the nose and mouth. Under § 12, at the end of every day's work, after they have removed their working clothes, the workers must wash their faces with soap and water and their hands with a nailbrush and clean their mouths and teeth. § 13 lays down that doctors must notify all cases of lead poisoning or suspected lead poisoning which come to their notice to the Department of Health and Welfare, which must take the necessary measures for the subsequent verification of these cases. § 15 lays down that all receptacles which contain white lead, sulphate of lead or paint with a basis of lead must bear a label with the following title: "poison, contains lead", except in cases where the white paints contain a maximum of 2 per cent. of lead expressed in terms of metallic lead. § 16 provides that the National Committee of Health and Welfare shall lay down the precautions which are to be observed by workers and apprentices in order to avoid lead poisoning, with a view to the inclusion of these precautions in the Regulations applying the Legislative Decree; these measures may include a provision for a compulsory medical examination when such an examination is considered necessary. § 17 of the Legislative Decree lays down that employers must see that instructions for the prevention of lead poisoning and copies of the Legislative Decree and the Regulations applying it are posted up in visible places in the workshops and establishments. The report adds that the Department of Labour is carrying out an energetic campaign of safety propaganda in this field. Factories and workshops where the products in question are handled or used are periodically visited by the medical inspectors attached to the Department, who warn the workmen, both in conversation and in lectures, of the dangers involved, and suggest precautions. Safety posters drawing attention to these dangers and to the proper precautions are also distributed and posted up in the workshops. Specimens of these posters accompany the report.

*Venezuela.* — See introductory note.

#### ARTICLE 6.

*Cuba.* — § 18 of Legislative Decree No. 215 of 16 May 1934 lays down that cases of infringement of the Legislative Decree by workers or employers shall be punished as breaches of the law, in accordance with the provisions of the Military Order No.

213 of 1900, unless they constitute an offence under the Penal Code in force or under some other Act. See also under ARTICLES 3 and 5.

*Venezuela.* — See introductory note.

#### ARTICLE 7.

*Cuba.* — § 14 of Legislative Decree No. 215 of 16 May 1934 lays down that the Department of Health and Welfare shall keep statistics of lead poisoning among working painters. The report adds that the Statistical Department collaborates with the section for statistics of morbidity of the Department of Health in order to determine the situation with regard to lead poisoning of workers. Next year's report will give fuller details.

*Venezuela.* — See introductory note.

### III.

*(Application of the Convention to colonies, etc.)*

### IV.

*(Authorities entrusted with the application and methods of enforcement, etc.)*

*Cuba.* — The report states that the Department of Labour includes a General Directorate of Hygiene and Social Welfare with offices in the various provinces. This Directorate includes a section for inspection of industrial and professional hygiene (occupational diseases and medical examination of workers) and a section for accident prevention, occupational diseases and occupational rehabilitation. These two sections deal with all problems concerning the use of poisonous or unhealthy substances and exercise the necessary supervision.

*Venezuela.* — See introductory note.

### V.

*(Judicial decisions, etc.)*

### VI.

*(General appreciation of the manner in which the Convention is applied, etc.) (Observations of employers' and workers' organisations.)*

*Cuba.* — The report states that the legislation is of so recent a date that the inspection and statistical services are not

yet completely organised and there has been no time to collect sufficient information on which reliable conclusions could be based. The work will be co-ordinated and the necessary data will be sent next year.

*Czechoslovakia.* — See below under *Convention No. 18 (Workmen's compensation, occupational diseases)*, point VI.

*Venezuela.* — See introductory note.

#### 14. Convention concerning the application of the weekly rest in industrial undertakings.

COUNTRY	Date of registration of ratification	Report received
China. . . . .	17. 5.1934	7. 5.1935

##### I.

*(Legislation and administrative regulations, etc., which apply the provisions of the Convention.)*

*China.*

Factory Act as amended. Consolidated text of 30 December 1932 (L. S. 1932, Chin. 2 A). Amended Regulations for the administration of the Factory Act. Consolidated text of 30 December 1932 (L. S. 1932, Chin. 2 B).

##### II.

*((Detailed indications with regard to the application of each Article of the Convention.))*

##### [ARTICLE 1.

*China.*—§ 1 of the Act of 30 December 1932 provides that the provisions of the Act shall apply to all factories using mechanical power and usually employing thirty or more workers.

##### ARTICLE 2.

*China.*—§ 15 of the Act of 30 December 1932 lays down that every worker shall have one day of rest in each period of seven days, and § 16 provides that all factories shall cease work on the public holidays specified by law and by Orders of the National Government. § 1 of the Regulations of 30 December 1932 defines the term "worker" for the purposes of § 1 of the Factory Act as a person who is employed directly or indirectly in actual production; the definition does not include employees not engaged in production.

##### ARTICLE 3.

*China.*— The reports contains no information on this question.

##### ARTICLE 4.

*China.*— § 19 of the Act of 30 December 1932 lays down that the public holidays, rest days and leave of persons engaged in work of a military nature or in the public service may be suspended if the competent authority considers it necessary.

##### ARTICLE 5.

*China.*— The report contains no information on this question.

##### ARTICLE 6.

*China.*— The report contains no information on this question.

##### ARTICLE 7.

*China.*— § 7 of the Regulations of 30 December 1932 provides that employers shall issue and post up notices fixing the rest days and holidays for the whole year.

##### III.

*(Application of the Convention to colonies, etc.)*

##### IV.

*(Authorities entrusted with the application and methods of enforcement, etc.)*

*China.*—§ 71 of the Act of 30 December 1932 lays down that employers who contravene any of the provisions of §§ 15, 16, 18, 19 . . . shall be liable to a fine amounting to not more than £100. § 2 of the Regulations of 30 December 1932 lays down that the competent authority responsible for the administration of the Factory Act and the regulations shall be under the direction and supervision of the supreme Government authority.

##### V.

*(Judicial decisions. etc.)*

##### VI.

*(General appreciation of the manner in which the Convention is applied, etc.) (Observations of employers' and workers' organisations.)*

*China.*— The report states that the difficulty in enforcing the provisions relating to weekly rest is chiefly due to the peculiar situation in Shanghai. Most of the big factories are situated in the International Settlement and the French Concession at Shanghai and the employ about one-fourth of the total factory workers covered by the Factory Act; the Factory inspectors appointed by the Government are, however, not permitted to inspect these factories in the Settlement and the Concession, and consequently it is very difficult for the Government to enforce the Convention. The Government sincerely hopes, however, that the question of factory inspection at Shanghai will be satisfactorily settled in the near future so that it will be able to fulfil its obligations.

*Czechoslovakia.* — By letter dated 7 May 1935<sup>1</sup> the Czechoslovak Government informed the Office that the information supplied by the factory inspectors with regard to the application of the legislation giving effect to the Convention is to be found in the "Annual Report of the Factory Inspectorate for the year 1933", pp. 50-59. This information is to the effect that cases of non-observance of the thirty-two hours' rest period were reported, especially in seasonal undertakings (e.g. distilleries (alcohol) in Slovakia) and in continuous process undertakings.

**15. Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers.**

COUNTRY	Date of registration of ratification	Report received
Cuba . . . . .	7. 7.1928	4. 3.1935

The Convention is applied in *Cuba* by Legislative Decree No. 592, which was published in the *Gazeta Oficial* on 17 October 1934, and came into force thirty days later.

By letter dated 18 May 1935<sup>2</sup> the Government of *Yugoslavia* informed the International Labour Office that the Minister of Communications, in agreement with the Minister of Social Policy and Public Health, issued on 29 March 1935 an Order governing the conditions of employment on board

<sup>1</sup> The report of the Czechoslovak Government, which was received by the Office on 15 February 1935, is summarised in the "Summary of Annual Reports under Article 408", 1935, pp. 124-133.

<sup>2</sup> The report of the Yugoslav Government, which was received by the Office on 26 November 1934, is summarised in the "Summary of Annual Reports under Article 408", 1935, pp. 135-141.

sea-going vessels of the Kingdom of *Yugoslavia*<sup>1</sup>. This Order, which was published in the "Official Journal" of 11 April 1935, applies to all sea-going vessels registered by the maritime authorities, to shipowners and to all persons employed on board such vessels, and contains in §§ 2 (1), 4 (2, 2 a and 2 b) and 27 provisions corresponding to those of Articles 1 to 6 of the Convention.

I.

(Legislation and administrative regulations, etc., which apply the provisions of the Convention.)

*Cuba.*

Legislative Decree No. 592 of 16 October 1934 [concerning the minimum age for admission of children to employment at sea, the compulsory medical examination of children and young persons employed at sea, and the minimum age for admission to employment as trimmers or stokers] (L. S. 1934, Cuba 9).

II.

(Detailed indications with regard to the application of each Article of the Convention.)

ARTICLE 1.

*Cuba.* — § 3 of Legislative Decree No. 592 lays down that the term "vessel" includes all ships and boats of any nature whatsoever, whether publicly or privately owned, engaged in maritime navigation, with the exception of ships of war. See also introductory note.

ARTICLE 2.

*Cuba.* — § 12 of Legislative Decree No. 592 prohibits the employment of young persons under the age of eighteen years on board ship as trimmers or stokers. See also introductory note.

ARTICLE 3.

*Cuba.* — § 13 of Legislative Decree No. 592 exempts from the prohibition laid down in § 12 the work of young persons on training ships, provided that the work is approved and supervised by public authority, and also work on vessels mainly propelled by other means than steam. See also introductory note.

ARTICLE 4.

*Cuba.* — § 14 of Legislative Decree No. 592 provides that if it is necessary to engage a trimmer or stoker in a port and

<sup>1</sup> This Order will be published in the "Legislative Series" as L.S. 1935, Yug. 2.

it is not possible to find one, it shall be allowable to engage two young persons of over sixteen and under eighteen years of age instead, provided that such young persons shall first produce a medical certificate to the effect that they are physically capable of the work in question. § 15 adds that the young persons may only be employed temporarily and must be replaced as soon as possible. See also introductory note.

## ARTICLE 5.

*Cuba.* — § 16 of Legislative Decree No. 592 provides that every master and owner must keep a register of young persons under sixteen years of age employed on board ship. This register must give the dates of birth of the young persons, their addresses and the medical certificates which prove that they are fit for the work required, and also their articles of agreement. See also introductory note.

## III.

*(Application of the Convention to colonies, etc.)*

## IV.

*(Authorities entrusted with the application and methods of enforcement, etc.)*

*Cuba.* — The report refers to the information given under *Convention No. 5 (Minimum age, industry)*, point IV.

## V.

*(Judicial decisions, etc.)*

## VI.

*(General appreciation of the manner in which the Convention is applied, etc.)*  
*(Observations of employers' and workers' organisations.)*

*Cuba.* — See introductory note.

# 16. Convention concerning the compulsory medical examination of children and young persons employed at sea.

COUNTRY	Date of registration of ratification	Report received
Cuba . . . . .	7. 7.1928	4. 3.1935

The Convention is applied in *Cuba* by Legislative Decree No. 592, which was published in the *Gazeta Oficial* on 17 October 1934, and came into force thirty days later.

By letter dated 18 May 1935<sup>1</sup> the Government of *Yugoslavia* informed the International Labour Office that the Minister of Communications, in agreement with the Minister of Social Policy and Public Health, issued on 29 March 1935 an Order governing the conditions of employment on board sea-going vessels of the Kingdom of *Yugoslavia*<sup>2</sup>. This Order, which was published in the "Official Journal" of 11 April 1935, applies to all sea-going vessels registered by the maritime authorities, to shipowners and to all persons employed on board such vessels, and contains in §§ 2 (1), 4 (1), 5 and 6 (1-4) provisions corresponding to those of Articles 1 to 4 of the Convention.

## I.

*(Legislation and administrative regulations, etc., which apply the provisions of the Convention.)*

*Cuba.*

Legislative Decree No. 592 of 16 October 1934 [concerning the minimum age for admission of children to employment at sea, the compulsory medical examination of children and young persons employed at sea, and the minimum age for admission to employment as trimmers or stokers] (L. S. 1934, Cuba 9).

## II.

*(Detailed indications with regard to the application of each Article of the Convention.)*

## ARTICLE 1.

*Cuba.* — § 3 of Legislative Decree No. 592 lays down that the term "vessel" shall include all ships and boats of any nature whatsoever, whether publicly or privately owned, engaged in maritime navigation, with the exception of ships of war. See also introductory note.

## ARTICLE 2.

*Cuba.* — Under § 1 of Legislative Decree No. 592, the employment of children or young persons under eighteen years of age on board any vessel which is registered according to the laws of the Republic of Cuba is conditional on the production of a medical certificate attesting their fitness

<sup>1</sup> The report of the Yugoslav Government, which was received by the Office on 26 November 1934, is summarised in the "Summary of Annual Reports under Article 408", 1935, pp. 141-147.

<sup>2</sup> This Order will be published in the "Legislative Series" as L.S. 1935, Yug. 2.



for the maritime work required from them. Vessels upon which only members of the same family are employed are exempted from the above condition under § 2 of the Legislative Decree. Under § 3, the medical certificates must be signed by the port surgeons. See also introductory note.

ARTICLE 3.

*Cuba.* — § 6 of Legislative Decree No. 592 lays down that the medical certificates are only valid for one year, after which period young persons under eighteen years of age must obtain another certificate in order to be able to continue working on board ship. § 7 adds that if the certificate expires in the course of a voyage it shall remain in force until the end of the voyage, after which the young person must cease to be employed on board ship until he has obtained a new certificate. See also introductory note.

ARTICLE 4.

*Cuba.* — § 8 of Legislative Decree No. 592 provides that in urgent cases the competent authorities may allow a young person under eighteen years of age to embark without having undergone a medical examination, always provided that such an examination shall be undergone at the first port at which the vessel calls. See also introductory note.

III.

(*Application of the Convention to colonies, etc.*)

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IV.

(*Authorities entrusted with the application and methods of enforcement, etc.*)

*Cuba.* — The report refers to the information given under *Convention No. 5 (Minimum age, industry)*, point IV.

V.

(*Judicial decisions, etc.*)

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VI.

(*General appreciation of the manner in which the Convention is applied, etc.*)  
(*Observations of employers' and workers' organisations.*)

*Cuba.* — See introductory note.

# SEVENTH SESSION (GENEVA, 1925).

## 17. Convention concerning workmen's compensation for accidents.

COUNTRY	Date of registration of ratification	Report received
Cuba . . . . .	6. 8.1928	4. 3.1935

The Government of *Cuba* states in its report that the existing legislation with regard to workmen's compensation has been completely re-modelled by Decree No. 2687 of 16 November 1933, which came into force on 1 January 1934. The Regulations applying the Decree were published by a Decree of 18 October 1934.

### I.

(*Legislation and administrative regulations, etc., which apply the provisions of the Convention.*)

#### *Cuba.*

Workmen's Compensation Act of 12 June 1916.  
Decree No. 2,687 of 16 November 1933 to amend the Act of 12 June 1916 (L. S. 1933, Cuba 3 A), amended by Decree No. 3,341 of 30 December 1933 (L. S. 1933, Cuba 3 C).

Decree No. 2,731 of 18 October 1934, issuing Regulations under the Workmen's Compensation Act.

### II.

(*Detailed indications with regard to the application of each Article of the Convention.*)

#### ARTICLE 1.

See below, under ARTICLES 2 to 11.

#### ARTICLE 2.

*Cuba.* — The Workmen's Compensation Act (text of Decree No. 2687 of 16 November 1933), applies to workers employed in the undertakings and industries enumer-

ated in § 2 of the Act. This enumeration includes in general extractive industries, manufacturing industries, constructional undertakings and all kinds of transportation. Commercial employees also come under the Act. For the purposes of the Act, a worker is deemed to be any person who permanently or temporarily performs any work outside his own home in exchange for fixed or varying remuneration or task rates. This definition includes any person engaged under the same conditions as above who merely supervises the work of others every day and does not take an active part in it himself, and also apprentices working without remuneration. § 3 lays down that the following occupations shall not be covered by the Act: (a) domestic service in private houses; (b) work performed by members of the family of the employer, who are employed on his account and live in his household; (c) work performed by persons working alone on their own account, even if they are occasionally assisted by one or more fellow workers; (d) casual work not connected with the undertaking of the employer. The report states that under Cuban legislation no limit is set to the earnings of non-manual workers. See also introductory note.

#### ARTICLE 3.

*Cuba.* — (1) The scope of the Workmen's Compensation Act includes seamen and fishermen. (2) The report states that there is no special scheme of workmen's compensation for accidents for any other categories of persons. See also introductory note.

#### ARTICLE 4.

*Cuba.* — The Workmen's Compensation Act applies, under § 2 (8), to workers engaged in cultivation of agricultural and forest produce. Cuba has not ratified the Convention concerning workmen's compensation in agriculture. See also introductory note.

## ARTICLE 5.

*Cuba.* — § 11 of the Workmen's Compensation Act lays down that compensation for accidents causing death or permanent disablement shall be paid to the victim or his dependants in the form of a pension. § 18 (amended by Decree No. 3341) provides that Cuban workers who are victims of accidents, or their dependants, shall be entitled to the commutation of the pension due to them by way of compensation for a capital sum payable in a single instalment; this provision shall not apply to minors or persons who are totally and permanently disabled. The report states that the Act makes no condition as to the use to which these lump sums may be put; the Department of Labour usually settles the question whether a lump sum payment shall be made. See also introductory note.

## ARTICLE 6.

*Cuba.* — §§ 8 and 11 (as amended) of the Workmen's Compensation Act provide that a worker who is injured in an accident shall be entitled, as from the day of the accident and for the duration of his disability, to a daily allowance equal to half the daily wage to which he was entitled at the date of the accident. § 35 lays down that workers covered by the Act must be insured by their employers. § 49 provides that heads of undertakings of a permanent character may free themselves from this obligation by taking on themselves, with the approval of the President of the Republic, all the obligations for the payment of compensation arising out of the Act. In order to obtain the permission in question, the employer must prove that he is solvent by means of certificates, given by the Department of Agriculture and Commerce and the Department of Labour after he has shown proof that he owns unmortgaged real property to a value of not less than 1,000 pesos for every worker employed, if they number less than twenty, of not less than 700 pesos if they number from twenty to fifty, and of not less than 300 pesos if he employs over 50 workers. Certain other legal guarantees necessary for obtaining a solvency certificate are specified in § 76 of Decree No. 2731 of 18 October 1934. See also introductory note.

## ARTICLE 7.

*Cuba.* — § 16 (5) of the Workmen's Compensation Act provides that, in cases where the injury results in disability of such a nature that the injured workman must have the constant help of another person, adequate additional compensation not exceeding 50 per cent. of the main compensation shall be provided. See also introductory note.

## ARTICLE 8.

*Cuba.* — The report states that under § 73 of the Regulations of 18 October 1934, insurance companies or employers may require workers or their relatives who are in receipt of pensions in respect of industrial accidents to submit proof of their existence and state of health once every three months, so as to ensure that their rights have not lapsed. Cuban legislation does not appear to contain any provisions with regard to review of compensation. See also introductory note.

## ARTICLE 9.

*Cuba.* — § 29 of the Workmen's Compensation Act provides that the injured workman shall be entitled to select his own doctor and chemist, but in this case the head of the undertaking in question shall not be obliged to refund his expenses unless the local magistrate settles the doctor's fees and initials the chemist's account. § 34 lays down in addition that in every accident the employer shall be responsible for providing first aid, medical attendance and drugs. § 33 provides that heads of undertakings may be relieved from this obligation if the provision of these benefits is guaranteed by a legally constituted insurance company. The report states that §§ 47-53 of the Regulations of 18 October 1934 contain provisions with regard to the nature and duration of the medical aid and the person responsible for it. See also introductory note.

## ARTICLE 10.

*Cuba.* — § 4 (3) of the Workmen's Compensation Act provides that the employer's liability includes facilitating and defraying the cost of the vocational rehabilitation of injured workers, including in this term the possible artificial restoration of a mutilated part by orthopaedic means. § 16 provides that workers who are obliged to use artificial limbs and appliances shall be entitled to have them supplied and renewed in duly proved cases of necessity. The cost of the wear and renewal of these appliances may be met by the employer or insurer by payment to the victim of a lump sum equal to the probable cost of their maintenance and renewal. Claims for the repair and renewal of such appliances shall be supported by a certificate from an expert and approved by the Department of Labour. See also introductory note.

## ARTICLE 11.

*Cuba.* — § 39 of the Workmen's Compensation Act lays down that before accident insurance companies engage in

this type of business they shall submit their rules to the Department of Labour for approval, and that they shall be liable to inspection and supervision by the Department; they shall also deposit a guarantee, in cash or in Government securities, sufficient to meet their obligations. The Regulations issued under the Act lay down the other conditions to be fulfilled by these companies. For the guarantees which must be supplied by employers, see under ARTICLE 6. See also introductory note.

### III.

*(Application of the Convention to colonies, etc.)*

### IV.

*(Authorities entrusted with the application and methods of enforcement, etc.)*

*Cuba.* — The Department of Labour, acting through the General Labour Inspectorate, is responsible for the enforcement of the relevant legislation; the Industrial Accident Prevention Office, and also the General Directorate of Hygiene and Social Welfare, acting through the social welfare offices, one of whose tasks is to see that industrial accident insurance companies operate in accordance with the law, share this responsibility.

### V.

*(Judicial decisions, etc.)*

### VI.

*(General appreciation of the manner in which the Convention is applied, etc.)*  
*(Observations of employers' and workers' organisations.)*

*Cuba.* — The report states that seven insurance companies (the remaining six have supplied no information) have supplied the following information for the period 30 November 1933 to 30 November 1934: the number of workers insured under the Act was 208,590; the total amount paid in benefits was 342,977.91 pesos (1.65 per insured person). The report states that owing to the fact that the legislation concerning workmen's compensation has been amended so recently, innumerable communications have been received from workers' and employers' organisations and from insurance companies, raising objections, urging amendments, suggesting means of action, asking

for interpretations, etc. The Government is at present compiling statistics with regard to the application of the Act, which will enable more detailed information to be supplied next year. See also introductory note.

## 18. Convention concerning workmen's compensation for occupational diseases.

COUNTRIES	Date of registration of ratification	Reports received
Cuba . . . . .	6. 8.1928	4. 3.1935
Denmark . . . . .	18. 6.1934	16. 3.1935

The Government of *Cuba* states in its report that the existing legislation with regard to workmen's compensation has been completely remodelled by Decree No. 2687 of 16 November 1933, which came into force on 1 January 1934. The Regulations applying the Decree were published by a Decree of 18 October 1934.

### I.

*(Legislation and administrative regulations, etc., which apply the provisions of the Convention.)*

#### *Cuba.*

Decree No. 2,687 of 16 November 1933 to amend the Workmen's Compensation Act of 12 June 1916 (L. S. 1933, Cuba 3 A), amended by Decree No. 3,841 of 30 December 1933 (L. S. 1933, Cuba 3 C).

Decree No. 2,731 of 18 October 1934 issuing Regulations under the Workmen's Compensation Act.

#### *Denmark.*

Act of 20 May 1933 concerning insurance against the consequences of accidents (L. S. 1933, Den. 5).

### II.

*(Detailed indications with regard to the application of each Article of the Convention.)*

#### ARTICLE 1.

*Cuba.* — (i) For the general principles of the legislation relating to workmen's compensation for industrial accidents, see under *Convention No. 17 (Workmen's compensation, accidents)*. (ii) § 11 of the Workmen's Compensation Act lays down that victims of accidents shall be paid the following compensation: (1) if the incapacity for work is total and permanent; a pension equal to two-thirds of the annual wage; (2) if the incapacity for work is

partial and permanent, a pension equal to one-half the amount by which the yearly wage is diminished owing to the accident; (3) if the incapacity for work is temporary, a daily allowance equal to one-half the salary, payable also in respect of Sundays and public holidays; (4) if the accident causes the death of the worker, the members of his family shall be entitled to a pension which varies according to the number and character of his dependants. Thus, the surviving wife or husband is entitled to a life pension equal to 20 per cent. of the yearly wage of the victim; the children and grandchildren, provided they are minors, who were dependent on the victim, are entitled to a pension fixed at 30 per cent. of the annual wage if there is only one child, at 45 per cent. if there are two or three children, and at 70 per cent. if there are four or more children; relatives in the ascending line, if they were dependent upon the deceased and if he has not left any relatives in the descending line, are entitled to a life pension equal to 20 per cent. of the annual wage of the victim; a similar pension is paid to the brothers and sisters of the victim who are minors, if he has not left any relatives in the ascending or descending line. If there is a surviving wife or husband and there are also relatives in the descending or collateral line, the total compensation granted may not exceed 70 per cent. of the wages of the victim. If the widow or widower contracts another marriage, he or she shall forfeit all right to the pension. Further, the pensions and compensation shall cease in the case of the children or grandchildren when they come of age, unless they become incapacitated for work, in the case of brothers and sisters when they attain the age of eighteen years and also in the case of sisters when they marry. (iii) The rates of compensation and conditions of payment laid down for victims of occupational diseases and their dependants are identical with those which apply in the case of industrial accidents. See also introductory note.

*Denmark.* — (i) Under the Act of 20 May 1933 every person who is engaged for wages or as an unpaid assistant of the employer for permanent or temporary work, including work in the employer's household, must be insured under the provisions of the Act. The insurance covers accidents met with in the course of employment or injurious effects due to the conditions under which the employment is carried on. Every person who carries on an undertaking whether for purposes of gain or not, or who employs others in his service, e.g. workers, officials, office or shop employees, domestic servants, etc., is bound to insure the workers employed by him. It is incumbent upon employers liable to insure to cover

their risks with a company recognised for this purpose by the Minister of Social Affairs. The benefits under the Act consist of daily pecuniary benefit, invalidity compensation, compensation for survivors and funeral benefit, in addition to medical treatment, etc. in certain circumstances. The right to daily pecuniary benefit depends upon the reduction of earning capacity. The reduction is deemed to exist so long as in consequence of the injury the injured person is not in a position to resume his work to substantially the same extent as formerly. If the accident gives no claim to invalidity compensation, the daily pecuniary benefit ceases to be paid as soon as the conditions for its payment cease to exist. Invalidity compensation is paid in the form of an annual pension which, unless it is commuted for a capital sum, is payable so long as the earning capacity of the injured person is reduced by 5 per cent. or more. If the victim of the accident dies as a result of the accident, his survivors are compensated according to the provisions of the Act. (ii) § 25 of the Act lays down that the daily pecuniary benefit shall amount to three-fifths of the injured person's daily wage, but shall not exceed 4.75 kroner a day. Daily pecuniary benefit shall be paid in respect of seven days in each week. In the event of total loss of earning capacity, the pension shall be equal to three-fifths of the yearly wage of the injured person, and in the event of a reduction of earning capacity it shall be equal to a corresponding fraction of the pension which would be due in the event of total loss of earning capacity (§ 32). § 39 provides that if death occurs in consequence of an accident, the widow or widower shall be entitled to compensation equal to 3.6 times the yearly wage of the deceased person. Unless special circumstances are present, the compensation payable to children shall be assessed according to the number of years during which the deceased person would have been liable for the maintenance of the children, reckoned from the day of his death. If in addition to a husband or wife entitled to compensation any children are left, each child shall be entitled to compensation up to but not exceeding 1.35 times the yearly wage of the deceased person. If the deceased person leaves no husband or wife entitled to compensation, each of the children shall be entitled to compensation up to but not exceeding 2.7 times the yearly wage of the deceased person. The compensation payable to survivors shall not in any case exceed 6.3 times the yearly wage of the deceased person. The Act allows for payment of indemnity to persons other than the husband or wife of children of the victim provided that the compensation payable does not exceed the amount mentioned above. § 44 (4) of the Act lays down that in the calculation of invalidity compensation or

compensation in case of death, the yearly wage shall not in any case be estimated at more than 2,100 kroner. (iii) The provisions which regulate compensation for industrial accidents also apply to compensation for occupational diseases, with certain amendments of a practical nature. Thus, the compensation for an occupational disease is the business of the employer in the undertaking in which the worker who falls sick was last employed before the presence of the disease was ascertained, unless it can be proved that the disease is due to employment in another undertaking. Where legal action depends upon the date of the occurrence of an accident, the date of the demonstrable appearance of the disease is considered as equivalent to the date of an accident. In the case of occupational diseases, the insured person himself or his dependants are responsible for notifying the disease, whereas in the case of accidents the employer is responsible for the notification.

## ARTICLE 2.

*Cuba.* — § 1 (amended) of the Workmen's Compensation Act lays down that the following shall be considered as accidents: "any bodily injury occurring to the worker during or as a consequence of his employment in the service of a third party, and any diseases or poisoning due to any of the substances enumerated in the following schedule and occurring to workers in any of the industries or occupations shown in the schedule opposite to the disease in question". The schedule to which this section refers contains all the diseases and processes included in the schedule annexed to Article 2 of the Convention. See also introductory note.

*Denmark.* — § 1 (3) of the Act of 20 May 1933 concerning insurance against the consequences of accidents lays down that if it is ascertained that an insured person is suffering from any of the diseases specified in the schedule which is given in the section in question, and he has been employed in one of the industries or processes indicated in the schedule opposite the disease in question, and if it can reasonably be assumed that the disease is due to his employment in the said industry or process, the disease and the consequences thereof shall give a right to compensation in conformity with the Act. The schedule in question gives a list of the diseases and poisonous substances and the industries and processes which are contained in the schedule annexed to this Article of the Convention.

## III.

*(Application of the Convention to colonies, etc.)*

*Denmark.* — The report states that the ratification of the Convention is not applicable to Greenland.

## IV.

*(Authorities entrusted with the application and methods of enforcement, etc.)*

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

*Denmark.* — See under Convention No. 12 (*Workmen's compensation, agriculture*), point IV.

## V.

*(Judicial decisions, etc.)*

## VI.

*(General appreciation of the manner in which the Convention is applied, etc.) (Observations of employers' and workers' organisations.)*

*Cuba.* — The report states that the inspection services are at present collecting information with regard to the application of the Convention, and that this information will be communicated to the International Labour Office in the next annual report. See also introductory note.

*Denmark.* — The Government states that the Directorate of Labour and Factory Inspection is not in a position to supply statistical information with regard to the application of the Convention. It communicates, however, the provisional results of an enquiry which was undertaken in 1933 by the medical officers attached to the labour inspection service on the hygienic conditions of a certain number of undertakings where the workers are exposed, *inter alia*, to the danger of lead poisoning. Lead poisoning is particularly frequent in the work of breaking up ships. The number of cases of occupational diseases cannot be obtained, since Danish doctors are not obliged to notify these diseases. The report states that, since occupational diseases have only given right to compensation since 1 October 1933, the number of cases notified to the Directorate of Accident Insurance has been relatively small, and none of the cases reported has given rise to an invalidity pension. The Directorate is not in a position to state the amount of daily benefit which has been paid in certain cases. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention.

## 19. Equality of treatment (accident compensation).

*Czechoslovakia.* — By letter dated 7 May 1935<sup>1</sup> the Government informed the Office that the information supplied by the factory inspectors with regard to the application of the legislation giving effect to the Convention is to be found in the "Annual Report of the Factory Inspectorate for the year 1933", pp.84-86. This information may be summarised as follows: In Prague the district medical officers examined 7,341 manual workers and employees in 186 printing works and polygraphic establishments and reported 109 cases of lead poisoning symptoms. Other cases were noted in a white lead factory and led to prosecutions. According to Act No. 99 of 1 June 1932 concerning compensation for occupational diseases, in 1933, the accident insurance funds reported, to the factory inspectors 156 cases of compensation for occupational diseases, of which 52 occurred in the stone-cutting and glass industries, 27 in metallurgical undertakings, 21 in the chemical industry, etc. In view of the relatively short period during which the Act concerning occupational diseases has been in force, it is not yet possible to give an opinion on its working. The statistical data given above are admittedly incomplete.

### *China.*

Factory Act of 30 December 1929 as amended, consolidated text of 30 December 1932 (L. S. 1932, Chin. 2).

### *Cuba.*

Workmen's Compensation Act of 12 June 1916. Decree No. 2,687 of 16 November 1933 to amend the Act of 12 June 1916 (L. S. 1933, Cuba 3 A), amended by Decree No. 3,341 of 30 December 1933 (L. S. 1933, Cuba 3 C). Decree No. 2,731 of 18 October 1934 issuing Regulations under the Workmen's Compensation Act.

## II.

(Detailed indications with regard to the application of each Article of the Convention.)

### ARTICLE 1.

*China.* — Workmen's compensation for industrial accidents is regulated by Chapter IX (allowance and compensation) and § 70 of Chapter XII (penalties) of the Factory Act as amended. The report states that the Act does not contain any provisions contrary to the principle of equal treatment between nationals and foreigners.

*Cuba.* — The report states that § 1 (c) of Decree No. 2687 concerning workmen's compensation for industrial accidents defines the term "worker" as including foreigners as well as nationals. The legislation in force therefore applies equally to national and foreign workers, but only in respect of accidents occurring in the course of work performed within the territory of Cuba. § 18 (amended) of the Decree provides that foreign workers who are injured in accidents and wish to leave Cuban territory shall be entitled to have their pension commuted for a lump sum at the following rates: (a) in the case of permanent and complete disability, a sum equal to the full wage for three years' work; (b) in the case of permanent and partial disability, a sum equal to the aggregate loss of daily earning capacity over a period of three years; (c) in the event of death, the worker's dependants who are entitled to compensation under the Act shall receive the amount specified in (a) above, distributed as laid down by § 11 of the Act; (d) if the worker, before opting for a lump sum, has already received one or more instalments of his pension, the amount received shall be deducted from the lump sum. Cuban workers who are victims of accidents (with the exception of minors and workers suffering from complete permanent disability) and their dependants, may also have their pension commuted to a lump sum payable in one instalment, under the conditions laid down for foreign workers. See also introductory note.

## 19. Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents.

COUNTRIES	Date of registration of ratification	Reports received
China. . . . .	27. 4.1934	7. 5.1935
Cuba . . . . .	6. 8.1928	4. 3.1935

The Government of *Cuba* states in its report that the existing legislation with regard to workmen's compensation has been completely remodelled by Decree No. 2687 of 16 November 1933, which came into force on 1 January 1934. The Regulations applying the Decree were published by a Decree of 18 October 1934.

## I.

(Legislation and administration regulations, etc., which apply the provisions of the Convention.)

<sup>1</sup> The report of the Czechoslovak Government, which was received by the Office on 15 February 1935, is summarised in the "Summary of Annual Reports under Article 408", 1935, pp. 157-169.

## ARTICLE 2.

*China.* — The report does not refer to this Article.

*Cuba.* — The report states that Cuban legislation makes no provision for agreements of the kind mentioned in this Article of the Convention.

## ARTICLE 3.

*China.* — § 45 of the Factory Act lays down that, pending the coming into operation of social insurance laws, when workers fall sick or are injured or lose their lives in the performance of their duty, the employer shall bear the expenses of medical treatment and shall pay allowances or compensation according to the standards prescribed by the Act.

*Cuba.* — Legislation applying the Convention exists in Cuba.

## ARTICLE 4.

*China.* — The report does not refer to this Article.

*Cuba.* — The report states that the competent service of the Department of Labour supplies the International Labour Office regularly with the Official Bulletin, which contains all amendments to the laws and regulations in force. During the period under review, Decrees Nos. 2687 and 3341 have completely remodelled the law relating to workmen's compensation.

## III.

*(Application of the Convention to colonies, etc.)*

## IV.

*(Authorities entrusted with the application and methods of enforcement, etc.)*

*China.* — The report does not refer to this point.

*Cuba.* — The Department of Labour, acting through the General Directorate of Hygiene and Social Affairs and through its own Labour Section, is responsible for ensuring that industrial accident insurance companies comply with the legislation. The Industrial Safety Section exercises particularly strict supervision in this matter. See also introductory note.

## V.

*(Judicial decisions, etc.)*

## VI.

*(General appreciation of the manner in which the Convention is applied, etc.)*  
*(Observations of employers' and workers' organisations.)*

*China.* — The report states that so far no difficulty has been encountered in the application of the relevant legislation.

*Cuba.* — The report states that as the work on the national census figures for 1931 is not yet complete, it is not possible to supply statistics of the number of foreign workers, etc. Ample data will be sent next year. See also introductory note.

## 20. Convention concerning night work in bakeries.

COUNTRY	Date of registration of ratification	Report received
Cuba . . . . .	7. 7.1928	4. 3.1935

## I.

*(Legislative and administrative regulations, etc., which apply the provisions of the Convention.)*

*Cuba.*

Act of 2 June 1928 concerning the prohibition of night work in bakeries (L. S. 1928, Cuba 1 A).

Decree No. 2,133 of 27 December 1928 : Regulations concerning night work in bakeries (L. S. 1928, Cuba 1 B).

## II.

*(Detailed indications with regard to the application of each Article of the Convention.)*

## ARTICLE 1.

*Cuba.* — § 1 of Decree No. 2133 of 27 December 1928 provides that night work shall be prohibited in all bakers' establishments or premises which manufacture bread, biscuits, cakes, pastry or similar products made of flour for direct or indirect sale to the public. The report states that no exception has been made for the manufacture of biscuits. The prohibition does not apply to the manufacture of bread at home for family consumption, since the legislation applies only to bakeries, inns, hotels and other similar establishments.



## ARTICLE 2.

*Cuba.* — The term "night" signifies the period of seven consecutive hours between 9.0 p.m. and 4.0 a.m. (§ 1 of Decree No. 2133). The report states that this period is fixed by the Act, no provision being made for consulting the employers' and workers' organisations concerned.

## ARTICLE 3.

*Cuba.* — § 2 of the Act of 2 June 1928 provides that, in the event of a local holiday or a market day, or for reasons of public interest, the day's work may be prolonged, notwithstanding the prohibition of night work, until such hour as may be necessary, subject to permission obtained in advance from the local authority. The legislation in force does not provide for authorisation of permanent exceptions of the kind laid down in paragraphs (a), (b) and (c) of this Article of the Convention. Under §§ 6 and 7 of Decree No. 2133, young persons under the age of eighteen years may not be employed in bakeries except as messenger boys or apprentices, who may be employed from the age of fourteen years.

## ARTICLE 4.

*Cuba.* — § 2 of Decree No. 2133 lays down that, notwithstanding the prohibition of night work, work may be carried on in bakeries in which there has been an interruption in the use of the machinery or the ovens making it impossible to finish the day's work, provided that the cessation of work is likely to cause the loss of the materials prepared for the manufacture of bread, biscuits, etc. For the continuance of work a special permit must be procured from the mayor of the municipality, the chief of the police, the head of the police district or police station or the mayor of the municipal district. § 3 lays down that before granting the permit applied for, the authorities mentioned above must satisfy themselves that the impossibility of working in the bakery during the hours authorised for such work was due to *force majeure* and

that the continuation of work is necessary to avoid loss of the materials.

## III.

*(Application of the Convention to colonies, etc.)*

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## IV.

*(Authorities entrusted with the application and methods of enforcement, etc.)*

*Cuba.* — The Department of Labour is responsible for ensuring the application of the legislation in force, and the police officers and labour inspectors help to secure its enforcement. Infringements of the law are punished by the courts of summary jurisdiction. Under § 10 of Decree No. 2133, any adult with a permanent residence in the locality or the authorities and their employees may report contraventions committed in any bakery to the office of the chief of police or the head of a police district or a police station (and also, according to the report, to the Department of Labour). The report must be transmitted to the criminal court competent to deal with the case, which must give judgment at its discretion.

## V.

*(Judicial decisions, etc.)*

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## VI.

*(General appreciation of the manner in which the Convention is applied, etc.)*  
*(Observations of employers' and workers' organisations.)*

*Cuba.* — The report states that the Department of Labour has recently ordered statistics to be compiled of offences against the Act, and that the information thus obtained will enable detailed information on this point to be supplied next year.

## EIGHTH SESSION (GENEVA, 1926).

### 21. Convention concerning the simplification of the inspection of emigrants on board ship.

COUNTRY	Date of registration of ratification	Report received
Albania . . . . .	17. 3.1932	23. 3.1935

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.)*

## NINTH SESSION (GENEVA, 1926).

### 22. Convention concerning seamen's articles of agreement.

COUNTRY	Date of registration of ratification	Report received
Cuba . . . . .	7. 7.1928	4. 3.1935

The Government of *Cuba* states in its report that the Convention is applied by Legislative Decree No. 659 of 6 November 1934, which was published in the *Gazeta Oficial* on 7 November 1934, and came into force thirty days later.

By letter dated 18 May 1935<sup>1</sup> the Government of *Yugoslavia* informed the International Labour Office that the Minister of Communications, in agreement with the Minister of Social Policy and Public Health, issued on 29 March 1935 an Order governing the conditions of employment on board sea-going vessels of the Kingdom of *Yugoslavia*<sup>2</sup>. This Order, which was published in the "Official Jour-

nal" of 11 April 1935, applies to all sea-going vessels registered by the maritime authorities, to shipowners and to all persons employed on board such vessels, and contains in §§ 88, 2, 26, 18 and 23, 22, 10, 25 and 66, 17, 28, 66, 67, 69, 67 (8), 70, 82-85 provisions corresponding to those of Articles 1 to 15 of the Convention.

#### I.

*(Legislation and administrative regulations, etc., which apply the provisions of the Convention.)*

*Cuba.*

Legislative Decree No. 659 of 6 November 1934 [concerning seamen's articles of agreement] (L. S. 1934, Cuba 12 A).

#### II.

*(Detailed indications with regard to the application of each Article of the Convention.)*

#### ARTICLE 1.

*Cuba.* — Under § 1 of Legislative Decree No. 659, the provisions of the Legislative Decree apply to all vessels registered under the national flag and to

<sup>1</sup> The report of the *Yugoslav* Government, which was received by the Office on 26 November 1934, is summarised in the "Summary of Annual Reports under Article 408", 1935, pp. 191-199.

<sup>2</sup> This Order will be published in the "Legislative Series" as L.S. 1935, Yug. 2,

the owners, masters, officers and crews of such vessels. The provisions do not apply to ships of war, Government vessels not engaged in trade, vessels engaged in the coasting trade, pleasure yachts and fishing vessels. See also introductory note.

## ARTICLE 2.

*Cuba.* — § 2 of Legislative Decree No. 659 gives the following definitions for purposes of the Decree: (a) the term "vessel (*buque*)" includes any ship or boat of any nature whatsoever, whether publicly or privately owned, ordinarily engaged in maritime navigation; (b) the term "seaman (*marino*)" includes every person employed or engaged in any capacity on board ship and entered on the ship's articles, with the exception of masters, pilots, pupils on training ships and duly indentured apprentices. The term also excludes the crews of ships of war and other persons in the permanent service of the Government; (c) the term "master (*capitan*)" includes every person having command and charge of a vessel except pilots. See also introductory note.

## ARTICLE 3.

*Cuba.* — § 3 of Legislative Decree No. 659 lays down that articles of agreement or enrolment shall be drawn up in writing and shall enumerate both the obligations undertaken and the rights acquired by each party; they shall be signed by the shipowner or his representative or the master, and by the seaman. Before signing, the seaman shall be thoroughly aware of the contents of the agreement and shall receive any explanations which he wishes; he shall also receive one copy of the agreement, and the other shall remain in the possession of the port authority or of the customs officer in the place where the agreement was concluded and these authorities shall be responsible for seeing that the seaman thoroughly understands the meaning of the clauses of the agreement, and shall initial it. If the agreement is concluded abroad, the consul or consular officer of Cuba shall supervise it. The officer of this rank who supervises the agreement shall certify by his signature, both on the original agreement and on the two copies, the fact that the owner of the vessel or his representative or the master, on one side, and the seaman on the other, have declared themselves in agreement. § 4 of the Legislative Decree provides that the clauses of the agreement shall be in accordance with the clauses concerning hiring of services in the Civil Code and the Commercial Code in force for seamen engaged on national territory. See also introductory note.

## ARTICLE 4.

*Cuba.* — § 5 of Legislative Decree No. 659 provides that articles of agreement or enrolment shall not contain any clauses which depart from the ordinary rules of competence or jurisdiction established by the Code of International Private Law, or *Code Bustamante* in force. This excludes the possibility of submitting to arbitration a matter which has already been decided. See also introductory note.

## ARTICLE 5.

*Cuba.* — § 3 of Legislative Decree No. 659 lays down that the seaman shall receive a copy of the articles of agreement or enrolment. See also introductory note.

## ARTICLE 6.

*Cuba.* — Under § 6 of Legislative Decree No. 659 articles of agreement or enrolment must include the following particulars: (1) the capacity in which the seaman is to be employed; (2) the name and category of the vessel on which he is to serve; (3) whether the agreement has been concluded for a definite or indefinite period or only for a voyage; (4) the respective rights and obligations of each of the parties to the agreement; (5) the surname and other names of the seaman, his date of birth, age and birth-place; (6) the place and date of the conclusion of the agreement; (7) the description of the vessel or vessels on board which the seaman undertakes to serve; (8) if possible, the effective strength of the crew of the vessel; (9) the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement; (10) if possible, the place and date at which the seaman is required to report on board for service; (11) the amount of his wages; (12) the termination of the agreement, viz: (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 agreed for the expiry of the agreement, and the time which has to expire after arrival in the port of destination 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; (13) any other particulars required by the legislation relating to the merchant marine. See also introductory note.

## ARTICLE 7.

*Cuba.* — § 7 of Legislative Decree No. 659 provides that the articles of agree-

ment shall be included in or annexed to the ship's muster-roll, and also annexed to the pay books. See also introductory note.

## ARTICLE 8.

*Cuba.* — § 8 of Legislative Decree No. 659 lays down that in order that the seamen may satisfy themselves as to the nature and extent of their rights and obligations, the clauses of the articles of agreement and other conditions of service shall be posted up on board in places easily accessible to the crew. See also introductory note.

## ARTICLE 9.

*Cuba.* — Under § 9 of Legislative Decree No. 659, if the agreement is concluded for an indefinite period (in which case the period for giving notice of rescission must be indicated in the agreement in accordance with § 6), either party may rescind the agreement, provided that the period for such rescission, which must be at least 24 hours, is observed. Notice must be given in writing. If no period has been fixed for rescission, it must be in accordance with the relevant provisions of the Commercial Code, both for normal and exceptional cases. See also introductory note.

## ARTICLE 10.

*Cuba.* — § 10 of Legislative Decree No. 659 provides that an agreement, whether entered into for a voyage, for a definite period, or for an indefinite period, shall be duly terminated in the following cases: (a) mutual consent of the parties; (b) death of the seaman; (c) loss or total unseaworthiness of the vessel; (d) any other cases provided for in the Commercial Code which is in force. See also introductory note.

## ARTICLE 11.

*Cuba.* — Under § 11 of Legislative Decree No. 659, the shipowner or master may immediately discharge a seaman for the reasons and according to the methods laid down in the Commercial Code. See also introductory note.

## ARTICLE 12.

*Cuba.* — § 11 of Legislative Decree No. 659 provides that the seaman may demand his immediate discharge if the clauses of the agreement are not observed, if this has been duly proved by witness or by some other convincing method, or for the other reasons laid down in the Commercial Code. See also introductory note.

## ARTICLE 13.

*Cuba.* — § 15 of Legislative Decree No. 659 provides that a seaman may demand his discharge if there is a possibility of his obtaining employment as an officer or engine-room officer, or any other employment of a higher grade than that which he is engaged in, or if, owing to circumstances which have arisen since the conclusion of the agreement, his discharge is essential to his interests; in such cases, however, the seaman must supply a competent person in his place who shall be approved by the shipowner and shall not involve the latter in any extra expense. The seaman shall be entitled to the wages he has earned up to the time of leaving his employment. See also introductory note.

## ARTICLE 14.

*Cuba.* — § 16 of Legislative Decree No. 659 lays down that at the termination or rescission of an agreement, the reason for such determination or rescission shall be indicated by a special entry on the copy of the articles of agreement which must be given to the seaman, under § 3 of the Legislative Decree, and also in the ship's articles. If either party requests it, the public authority shall initial this entry. A seaman is entitled to demand from the master or owner of the vessel a certificate as to the quality of his work, his conduct and the way in which he has carried out the obligations of the agreement. See also introductory note.

## III.

(*Application of the Convention to colonies, etc.*)

## IV.

(*Authorities entrusted with the application and methods of enforcement, etc.*)

*Cuba.* — Legislative Decree No. 659 of 6 November 1934 lays down that in cases of non-observance of the agreement by the master or the shipowner the provisions laid down for each case by the Commercial Code shall be applicable (§ 12). In cases where the master or shipowner refuse to fulfil their obligations as cited in § 12 of the Legislative Decree, the port authorities or, where there are none, the customs officers shall assist the seamen, by means of the appropriate procedure, to defend and obtain their rights. If such cases arise outside national territory, this obligation shall fall on persons exercising consular functions in the name of the Republic in the place where the dispute

arises, after the seaman has submitted his articles of agreement for action to the competent consular officers (§ 13). In cases of non-observance of an agreement, as laid down in §§12 and 13 of the Legislative Decree, on the part of the master of a vessel who is also its owner, the vessel and all its contents shall be appropriated for payment for the maintenance, residence and wages due to the crew, and also for their transportation to the port mentioned in the agreement, in priority over all other civil or commercial obligations incumbent on the master or shipowner (§ 14). All cases of infringement of the Legislative Decree in question are punished by a fine of 30 pesos for the first offence and 50 to 500 pesos for each subsequent offence (§ 17). The fines laid down in § 17 of the Legislative Decree are inflicted by the judge of the criminal court in the place where the infringement was committed; if the infringement was committed outside the territory of the Republic, the judge of the criminal within whose jurisdiction the Cuban port of registration of the vessel lies shall be competent (§ 18). The amount of fines inflicted for infringement of the Legislative Decree shall be deposited with the competent fiscal office, and shall be at the disposal of the Seamen's Pension Fund (§ 19). The report adds that the Department of Labour, acting through its various sections and officials, is responsible for the enforcement of Legislative Decree No. 659 of 6 November 1934. See also introductory note.

V.

(Judicial decisions, etc.)

VI.

(General appreciations of the manner in which the Convention is applied etc.)  
(Observations of employers' and workers' organisations.)

Cuba. — See introductory note.

23. Convention concerning the repatriation of seamen.

COUNTRY	Date of registration of ratification	Reports received
Cuba . . . . .	7. 7.1928	4. 3.1935

The Government of Cuba states in its report that the Convention is applied by Legislative Decree No. 660 of 6 November

1934, which was published in the *Gazeta Oficial* on 7 November 1934 and came into force thirty days later.

By letter dated 18 May 1935<sup>1</sup> the Government of Yugoslavia informed the International Labour Office that the Minister of Communications, in agreement with the Minister of Social Policy and Public Health, issued on 29 March 1935 an Order governing the conditions of employment on board sea-going vessels of the Kingdom of Yugoslavia<sup>2</sup>. This Order, which was published in the "Official Journal" of 11 April 1935, applies to all sea-going vessels registered by the maritime authorities, to shipowners and to all persons employed on board such vessels, and contains in §§ 88, 2, 71 and 72 provisions corresponding to those of Articles 1 to 6 of the Convention.

I.

(Legislation and administrative regulations, etc., which apply the provisions of the Convention.)

Cuba.

Legislative Decree No. 660 of 6 November 1934 [concerning repatriation of seamen, unemployment indemnity to seamen in case of loss or foundering of the ship, and placing of seamen] (L. S. 1934, Cuba 12 B).

II.

(Detailed indications with regard to the application of each Article of the Convention.)

ARTICLE 1.

Cuba. — § 1 of Legislative Decree No. 660 lays down that its provisions shall apply to all vessels registered under the national flag and to the owners, masters, officers and crew of such vessels. The provisions shall not apply to ships of war, Government vessels not engaged in trade, vessels engaged in the coasting trade, pleasure yachts, fishing vessels, and vessels of less than 100 tons gross registered tonnage or 300 cubic metres. See also introductory note.

ARTICLE 2.

Cuba. — § 2 of Legislative Decree No. 660 lays down that for the purposes of its application: (a) the term "vessel" shall include any ship or boat of any nature whatsoever, whether publicly or privately

<sup>1</sup> The report of the Yugoslav Government, which was received by the Office on 26 November 1934 is summarised in the "Summary of Annual Reports under Article 408", 1935, pp. 199-203.

<sup>2</sup> This Order will be published in the "Legislative Series" as L.S. 1935, Yug. 2.

owned, ordinarily engaged in maritime navigation; (b) the term "seaman" shall include every person employed or engaged in any capacity on board ship, and entered on the ship's articles, with the exception of masters, pilots, pupils on training ships and duty indentured apprentices. The term also excludes persons in the permanent service of the Government; (c) the term "master" shall include every person having command and charge of a vessel except pilots. See also introductory note.

#### ARTICLE 3.

*Cuba.* — § 3 of Legislative Decree No. 660 lays down that 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, either to the port at which he was engaged, or to the port at which the voyage began, in accordance with the provisions of the Commercial Code. 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 mentioned above. A seaman shall be deemed to have been repatriated if he is landed in his own country, either at the port at which he was engaged or at a neighbouring port, or at the port at which the voyage began. The conditions under which a foreign seaman engaged in a country other than his own has the right to be repatriated shall be provided for in the articles of agreement. See also introductory note.

#### ARTICLE 4.

*Cuba.* — § 4 of Legislative Decree No. 660 provides that 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; (b) shipwreck; (c) illness not due to his own action or negligence; (d) discharge in a foreign port for any cause for which he cannot be held responsible. See also introductory note.

#### ARTICLE 5.

*Cuba.* — § 5 of Legislative Decree No. 660 provides that the expenses of repatriation shall include all transportation charges and the expenses of accommodation and food for the seaman during the voyage. They shall also include the main-

tenance 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. See also introductory note.

#### ARTICLE 6.

*Cuba.* — The report states that Legislative Decree No. 660 contains no provisions relating to the payment of repatriation expenses in advance. § 6 of the Legislative Decree provides, however, that the Cuban authorities shall be responsible for supervising the repatriation of seamen, in so far as vessels registered in the Republic are concerned, in cases covered by the Legislative Decree, without distinction as to nationality. The report adds that the wide term "authorities" refers in particular, for the purpose of applying the Legislative Decree, to the Department of Labour. § 8 of the Legislative Decree lays down that the expenses of repatriation can be recovered by summons in accordance with the law of civil procedure. See also introductory note.

### III.

*(Application of the Convention to colonies, etc.)*

### IV.

*(Authorities entrusted with the application and methods of enforcement, etc.)*

*Cuba.* — The report states that the Department of Labour is responsible for the enforcement of the relevant legislation. See also introductory note.

### V.

*(Judicial decisions, etc.)*

### VI.

*(General appreciation of the manner in which the Convention is applied, etc.)*  
*(Observations of employers' and workers' organisations.)*

*Cuba.* — See introductory note.

**TENTH SESSION (GENEVA, 1927).**

**24. Convention concerning sickness insurance for workers in industry and commerce and domestic servants.**

. . . . .

**V.**

*(General appreciation of the manner in which the Convention is applied, etc.)  
(Observations of employers' and workers' organisations.)*

*Germany.* — By a letter dated 11 April 1935<sup>1</sup> the Government communicated the following information with regard to the working of sickness insurance during the year 1933; the number of persons insured with the sick funds set up by the federal laws was 16,827,000, of whom 13,894,000 were subject to compulsory insurance. The disbursements made by these funds were as follows: benefits in cash, 213,890,000 RM. (12.71 per insured person); benefits in kind, 621,504,000 RM. (36.93 per insured person); benefits granted in case of death, 8,613,000 RM. (0.51 per insured person). The receipts of the sick funds amounted to 1,031,190,000 RM. (61.28 per insured person), distributed as follows: contributions, 978,664,000 RM. (58.16 per insured person); fees charged for treatment certificates, 9,036,000 RM.; interest on capital investments, 30,545,000 RM.; profit, 1,623,000 RM.; other receipts, 11,322,000 RM. The working of the free approved funds may be shown by the following figures; number of insured persons, 1,713,000; benefits in cash, 12,970,000 RM. (7.57 per insured person); benefits in kind, 106,371,000 RM. (62.10 per insured person). The receipts amounted to 154,236,000 RM. (90.04 per insured person), of which 150,488,000 RM. (87.85 per insured person) represented contributions. No observations have been made by the circles of individuals concerned with regard to the practical application of the Convention.

<sup>1</sup> The report of the German Government, which was received by the Office on 8 November 1934, is summarised in the "Summary of Annual Reports under Article 408", 1935, pp. 204-216.

*Czechoslovakia.* — By letter dated 7 May 1935<sup>1</sup> the Czechoslovak Government informed the Office that the information supplied by the factory inspectors with regard to the application of the legislation giving effect to the Convention is to be found in the "Annual Report of the Factory Inspectorate for the year 1933", pp. 69 and 72. This information may be summarised as follows: The inspectors had to take action against employers who failed to report the engagement of workers to the insurance fund, or who reported having engaged workers at a lower wage rate than they were in fact paying. The sickness insurance of domestic servants, in conformity with the new principle published on 1st June 1932 by the Central Social Insurance Institute, was brought into effect in 1935, particularly in the textile industry.

**25. Convention concerning sickness insurance for agricultural workers.**

. . . . .

*(General appreciation of the manner in which the Convention is applied, etc.)  
(Observations of employers' and workers' organisations.)*

*Czechoslovakia.* — See above under Convention No. 24 (*Sickness insurance, industry, etc.*).

*Germany.* — See above, under Convention No. 24 (*Sickness insurance, industry, etc.*).

<sup>1</sup> The report of the Czechoslovak Government, which was received by the Office on 15 February 1935, is summarised in the "Summary of Annual Reports under Article 408", 1935, pp. 204-215.

# ELEVENTH SESSION (GENEVA, 1928).

## 26. Convention concerning the creation of minimum wage fixing machinery.

COUNTRIES	Date of registration of ratification	Reports received
Australia :	9. 3. 1931	
Queensland . . . . .	. . . . .	15. 4. 1935
Victoria . . . . .	. . . . .	15. 4. 1935

The report of the State of *Victoria* states that "a full report of the history and application of minimum wage-fixing machinery in this State was supplied through the Prime Minister of the Commonwealth of Australia in 1932. Since that time no new statute or regulation has come into operation which would affect the subject matter of the report, but an amending Factories and Shops Act has been passed by the Legislature and came into operation on 17th October, 1934." Certain provisions of this new Act concern the Wages Board system of minimum wage-fixing in operation in Victoria. See below, under the relevant Articles of the Convention.

### I.

(Legislation and administrative regulations, etc., which apply the provisions of the Convention.)

#### Australia.

##### 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.

##### Victoria.

Factories and Shops Act, 1928 (L. S. 1929, Austral. 13).  
Factories and Shops Act, 1934, to amend the above Act.  
See also introductory note.

### I.

(Detailed indications with regard to the application of each Article of the Convention.)

#### Australia. —

*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 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.

#### Australia. —

*Queensland.* — 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.

### ARTICLE 3.

#### Australia. —

*Queensland.* — 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.

*Victoria.* — § 19 of the Factories and Shops Act, 1934 provides that if a paid officer of any corporation, public body or association of employers is nominated to represent employers on a Wages Board, or if any person so nominated is considered by the Minister not to be a bonafide employer, one of the representatives of employees on such Board shall be an officer of a trade union concerned. See, however, introductory note.



ARTICLE 5.

*Australia.* —

*Queensland.* — 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.

*Victoria.* — § 145 (3) of the Factories and Shops Act, 1928, amended by § 20 of the Factories and Shops Act, 1934, authorises Wages Boards in shop or factory trades to provide that persons employed for less than the number of hours fixed as a week's work shall receive an increased rate for one half of the weekly hours fixed. In the Factories and Shops Act of 1928, Boards were required to fix an extra rate of not less than 33 per cent. and not exceeding 50 per cent. The amending Act provides that, except in a week in which two or more public holidays occur, the Boards shall not fix an extra rate exceeding 33 1/3 per cent. Where two or more public holidays occur it is provided that the extra rate shall not be more than 50 per cent. § 21 provides that any Wages Board may make provision in its determination for automatic adjustment of the rates in accordance with the cost of living figures issued by the Commonwealth Statistician. § 23 provides that the Wages Board of a trade which is subject to any Award of the Federal Court of Conciliation and Arbitration shall include in its determinations the terms of such Award so far as they are proper to be so included. This section aims at the elimination of conflict between State Wages Board determinations and Federal Arbitration Court Awards. § 25 provides that a Wages Board, if, in its opinion, the trade concerned is so unskilled that apprentices should not be employed, may determine that no apprentices shall be taken. See, however, introductory note.

III.

(*Application of the Convention to colonies, etc.*)

IV.

(*Authorities entrusted with the application and methods of enforcement, etc.*)

*Australia.* —

*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 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.

*Victoria.* — § 40 of the Factories and Shops Act, 1934 aims at preventing evasions of the Determination of the Bread Trade Board by means of contracting and such devices whether for the manufacture or delivery of bread. The section provides that, in any Court case, where the defendant raises the defence that he is not the employer of the person who is deemed to be underpaid, the proceedings shall be transferred at once from the Court to a Bread Tribunal. This Tribunal shall consist of a Judge of the County Court of Victoria, who shall preside, and of two other persons, one nominated by the employers' representatives on the Board, whose Determination is alleged to have been contravened, and one by the employees' representatives. In dealing with the matter the Tribunal shall not be bound by legal form and solemnities and shall be guided by the real justice of the matter and shall direct itself by the best evidence procurable whether such would be acceptable in a Court of law or not. If the Tribunal is satisfied that the relationship between the parties is in substance that of employer and employee, or that the relationship is one devised to evade the Wages Board Determination, it shall determine accordingly and may inflict heavy penalties. The decision of the Tribunal shall be final and without appeal. The section also provides for a similar Tribunal to be appointed in any other specified trade by the Governor-in-Council. See, however, introductory note.

V.

(*Judicial decisions, etc.*)

*Australia.* —

*Victoria.* — A copy of a judgment given by the High Court of the Commonwealth on appeal from the Supreme Court of Victoria accompanies the report. The report states that the effect of this decision is to restore the rights which the Department of Labour exercised originally to obtain Orders of the Court for arrears of wages in underpayment cases.

VI.

(*General appreciation of the manner in which the Convention is applied, etc.*)  
(*Observations of employers' and workers' organisations.*)

*Australia.* —

*Queensland.* — No information.

*Victoria.* — The principles of the Convention have been in operation in this country for many years. Details of the application of the wage-fixing legislation in Victoria will be found in the Summary of Wages Board Determinations and in the latest annual report of the Chief Inspector of Factories.

## FOURTEENTH SESSION (GENEVA, 1930).

### 29. Convention concerning forced or compulsory labour.

COUNTRIES	Date of registration of ratification	Reports received
Australia . . . . .	2. 1. 1932	
Mandated Territory of Nauru. . . . .		15. 4. 1935
Liberia . . . . .	1. 5. 1931	25. 3. 1935

The Government of *Liberia*, in a letter attached to its report, observes that "the form of report adopted by the Governing Body is ill-fitted to give very much light upon Liberian labour conditions" but that the Government has nevertheless endeavoured to follow the report form as strictly as possible.

#### I.

##### ARTICLE 26 OF THE CONVENTION.

*(Legislation and administrative regulations, etc., which apply the provisions of the Convention).*

*Australia (Mandated territory of Nauru).*

The Government supplies the following supplementary information: "There has been no occasion to make any special laws or regulations for giving effect to the provisions of the Convention on Nauru. What the Convention seeks to achieve has long been an accomplished fact on Nauru, and the extension of the Convention to Nauru has demanded no alteration or modification of existing law or practice. Every inhabitant on Nauru of whatever race, creed or nationality does now enjoy and has enjoyed for decades the rights of free citizenship, and there is, and has been, no law which would confer the power on any person, whether a Government Official or a private individual, to exact from any other person forced or compulsory labour as defined by the Convention. Any attempt to exact such labour would therefore be construed as an offence against personal liberty, and would be dealt with under the Criminal Code. The particular part of the Criminal Code which

would be applicable is § 355, which reads as follows: 'any person who unlawfully confines or detains another in any place against his will or otherwise unlawfully deprives another of his personal liberty is guilty of misdemeanour and is liable to imprisonment with hard labour for three years' (see Criminal Code Act 1899 for the State of Queensland as applied to Nauru by the Laws Repeal and Adopting Ordinance, 1932)."

*Liberia.*

Act relating to the Pawning System, approved 19 December 1930.

Administrative Regulations for governing the Interior, approved 31 May 1931.

The Government states that "the Republic of Liberia has no dependencies, and the laws therein made are applied impartially to all the citizens thereof. With a view to giving effect to the commitments contracted by the Government's adherence to the Convention concerning Forced or Compulsory Labour, the Legislature of Liberia by an Act entitled, 'An Act Relating to the Pawning System', approved December 19, 1930, abolished the said system within the limits of the Republic of Liberia, and the violation of the said statute was constituted an infamous crime. The Administrative Regulations of 1931 were drafted in harmony with the provisions of the Convention."

#### II.

*(Detailed indications with regard to the application of each Article of the Convention).*

##### ARTICLE 2.

*Liberia.* — The report states that no forced or compulsory labour other than such as falls within the scope of paragraphs (a), (b), (c), (d) and (e) of this Article is lawful within the Republic. The report adds that, under § 61 of the Administrative Regulations, 1931, unskilled labour for constructing the main highways and trade routes "shall be furnished in each district by the tribal

authority" and the Government "shall pay for such labour at a rate to be fixed by law or regulation". Further, under § 62 of the Regulations, intertribal roads "shall be built and maintained by the tribal authority without cost to the Government."

## ARTICLE 3.

*Liberia.* — The "competent authority" for the purposes of this Convention is the Interior Department of the Republic.

## ARTICLE 4.

*Liberia.* — The report states that forced or compulsory labour for the benefit of private persons, companies or associations, has always been illegal within the Republic. The pawning system, which secured to farmers or other persons the services of other individuals for a fixed period of years, is an indigenous institution and may in some of its aspects be considered as falling under this heading; but the pawning system was abolished by the Act relating to the Pawning System, approved 19 December 1930.

## ARTICLE 5.

*Liberia.* — The report states that the Government has not undertaken by agreement or otherwise to furnish forced or compulsory labour to any private business companies or associations.

## ARTICLE 6.

*Liberia.* — The report states that in view of the fact that it is a policy of Government to suppress forced or compulsory labour it is obvious that the Government's officials should not and could not place constraint upon any inhabitant to work for private business companies or associations.

## ARTICLE 7.

*Liberia.* — The report states that forced or compulsory labour of the kind described in this Article does not exist within the Republic and is unlawful.

## ARTICLE 8.

*Liberia.* — The report states that the use of forced or compulsory labour is regulated by statute. The Government provides corps of messengers and porters for the movement of officials of the administration and for conveyance of Government stores without recourse to compulsory labour.

## ARTICLE 9.

*Liberia.* — See under other Articles and particularly under ARTICLE 8.

## ARTICLE 10.

*Liberia.* — The report states that forced or compulsory labour has never been exacted as a tax. It adds, however, that § 1416, paragraph 4 of the Revised Statutes of the Republic, Volume II, as amended by Act of the Legislature approved 20 January 1932, is to the following effect: "*Duties of Township Officers*: The road overseers: They shall keep the roads and streets of the township in good order, condition and repair and to that end it shall be their duty and they are authorised to summon all male inhabitants of the township from the age of sixteen to sixty years to assemble and clear up the streets and roads, requiring them to work for not more than twenty-four days in each year."

## ARTICLE 11.

*Liberia.* — The report states that as no other form of compulsory labour exists within the Republic, except as mentioned under ARTICLES 2 and 10 above, it has never been necessary to fix a proportion as provided for by the last paragraph of this Article, the compulsory labour in question (roadwork) being performed by residents of the vicinity. § 96 of the Administrative Regulations, 1931 lays down that "unskilled labour on public works shall not unless they so elect be employed outside the limits of their tribal areas."

## ARTICLE 12.

*Liberia.* — See under ARTICLE 10 above.

## ARTICLE 13.

*Liberia.* — See under ARTICLE 18 below.

## ARTICLE 14.

*Liberia.* — See under ARTICLE 2 above.

## ARTICLE 15.

*Liberia.* — The laws and regulations do not provide for compulsory compensation but the report states that medical treatment in cases of accidents or sickness arising out of employment is invariably administered by the District Commissioner, and that if the case is of sufficient gravity the sufferer is conveyed to the nearest hospital for treatment.

## ARTICLE 16.

*Liberia.* — See under ARTICLE 11 above.

## ARTICLE 17.

*Liberia.* — See under ARTICLE 11 above.

## ARTICLE 18.

*Liberia.* — The report states that no forced or compulsory labour exists in the Republic for the transportation of persons and goods. §§ 65 to 73 of the Administrative Regulations, 1931 provide as follows: “(65) The system of head porterage shall be continued until vehicular transportation is furnished upon the roads. (66) Any travellers requiring carriers shall apply to the Chief of the section for the desired number which he shall supply. (67) At the end of each day’s journey the carriers or porters shall be paid for their services at the official rate hereinafter mentioned. (68) The rate for the payment of porters shall be twenty-four cents per day per porter for a day of ten hours. (69) Periods shorter than an official day shall be paid at proportional rates. Should porters be required for periods exceeding ten hours in any one day, each hour in excess of ten hours shall be paid for at a double proportional rate per hour. (70) The preceding regulations shall not apply where a traveller makes a special contract with porters for an inclusive charge between two designated points. (71) Should the Chief, upon the reasonable application of any traveller, refuse to furnish porters required a complaint against him shall be made to the District Commissioner who upon proof of said refusal shall fine the Chief in a sum not exceeding \$20.00. (72) Should a traveller after engaging and using porters refuse, avoid, or neglect paying them the legal charges due, either under these regulations or by special contract, he shall be punished in an action before the District Commissioner by a fine not exceeding \$20.00 and in addition shall be compelled to pay the sum owing to the porters, plus 25%. (73) When on official patrols the officials specified below shall be entitled to the undermentioned carriers at Government expense: The Provincial Commissioner, not exceeding sixteen carriers; the District Commissioner, not exceeding twelve carriers; the Paramount Chief, not exceeding twelve carriers; the Major Liberian Frontier Force, not exceeding sixteen carriers; Captains Liberian Frontier Force, not exceeding twelve carriers; Lieutenants Liberian Frontier Force, not exceeding eight carriers; Inspector of Schools, not exceeding twelve carriers. Clerks and School Teachers may have carriers, but it shall be at their expense.” § 97 provides that “women shall in no case be employed as carriers”.

## ARTICLE 19.

*Liberia.* — The report states that the Government does not practise compulsory cultivation, though it offers encouragement to the inhabitants to attend to their farms by restricting litigation during the farming season. § 101 of the Administrative Regulations, 1931 lays down that “during the farming season no civil cases shall be heard by any District Commissioner, Paramount Chief or Clan Chief”.

## ARTICLE 20.

*Liberia.* — The report states that the Government does not adopt the procedure of collective punishment.

## ARTICLE 21.

*Liberia.* — The report states that the Government does not engage in any commercial enterprises.

## ARTICLE 22.

*Liberia.* — See under other Articles above.

## ARTICLE 23.

*Liberia.* — See under other Articles above.

## ARTICLE 24.

*Liberia.* — The report states that the District Commissioners instruct the inhabitants of their respective districts from time to time concerning such new regulations as may be brought into force.

## ARTICLE 25.

*Australia (Mandated territory of Nauru).* — See under I above.

*Liberia.* — The report states that the illegal execution of forced or compulsory labour is considered an infamous crime by the Courts of Liberia and is punishable by imprisonment or fine with forfeiture of civil rights. § 64 of the Criminal Code of the Republic is to the following effect: “*Slave Trading:* Any person who shall unlawfully either by force, fraud or deceit carry off another and shall deliver such person into the custody or power of another who has no legal right to hold or detain such person shall be deemed guilty of slave trading. A person who shall hold or detain any person carried off and delivered into his custody or power without legal right to so hold or detain him shall be guilty of slave trading. Every violator of any of the foregoing provisions shall be fined in a sum not exceeding \$500 or

be imprisoned for a term not exceeding two years."

### III.

*(General appreciation of the manner in which the Convention is applied and of the progress made towards the suppression of forced or compulsory labour in all its forms).*

*Australia (Mandated territory of Nauru).* — The report states that "the Administration has an organised police force for the enforcement of the laws on the island and otherwise exercises control over the population. It can without hesitation be said that any attempt to exact forced or compulsory labour on this small island would immediately come under notice and the offender would be apprehended and prosecuted without delay. Owing to the certainty of discovery and the fear of the penalty no intelligent person would entertain for a moment the intention of exacting forced or compulsory labour and cases of such are quite unknown on the island."

*Liberia.* — The Government draws attention to the following passage in the Annual Message of H. E. Edwin Barclay, President of the Republic, to the Fourth Session of the Thirty-seventh Legislature (dated 26 October 1934): "In pursuance of the policy of personal inspection of administrative and social conditions in the Country, I undertook, during the early months of the year, a tour of the Central and Eastern Provinces. This tour was through territory which had not heretofore been visited by a Chief Magistrate officially. I was agreeably surprised and gratified by the loyal reception accorded me along the whole route and the spontaneous outburst of enthusiasm and appreciation of the visit, not only by the Chiefs and Elders, but by the general population. Formal conferences were held with the Chiefs and people at each District Headquarters. Matters affecting administrative, social and economic welfare were discussed and settled in agreement with the Paramount Chiefs and Elders. My first care was to discover how the Regulations of 1931 worked out in practice. I found that the fears expressed both in Legislative Circles and by those persons who were wedded to the old ideas that

these Regulations were idealistic and impracticable, were without foundation. There was universal approval of the present Administrative Regulations, and the frank statement was made to me that should Government decide to abrogate these Regulations and the organisation effectuated thereunder, it would be difficult for the Chiefs and Elders to submit to a change. A new dignity is now added to the Paramount Chiefs' office and this in some of the Districts has resulted in a whole-hearted cooperation with the District Commissioners. In one of the Districts this was evinced in the public modern buildings which are being erected at the tribal government's expense and suggestion. The bricks for these buildings were made on the spot by the people under the direction and supervision of the District Commissioner himself. At Saniquellie, where the District Headquarters are situated, there was formerly no adequate water supply. The District Commissioner has constructed an artificial lake covering about ten acres which, in the height of the dry season, furnishes an abundant supply of water adequate to the needs of the population. Well built roads radiate from Headquarters to every section of the District, and this has been accomplished without any serious complaint from the population. In fact these people who, twenty years ago, were cannibals and very primitive have, under sympathetic guidance, developed a group consciousness and an aptitude for progress which, considering all the factors, is astonishing. Similar activity was evident in all interior Districts visited except Gio, whose District Commissioner, notwithstanding his foreign education and experience, seemed incapable of gaining the confidence of the population. The Paramount Chief pointed out his lack of initiative and energy, and the District Commissioner had nothing to shew in the way of social improvement of which the Chiefs seem very desirous. The District Commissioner was retired from the Service as being unsuited to the work he was supposed to carry out."

### IV.

*(Judicial decisions, etc.)*

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LEAGUE OF NATIONS

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# INTERNATIONAL LABOUR CONFERENCE

NINETEENTH SESSION

GENEVA, 1935

SUMMARY OF ANNUAL REPORTS  
UNDER ARTICLE 408

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SUPPLEMENT No. 2

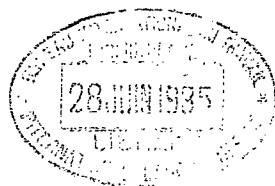


INTERNATIONAL LABOUR OFFICE

GENEVA, 1935

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## Summary of Annual Reports under Article 408.

### Supplement No. 2.

#### Report supplied by the Government of Colombia.

Geneva, 5 June 1935.

Sir,

Further to the report supplied by my Government to the International Labour Office in pursuance of Article 408, I have the honour to inform you that the *Convention concerning unemployment* ratified by the Congress of Colombia on 26 July 1933 is at present undergoing careful study by the National Labour Office, with a view to the adoption of appropriate measures for its application, with due regard for the practical requirements and the special national characteristics of Colombia.

I shall be obliged if you will take due note of this communication.

I have the honour, etc.

(Signed) Rafael GUIZADO  
*Delegate of Colombia to the  
International Labour Conference.*

#### Reports supplied by the Government of Greece.

Athens, 1 June, 1935.

Sir,

In reply to your letter No. D. 600/3003/03/9/3, I have the honour to communicate to you herewith, in accordance with the provisions of Article 408 of the Treaty of Versailles, Article 353 of the Treaty of St. Germain, Article 270 of the Treaty of Neuilly, Article 336 of the Treaty of Trianon and other Treaties of Peace, for the Conventions which have so far been ratified by Greece, the latest texts of the Acts and Decrees which have been issued for the application of such Conventions by the Greek Government from 1 October

1933, the date of its last report, to the end of September 1934.

I would at the same time refer also to the information given in the previous reports of my Government, which is not reproduced here, and would add that the reason why the information is rather incomplete and late is due to the somewhat abnormal political situation created by recent events.

A. Thus, the following Decrees have been issued in respect of the *Convention limiting the hours of work in industrial undertakings to eight in the day and 48 in the week*:

1. Decree of 7.12.32. "on the application of the provisions relating to the eight-hour day to the staff in macaroni factories."

2. Decree of 7.12.32. "concerning the regulation of hours of work for the staff employed on motorbuses."

3. Decree of 23.11.33. "concerning the application of the provisions relating to the eight hour day in forges attached to other factories or workshops."

B. *Convention concerning unemployment*: the Decree of 7.12.32. "concerning the establishment of employment exchanges at Athens, Patras, Piraeus, Salonica, Volos, Corfu."

The preparatory work for the organisation of the exchanges mentioned above has been completed and they will begin to function in the near future, the necessary credit having already been included in the Budget.

C. With regard to the *Convention concerning the employment of women before and after childbirth*, there has been included in the general Act concerning Social Insurance a special provision No. 6298 of 1934, governing the holidays and benefits in cash before and after childbirth and while the mother is nursing her child. These provisions cancel all previous regulations on this question.

D. No changes have been made in connection with the *Convention concerning the employment of women during the night*.

E. With regard to the *Convention fixing the minimum age for the admission of children to industrial employment*, there was issued on 11.10.32. the Decree prohibiting the employment of boys under 16 years and girls under 18 years of age in boiler making works.

Similarly, in the Decree of 14.3.34. "concerning the safety and health of workers and employees in workshops and factories of all kinds", there have been included special provisions prohibiting the employment of young persons under 18 years of age in certain work which, by its nature, is of an arduous character.

F. *Convention concerning the night work of young persons employed in industry*.

G. *Convention fixing the minimum age for admission of children to employment at sea*.

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

I. *Convention concerning the application of the weekly rest in industrial undertakings*.

J. *Convention concerning the compulsory medical examination of children and young persons employed at sea*.

No changes have been made in respect of the Conventions referred to above under F, G, H, I, J, K.

L. With regard to the *Convention of for establishing facilities for finding employment for seamen*, two Decree have been issued by the Ministry of Marine : 1) Decree of 10.10.33 "concerning the establishment and working of the Seamen's Employment Office", and (2) Decree of 28.9.33. "concerning the finding of employment for unemployed seamen."

M. With regard to the *Convention concerning the use of white lead in painting*, Act No. 6011 "amending Act 2654 concerning the prohibition of the use of white lead in painting" was adopted.

I should like in this connection to inform the International Labour Office that, although economic conditions in the country at present are quite abnormal, Greece has not failed to do everything in her power to secure the proper application of legislation for the protection of the workers.

In order especially to supervise and apply labour legislation and to prevent and settle labour disputes, there was passed at the beginning of 1934 an Act (No. 6145) by which the number of factory inspectors has been increased and employment offices have been set up in the principal towns where

industry is developed and where there exists a concentrated working class population, whilst at the same time, the powers of the factory inspectors have been enlarged in respect of the supervision of labour.

Finally, by a Legislative Decree recently issued certain modifications have been introduced in the Labour Department of the Ministry.

The Division of Labour and Social Welfare has been divided up into two separate sections dealing respectively with factory inspection and social welfare with a view to securing the most satisfactory application of the policy of the Government with regard to social and labour questions.

I am confident that in future Greece will be able fully to discharge her obligations to the International Labour Office both in respect of the supply of the information request and in the matter of examining the Conventions adopted under the auspices of the International Labour Office with a view to the possibility of ratification by Greece.

I have the honour to be, etc.

*Under-Secretary of State at the Ministry of National Economy*

(Signed) (illegible)

LEGISLATIVE TEXTS (IN GREEK) APPENDED.

*Convention No. 1 (Hours of Work, Industry).*

1. Decree of 7.12.32. "concerning the application of the provisions relating to the eight hour day to the staff in macaroni factories."

2. Decree of 7.12.32. "concerning the regulation of hours of work of the staff employed on motor buses."

3. Decree of 23.1.33. "concerning the application of the provisions relating to the eight hour day in forges attached to other factories or workshops."

4. Decree of 23.1.33. "concerning the application of the provisions of the eight hour day to the staff in shoe-making undertakings in which machinery is used."

*Convention No. 2 (Unemployment).*

Decree of 7.12.32. "concerning the establishment of employment exchanges at Athens, Piraeus, Patras, Salonica, Volos and Cavalla."

*Convention No. 3 (Childbirth).*

Act No. 6298 concerning insurance.

*Convention No. 5 — Minimum Age (Industry).*

1. Decree of 11.10.32. "concerning the employment of women and children in boiler making works."

2. Decree of 14.3.34. "concerning the health conditions and safety of workers and employees in factories and workshops of all kinds."

*Convention No. 9 — Placing of Seamen.*

Legislative Decree of 10.10.33. "concerning the establishment and working of a Seamen's Employment Office."

*Convention No. 13 — White Lead (Painting).*

Act 6011 "amending Act 2654 concerning the use of white lead in painting."

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ascending line or guardians. The revision of the legislation in force is under consideration and the Government will endeavour to include the provisions of this Article in it and will also examine whether it is possible to provide for a system of pensions in place of payment of the compensation in one lump sum.

#### ARTICLE 6.

*Mexico.* — (a) The benefits granted from the first day of the temporary incapacity amount, under § 303 of the Labour Act, to 75 per cent. of the wages of the victim irrespective of the medical and pharmaceutical aid provided for in § 295. In no case is the indemnity payable for more than a year from the day of the accident, as the accident would thereafter be considered permanent under § 303. In the case of permanent incapacity the indemnity is payable as from the date on which the injury was declared to be permanent, since it does not take the form of a pension; in case of death the indemnity is payable immediately. (b) In principle by the employer. However, under § 305 of the Act, the indemnity may be paid by an insurance institution though the employer continues to be held responsible if, by default of such institution, the insurance benefits are not paid (in other words, if, for a reason for which the insurance institution is responsible, the prescribed lump sum or the pension is not paid either in whole or in part in accordance with the provision contained in the end of the same section).

#### ARTICLE 7.

*Mexico.* — Under § 301 of the Labour Act, the compensation payable to persons suffering permanent and total incapacity is increased by 50 per cent. in comparison with the compensation granted in case of death. Under § 298 the compensation in the latter case amounts to the wages for 612 days, while the compensation in case of permanent and total incapacity amounts to the wages for 918 days.

#### ARTICLE 8.

*Mexico.* — § 307 of the Labour Act provides that within one year of the date on which the compensation was assessed by agreement or by an award of the Conciliation and Arbitration Board, the party concerned may apply for the revision of this agreement or award if, after the date thereof, proof is forthcoming that the incapacity caused by the injury has been aggravated or diminished. Under § 516 of the Act the agreements concluded between the parties become valid only after being approved by the Conciliation and Arbitration Board, such approval

investing them thereafter with the full juridical effect pertaining to an award of the Board. It is of course understood that several revisions are permissible, but always within the limit of one year from the date of the agreement or the award. The explanation for this limit is to be found in the fact that the agreement is concluded or the award given ordinarily only after the injury has been declared to be permanent. Supervision is ensured by the inspection service, which is governed by the provisions of §§ 402-406 of the Federal Labour Act.

#### ARTICLE 9.

*Mexico.* — (a) § 295 provides for medical aid, including surgical aid, the nature of which must be prescribed by a doctor or surgeon legally authorised to practise his profession. This section does not fix the duration of such aid, which must continue until the complete recovery of the victim, or his death, as the case may be. The same section provides that medicaments and sanitary articles should be supplied during the whole of the necessary period. (b) In all cases by the employer, under the provisions of § 123, chapter XIV, of the Constitution, and § 291 of the Federal Labour Act. §§ 308-309 prescribe the manner in which the medical, surgical and pharmaceutical aid is to be given.

#### ARTICLE 10.

*Mexico.* — (a), (b) and (c). There are no provisions governing this matter. Nevertheless, according to § 302 of the Labour Act account must be taken, when fixing the compensation, of the supply by the employer of artificial limbs, as well as of the responsibility of the employer with regard to the provision for re-training of the victim. It is the Government's intention to examine whether it would be possible to include in the amending Bill which will probably be submitted to Congress this year provisions relating to the obligation of the employer to supply and to renew artificial limbs and surgical appliances, and how this obligation might be replaced by the grant of supplementary compensation, as well as provisions regarding the necessary measures of supervision in order to eliminate abuses or to guarantee the payment of the supplementary compensation.

#### ARTICLE 11.

*Mexico.* — No provision of this kind exists beyond what is usually contained in legislation concerning insurance. However, the question of introducing provisions of this kind when the Labour Act is amended in the near future is at present under consideration.



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## III.

(Application of the Convention to colonies, etc.)

## IV.

(Authorities entrusted with the application and methods of enforcement, etc.)

*Mexico.* — The Conciliation Boards and the Conciliation and Arbitration Boards, local and Federal, the Labour Inspectors, local and Federal, and the mayors are responsible for the application of the relevant provisions. Inspection is governed by the provisions of §§ 402-406 of the Labour Act. The inspectors pay periodical visits to factories, workshops and other establishments in which work is carried on, and report to the Governors of the States and Territories, to the Department Chief of the Federal District, or to the Chief of the Labour Department, the breaches of the law noted by them, in order that these officials may impose appropriate penalties, which consist exclusively of fines (§§ 673-685 of the Federal Labour Act).

## V.

(Judicial decisions, etc.)

## VI.

(General appreciation of the manner in which the Convention is applied, etc.)  
(Observations of employers' and workers' organisations.)

*Mexico.* — Adequate information is not available. But Mexican legislation applies to all workers, with the sole exception of those who are employed in the service of the State (§ 2 of the Federal Labour Act). No statistical data are available. No observations have been received.

**19. Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents.**

COUNTRIES	Date of registration of ratification	Report received
Mexico . . . . .	12. 5. 1934	10. 6. 1935 <sup>1</sup>

<sup>1</sup> The report covers the period 12 May-30 September 1934.

## I.

(Legislation and administrative regulations, etc., which apply the provisions of the Convention.)

*Mexico.*

Political Constitution of the United States of Mexico, 1917 (paragraph XIV of Section 123).

Federal Labour Act of 18 August 1931 (L. S. 1931, Mex. 1).

## II.

(Detailed indications with regard to the application of each Article of the Convention.)

## ARTICLE 1.

*Mexico.* — The report states that there are no legislative provisions or regulations on this subject in Mexico, because the national legislation (§§ 3, 4, 5 and 284-327 of the Federal Labour Act) ensures absolute equality of treatment to national and foreign workers and their legal heirs, even if they reside abroad.

## ARTICLE 2.

*Mexico.* — The Government states that there is nothing to report under this Article.

## ARTICLE 3.

*Mexico.* — See under Article 1.

## ARTICLE 4.

*Mexico.* — The report states that there have been no changes.

## III.

(Application of the Convention to colonies, etc.)

## IV.

(Authorities entrusted with the application and methods of enforcement, etc.)

*Mexico.* — This is a matter for the Conciliation and Arbitration Boards and the local and Federal services of the Labour Inspectorate. Section 324 of the Federal Labour Act lays down that in each undertaking there shall be safety committees to investigate the causes of accidents,

propose means for preventing them and see that these means are applied. Section 111, paragraph VI, of the same Act requires employers to pay the compensation provided for in the Act and Section 683 provides a penalty, consisting of a fine of from 5 to 100 pesos, for failure to comply with this paragraph, irrespective of the responsibility which, in conformity with Section 673, the worker or his legal heirs may, by reason of the realisation of the risk, assign to the employer. Compensation is claimed before the Conciliation and Arbitration Boards, local or Federal. The labour inspectors have the duty of reporting to the Governors of the States or territories, to the chief of the Department of the Federal District, or to the chief of the Department of Labour any breaches of paragraph VI of Section 111, so that these officials may inflict the corresponding penalties. Sections 402 to 406 of the Act regulate the labour inspection service. It is important to note that the Labour Protection Registries, local and Federal, whose duties are regulated by Sections 407 to 413 of the Act, play an important part in ensuring the enforcement of the provisions concerning compensation for occupational accidents, since they assist the workers, or their legal heirs, before the Conciliation and Arbitration Boards, explaining to them the principles of the procedure that they have to follow and representing them before the Courts; in fact the Labour Protection Registries, which in practice work concurrently with the Labour Courts, receive in good time copies of the statements which, under Sections 312 to 314, employers have to submit in the case of occupational accidents, whether fatal or not.

## V.

*(Judicial decisions, etc.)*

## VI.

*(General appreciation of the manner in which the Convention is applied, etc.)  
(Observations of employers' and workers' organisations.)*

*Mexico.* — In view of the absolute equality of treatment ensured by Mexican legislation to national and foreign workers, the statistics do not distinguish the nationalities of the workers in the matter of their occupations, accidents and occupational diseases. No observations have been received.

## 22. Convention concerning seamen's articles of agreement.

COUNTRIES	Date of registration of ratification	Report received
Mexico . . . . .	12. 5.1934	10. 6.1935 <sup>1</sup>

## I.

*(Legislation and administrative regulations, etc., which apply the provisions of the Convention.)*

*Mexico.*

Federal Labour Act of 18 August 1931 (L. S. 1931, Mex. 1).  
Highways Act of 10 September 1932.

## II.

*(Detailed indications with regard to the application of each Article of the Convention.)*

## ARTICLE 1.

*Mexico.* — The report states that Mexican legislation does not fix any limit.

## ARTICLE 2.

*Mexico.* — The report states that no provision is made for geographical limits.

## ARTICLE 3.

*Mexico.* — §§ 23 to 31, in particular § 24, of the Federal Labour Act lay down the conditions governing contracts of employment in general. These sections are applicable to seamen since they are not contrary to the special provisions of §§ 132 to 173 of the Act which govern conditions of labour at sea and on navigable waterways. Such application results from the provisions of § 41 of the Act. In accordance with § 23, the agreements must be in writing and, under § 137, made in four copies of which one remains in the possession of the seaman, the others being distributed as follows: one for the shipowner, one for the port authority or for the Mexican Consul (if the agreement is concluded abroad) and one for the Federal Conciliation and Arbitration Board. § 138 prescribes the special conditions for seamen's articles of agreement, and under § 140 owners of vessels are required to sign agreements with the members of the crew or a collective agreement with the seamen's trade union

<sup>1</sup> The report covers the period 12 May-30 September 1934.

to which the crew belong, §§ 42 to 67 of the Act being applicable to seamen's collective agreements in virtue of the provisions of § 41. § 381 of the Highways Act ensures the conclusion of agreements in writing.

#### ARTICLE 4.

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#### ARTICLE 5.

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#### ARTICLE 6.

*Mexico.* — In principle, seamen's articles of agreement are concluded for an indefinite period, in accordance with the provisions of § 39 of the Federal Labour Act. In practice, also, as may be seen from the copies of the collective agreements, the agreements are concluded for an indefinite period so far as the unions are concerned but individual members of the crew are sometimes signed on for the voyage. The legislation does not fix any time limit for rescinding agreements for an indefinite period but such agreements may be terminated for a valid reason. § 121 enumerates the reasons which may legitimately be advanced by the employer and § 123 those which may be legitimately advanced by the worker; §§ 143, 147 and 167 enumerate the special reasons permitting the owner of the vessel or his representative to rescind contracts of employment. See also under ARTICLE 3.

#### ARTICLE 7.

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#### ARTICLE 8.

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#### ARTICLE 9.

*Mexico.* — The rescinding of a contract even for a valid reason can have no immediate operative force in the cases enumerated below: while the vessel is at sea, while the vessel is in port, if the cancellation is requested within 24 hours before the sailing of the vessel (unless in this latter case the master or the destination of the vessel has been changed) (§ 145); while the vessel is abroad, in an uninhabited place or in port, when the vessel is exposed to risk on account of bad weather or other circumstances (§ 146); if the workers in question do not belong to the crew putting to sea, having been detained on board for any reason

whatsoever and therefore having to be regarded as members of the regular crew for the return voyage. Finally, the suspension of the agreement resulting from a strike is not operative while the vessel is at sea or is anchored outside a port (§ 170).

#### ARTICLE 10.

*Mexico.* — The report states that the reasons mentioned in the reply to the question under ARTICLE 9 are also deemed to be valid reasons for the cancellation of agreements concluded for the voyage.

#### ARTICLE 11.

*Mexico.* — The report states that the circumstances are the same as those mentioned in the reply under ARTICLES 9 and 10.

#### ARTICLE 12.

*Mexico.* — These circumstances are, in addition to those provided for in § 123 of the Act: failure by the shipowner to carry out the provisions of § 139 of the Act and a new voyage undertaken for a period exceeding that provided for in an agreement concluded for a definite period (§ 144).

### III.

*(Application of the Convention to colonies, etc.)*

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### IV.

*(Authorities entrusted with the application and methods of enforcement, etc.)*

*Mexico.* — The Federal Conciliation Boards, the Federal Conciliation and Arbitration Board, the Federal Labour Inspectors, the port authorities and the Mexican Consuls abroad are responsible for the application of the relevant provisions. The inspection services are regulated by §§ 402 to 406 of the Federal Labour Act. There exists in each port a Federal Labour Inspector who carries out an inspection for each voyage in order to ensure the observance of the provisions of the relevant special legislation and to report to the Labour Department any breaches noted by him. The penalties provided by the Act consist of fines in all cases (§§ 673 to 685 of the Act).

### V.

*(Judicial decisions, etc.)*

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VI.

*(General appreciation of the manner in which the Convention is applied, etc.)*  
*(Observations of employers' and workers' organisations.)*

*Mexico.* — The report states that no information is available at present. No observations have been received.

23. Convention concerning the repatriation of seamen.

COUNTRIES	Date of registration of ratification	Report received
Mexico . . . . .	12. 5. 1934	10. 6. 1935 <sup>1</sup>

I.

*(Legislation and administrative regulations, etc., which apply the provisions of the Convention.)*

*Mexico.*  
Political constitution of the United States of Mexico, 1917.  
Federal Labour Act of 18 August 1931 (L. S. 1931, Mexico. 1).  
Migration Act of 30 August 1930 published in the supplement to the *Diario Oficial* of 30 August 1930.  
Section 133 of the Constitution lays down that the Treaties concluded by Mexico and legally ratified shall be incorporated in the Constitution itself and the laws that emanate from it, the Supreme Law of the entire Union, and hence this Convention may be invoked before the Courts and the administrative authorities who have to apply it in the same form as though it were a law.

II.

*(Detailed indications with regard to the application of each Article of the Convention,)*

ARTICLE 1.

*Mexico.* — The report states that no restriction is provided for.

ARTICLE 2.

*Mexico.* — The report states that no provision is made for these geographical limits.

<sup>1</sup> The report covers the period 12 May-30 September 1934.

ARTICLE 3.

*Mexico.* — § 88 of the Migration Act lays down that the undertakings owning the ships are responsible for the crews of these ships, who, by the fault of the undertakings themselves remain on Mexican territory. The report states that this provision in conjunction with § 86 of the same Act which requires the undertakings to constitute a surety to cover their responsibilities, indirectly ensures the repatriation of foreign seamen. Further, §§ 29 (applicable to seamen under the provisions of § 41), 141, 143, 147 and 148 of the Federal Labour Act contain provisions that ensure the repatriation of Mexican seamen embarked on national or foreign ships but engaged in home ports. As regards foreign seamen who have to be repatriated from Mexico, these may invoke the terms of the Convention itself in conformity with Section 133 of the Constitution.

III.

*(Application of the Convention to colonies, etc.)*

IV.

*(Authorities entrusted with the application and methods of enforcement, etc.)*

*Mexico.* — The report states that the Federal Conciliation Boards, the Federal Conciliation and Arbitration Board and the Federal labour inspectors are responsible for the application of the relevant provisions.

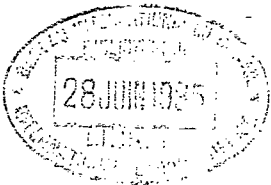
V.

*(Judicial decisions, etc.)*

VI.

*(General appreciation of the manner in which the Convention is applied, etc.)*  
*(Observations of employers' and workers' organisations.)*

*Mexico.* — In no case has the Convention been invoked before the Courts with a view to requiring its application. No observations have been received.



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