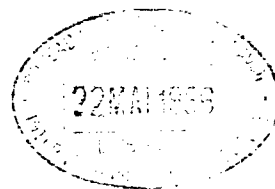


# INTERNATIONAL LABOUR CONFERENCE

TWENTIETH SESSION

GENEVA, 1936

## SUMMARY OF ANNUAL REPORTS UNDER ARTICLE 22 OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION



INTERNATIONAL LABOUR OFFICE

GENEVA, 1936



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## INTRODUCTION.

Article 22 of the Constitution of the International Labour Organisation (Article 408 of the Treaty of Peace of Versailles, and the corresponding Articles of the other Treaties of Peace) reads 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 22-34) 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-two 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 1934-30 September 1935 is formally laid before the Conference<sup>1</sup>.

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 information, intelligible without reference to the 1933 volume.

\* \* \*

The Report of the Committee of Experts appointed by the Governing Body, in accordance with a resolution of the Inter-

reports made under Article 22, 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.

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

national Labour Conference at its Eighth (1926) Session, to examine the annual reports submitted under Article 22 of the Constitution is communicated to the Conference as usual in the form of an appendix to the summary. But in response to a suggestion made at the Committee on the application of Conventions set up by the Conference at its Nineteenth (1935) Session the Report of the Committee of Experts has been bound separately this year.<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.

Any information under Article 22 received by the Office too late for inclusion in the present volume will be laid before the Conference by being reproduced in an early number of the *Provisional Record* of the Conference.<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 18 June 1921. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1935, and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	
Belgium . . . . .	6. 9.1926	24.10.1935
Bulgaria . . . . .	14. 2.1922	15.11.1935
Canada . . . . .	21. 3.1935	19.10.1935
Chile . . . . .	15. 9.1925	20.12.1935
Colombia . . . . .	20. 6.1933	13. 1.1936
Cuba . . . . .	20. 9.1934	18.11.1935
Czechoslovakia . .	24. 8.1921	12. 2.1936
Dominican Republic	4. 2.1933	
Greece . . . . .	19.11.1920	
India . . . . .	14. 7.1921	14.12.1935
Lithuania . . . . .	19. 6.1931	9. 3.1936
Luxemburg . . . . .	16. 4.1928	10. 2.1936
Nicaragua. . . . .	12. 4.1934	5.12.1935
Portugal . . . . .	3. 7.1928	16. 1.1936
Rumania . . . . .	13. 6.1921	23. 3.1936
Spain . . . . .	22. 2.1929 <sup>1</sup>	8. 4.1936
Uruguay . . . . .	6. 6.1933	16. 3.1936

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

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

In a letter dated 4 October 1935, the Government of *Canada* states that an Act entitled the Limitation of Hours of Work Act was adopted at the last session of Parliament to give effect to the Convention. Regulations to apply this Act are in course of preparation but have not as yet been completed; they will be transmitted to the Office in due course. The Act reproduces the provisions of the Convention, and its § 12 lays down that the Regulations to be issued by the Governor in Council under it shall be published in the *Canada Gazette*.

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 in its report that it has been found, from enquiries made when the Orders prescribed by Articles 4 and 6 of the Convention were being drawn up, that the exemptions in question are not applied for by the persons concerned, except for motorcar drivers. The text of an Order concerning hours of work for drivers of touring cars and cars for hire will be shortly submitted to the representatives of the persons concerned.

The Government of *Nicaragua* states in its report that "as the Secretariat of the League of Nations was informed at the appropriate time, the Draft Conventions which were adopted at the first fourteen Sessions of the International Labour Conference (1919-1930), and which Nicaragua has ratified, were not approved by Congress until 24 February 1934. Nevertheless, before such approval had been given, the Ministry of Labour prepared and submitted to Congress (on 29 January 1934) a draft Labour Code, the greater part of which consists of provisions modelled on the principles of labour protection to be found in the ratified Conventions: (regulation of hours of work,

maximum duration of working day, employment of young persons, employment of women, domestic service, employment of seamen, employment of salaried employees, medical assistance, compensation for industrial accidents, establishment of independent institutions for insurance against industrial accidents, etc.). A copy of this draft Code, which Congress is expected to approve in the near future, was transmitted to the Secretary-General of the League of Nations, as notified in letter No. 58/34 of 18 May 1934, in reply to letter No. D 600/2200/44 of 14 April of the same year from the Secretary-General to the Ministry of Labour. Moreover, a number of other Bills, to establish the eight-hour day for salaried employees and workers, to introduce compensation for industrial accidents and to regulate the employment of women before and after childbirth, have been before Congress since 1933, but have not yet received statutory force.

The report of the Government of *Uruguay* gives a survey of existing legislation concerning the limitation of hours of work. It appears from this survey that the eight-hour day was introduced in Uruguay by an Act of 17 November 1915, and Administrative Regulations issued on the same date in pursuance of the Act and amended by a Decree of 15 May 1935. The Act applies to factories, workshops, arsenals, quarries, building undertakings on land or in harbours on the seaboard or on rivers, to persons employed in industrial and commercial establishments, to mechanics, drivers and other railway and tramway employees, to carters employed at railway stations, and generally to all persons performing work similar to that of the workers and salaried employees mentioned above. The working day may not exceed eight hours, save in certain occupations where work is considered to be necessarily continuous. A list of the occupations in question is given in § 13 of the Administrative Regulations of 17 November 1915, amended by the Decree of 15 May 1935. In these occupations, hours of work may not exceed 48 per week. The scope of the Act is therefore wider than that of the Convention, since it includes commercial establishments and offices, fishing and inland navigation, hotels, entertainments, and hospitals. Further, the Act applies to nearly all the classes of workers exempted under Article 2 of the Convention. It also includes establishments in which only members of the same family are employed. It allows of no exceptions except in the case of the employer's consort, who is treated as a joint proprietor, and in that of children who are under age and subject to parental authority. The Act applies to persons holding positions of supervision or management, and those employed in a confidential capa-

city, exceptions being allowed only in respect of a single manager for each undertaking, technical directors in industrial departments, who are not expected to keep regular hours, station masters and masters of ships. The Act does not allow of exceptions in preparatory or complementary work, nor for classes of workers whose work is essentially intermittent. Nor does it allow of temporary exceptions to enable establishments to cope with exceptional pressure of work. In all such cases, hours of work are governed by the general principles laid down in the Act: an eight-hour day as a rule, and a forty-eight hour week by way of exception, in work which may not be interrupted. All industrial establishments are required to state beforehand, on special forms approved by the National Labour Institute, how many hours will be worked by each of their employees and workers. When a wage-earner does his work outside the establishment, an individual return, supplying such particulars as are necessary to identify the worker and stating his hours of work, is to be substituted for the entry on the form. Such forms and returns, supplying particulars as to hours of work, must mention the rest intervals which the worker is allowed. A Legislative Decree of 7 April 1933 set up a Superior Labour Council, the membership of which includes representatives of employers' and workers' organisations. Representation on the Superior Labour Council enables the workers to take a direct part in applying the existing Acts and Decrees which regulate conditions of work, pensions and social insurance. It also gives them an opportunity of proposing such measures as they think necessary to improve social legislation. The report adds that the limitation of hours of work introduced in Uruguay by the Act of 17 November 1915 has since become a constitutional right. § 53 of the national Constitution of 1934 provides that the law shall protect the right of all workers and employees, who are in employment or service, to limitation of hours of work. Finally, the report states that, according to the last industrial census, there are in Uruguay 7,403 industrial establishments, of which 4,859 are in the metropolitan district and 2,544 in other districts. These undertakings, a detailed list of which is contained in the report, provide work for 94,411 employees and workers in all, of whom 40,765 are skilled workers, 40,737 unskilled workers, and 12,909 salaried employees. The provisions concerning hours of work apply, irrespective of nationality, to all workers and salaried employees engaged in the undertakings considered. Accordingly, they cover 20,690 foreign workers and salaried employees who are not Uruguayan nationals. The total of 94,411 given above includes 10,641 women.

## 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.

**Canada.**

The Limitation of Hours of Work Act, dated 5 July 1935.

See also introductory note.

**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 private railway undertakings, superseded by Decree No. 702 of 8 June 1935.

**Colombia.**

Decree No. 895 of 26 April 1934 to approve an Order of the General Labour Office (L. S. 1934, Col. 1).

**Cuba.**

Decree No. 1693 of 19 September 1933 concerning the eight-hour day (L. S. 1933, Cuba 4 A).

Decree No. 2513 of 19 October 1933 issuing regulations under the above Decree (L. S. 1933, Cuba 4 B).

Decree No. 2699 of 11 November 1933 to amend § XV of Decree No. 2513 (L. S. 1933, Cuba 4 C).

Decree No. 2940 of 2 December 1933 to add a paragraph to § V of Decree No. 2513 (L. S. 1933, Cuba 4 D).

Decree No. 364 of 3 February 1934 to add a paragraph to § V of Decree No. 2513 (L. S. 1934, Cuba 1 B).

Order of the Minister of Communications and Labour of 4 January 1934 to issue rules for the interpretation of §§ I and V of Decree No. 2513 (L. S. 1934, Cuba 1 A).

Orders of the Minister of Labour, dated 4 January 1934, 2 March 1934 and 13 May 1935.

**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 20 August 1934 (L. S. 1934, Ind. 2), amended 2 October 1935.

Indian Mines Act of 23 February 1923 (L. S. 1923, Ind. 3), as amended 22 September 1928 (L. S. 1928, Ind. 1) and subsequently.

Orders issued in 1921 by the Railway Department.

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.

**Luxemburg.**

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

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

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

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

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

**Nicaragua.**

See introductory note.

**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).

*Uruguay.*

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, 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.*

*Canada.* — See introductory note.

*Chile.* — . . . The report states that the absence, in Chilean legislation, of a definition of the term "industrial undertaking" does not in any way prejudice the detailed application of the provisions of the Convention. In practice, the judicial

and administrative authorities in Chile have interpreted the term in its widest sense, in accordance with its natural and obvious meaning and with the meaning implied by the provisions of the Labour Code; though the Code also applies to agriculture. The term "industrial undertaking" does therefore in fact include all manufactures, industries, occupations or processes by which, or in the course of which, raw materials, manufactured articles or natural forces are extracted, altered, or industrially exploited. On the other hand, however, the Code is not in fact based, for the purpose of the definition of its scope, on the notion of the industrial undertaking, but on the existence of the legal relationship created by the labour contract and on the capacity of employer on the one hand, and of worker or salaried employee on the other, which, under §§ 1 and 2 of the Code, is respectively assumed by the contracting parties. Any definition of the term "industrial undertaking", therefore, would be liable to restrict the scope of the Code. Decree No. 702 of 8 June 1935 applies to employees of private railway undertakings.

*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. No deci-

sion has been taken with regard to the line of demarcation between industry on the one hand and commerce and agriculture on the other, but, since the Ministry of Industry and Labour has received requests, both from various Chambers of Commerce and from agricultural organisations, to exclude all agricultural processes from the provisions which fix hours of work at 8 per day and 48 per week, the Ministry has considered it preferable to refer the question back to Parliament, in order that it may be settled definitively and appropriately.

*Cuba.* — Decree No. 1693, which was published in the *Gaceta Oficial* of 20 September 1933 and consists of a single section, provides that "thirty days after the date of the publication of this Decree in the *Gaceta Oficial*, the observance of daily hours of work not exceeding eight hours shall be compulsory throughout the Republic of Cuba for every kind of occupation in which the inhabitants of the Republic engage, whatever the nature of their employment." Under § I of Decree No. 2513, the Decree applies to wage-earning employees in factories, workshops, quarries, constructional undertakings of every kind (including construction on land and shipbuilding) and works in harbours or on the coasts or rivers; clerks, shopmen or messengers in industrial or commercial establishments; drivers, guards and other wage-earning and salaried employees in the railway and tramway services or undertakings either directly or indirectly connected therewith, and in general all persons who perform work or services similar to those of the wage-earning and salaried employees mentioned above. The Order of 13 May 1935 prescribes that the provisions with regard to the eight-hour working day are compulsory, and apply to all kinds of work or labour, the only exceptions being such as are expressly authorised for certain specified cases and in certain specified circumstances. § IV of Decree No. 2513 lays down that persons employed in agriculture and stock-raising, as hereafter laid down, and the domestic servants of private persons and the drivers of carriages and motor-cars for hire, shall be exempted for the time being from the limitation of the hours of work. Under § VI, employees who have a share in the undertaking in which they are employed or an interest in its profits are also exempt, provided that the sums received by way of salary or share in the profits do not amount in all to less than 2,400 pesos a year or 200 pesos a month. The report adds that up to the present the line of division which separates industry from commerce and agriculture has not been clearly defined.

*India.* — See under ARTICLE 10.

*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.

*Nicaragua.* — See introductory note.

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

*Uruguay.* — See introductory note.

## 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.

*Canada.* — See introductory note.

*Chile.* — ... Decree No. 702 of 8 June 1935 prescribes that employees and workers on private railways shall in general work eight hours a day and forty-eight hours a week, on condition that these are

hours of actual work. If the work is intermittent, or only requires the presence of the worker at intervals, these hours may be extended to seventy-two hours a week for the staff employed in regulating traffic in stations and on the lines, and to sixty hours a week for the staff of trains for the transport of passengers and merchandise. The apportionment of the hours of work to the different days of the week is made by agreement between the undertaking and the staff, on condition that any two working days shall be separated by a rest period of at least nine consecutive hours. These provisions do not apply to persons holding positions of supervision or management, or persons employed in a confidential capacity.

*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.

*Cuba.* — Decree No. 1693, which consists of a single section, prescribes that the observance of daily hours of work not exceeding eight hours shall be compulsory throughout the Republic of Cuba for every kind of occupation in which the inhabitants of the Republic engage, whatever the nature of their employment. § 1 of Decree No. 2513 provides that the hours of actual work shall not exceed eight in the day, i.e. 48 in the week, for workers covered by the Decree. The Order of 13 May 1935 prescribes that the provisions with regard to the eight-hour working day are compulsory, and apply to all kinds of work or labour, the only exceptions being



such as are expressly authorised for certain specified cases and in certain specified circumstances. Cuban legislation does not provide for exceptions in the case either of family undertakings or of persons holding positions of supervision or management or employed in a confidential capacity. With regard to the exception given in paragraph (b) of this Article of the Convention, § V of Decree No. 2513 lays down that by previous agreement between the employer and the wage-earning and salaried employees in an undertaking, the eight hours of daily work may be distributed in such a way that the employees can take a holiday on Saturday afternoon; nevertheless, the aggregate hours of work shall not in any case exceed forty-eight hours in the week, except in case of *force majeure*. The report states that the only provisions which allow of a working day of less than eight hours are contained in certain regulations which prohibit work in harbours on Saturday afternoon, without allowing the working hours to exceed eight on the other days of the week. Cuban legislation does not appear to contain any provisions similar to those of paragraph (c) of this Article of the Convention.

*India.* — For the general conditions of application of the Convention to India, see under ARTICLE 10. As regards the exception provided for in paragraph (a), § 43 (1) of the Factories Act, 1934, as amended by the Factories (Amendment) Act, 1935, § 24 of the Indian Mines Act, 1923, and Rule 3 (2) (c) of the Railway Servants Hours of Employment Rules, 1931, reproduce the provisions of the Convention. The provisions of paragraphs (b) and (c) have no application to India.

*Nicaragua.* — See introductory note.

*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.

*Spain.* — . . . The report indicates that half-yearly Orders exist which authorise metalliferous mines, other than coal mines, to apply the eight-hour instead of the seven-hour day.

*Uruguay.* — See introductory note.

### 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 prolonged, 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.

*Canada.* — See introductory note.

*Chile.* — . . . The limits prescribed by Decree No. 702 of 8 June 1935 concerning private railway undertakings may be exceeded in the cases laid down in this Article of the Convention.

*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.

*Cuba.* — The report states that this Article of the Convention is applied by § III of Decree No. 2513, which provides that if special circumstances necessitate the carrying on of work continuously beyond a period of eight hours, the daily hours of work may be prolonged, provided that the aggregate hours of work shall not exceed forty-eight hours in any period of seven days. In this case the Ministry of Labour shall be notified, and in every case the Ministry shall verify the necessity for the prolongation of the hours of work, for the purpose of approval or the imposition of a penalty.

*India.* — According to § 43(2) (a) of the Factories Act, the limitation of hours of work does not apply to work on urgent repairs . . .

*Nicaragua.* — See introductory note.

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

*Uruguay.* — See introductory note.

#### 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.

*Canada.* — See introductory note.

*Chile.* — ... For private railways, see under ARTICLE 2.

*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.

*Cuba.* — § V (2) of Decree No. 2513, as amended by Decree No. 2940, lays down that an undertaking engaged in rendering a service of public utility which by reason of its nature requires work to be carried on continuously for periods exceeding forty-eight hours a week or a special distribution of the hours of work may organise its work in the manner which it considers most suitable for the public service which it performs, subject to the sole proviso that the total number of hours worked by each wage-earning or salaried employee, whether on working days or on holidays, shall not exceed 208 hours in the month. The Order of 4 January 1934 adds that, in the performance of duties in connection with trains during their run and steamboats, work may be continued even after the expiry of the daily period of eight hours, subject to previous agreement between the employer and his wage-earning or salaried employees or their representatives, provided that the hours of work shall be calculated at the rate of 48 hours a week or 208 hours a month.

*India.* — This Article does not apply to India. Under § 43(2)(d) of the Factories Act of 1934, however, the Local Government may make rules exempting workers engaged in any work which for technical reasons must be carried on continuously throughout the day from the provisions relating to the limits of daily and weekly hours of work. The rules must define the extent to which and the conditions under which exemption may be granted, and must also prescribe the maximum limits for the weekly hours of work. See also under ARTICLE 7.

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

*Nicaragua.* — See 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 pro-

vides 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.

*Uruguay.* — See introductory note.

#### 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.

*Canada.* — See introductory note.

*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 that no agreement of this kind has so far been concluded.

*Cuba.* — Cuban legislation does not contain any provisions of this nature.

*India.* — This Article does not apply to India.

*Nicaragua.* — See introductory note.

*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.

*Uruguay.* — See introductory note.

#### 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.

*Canada.* — See introductory note.

*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. Decree No. 702 of 8 June 1935 concerning private railways lays down that overtime shall be paid at a special rate which may not be lower than the legal rates.

*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.

*Cuba.* — § XII of Decree No. 2513 provides that in factories where work is not continuous and general work begins when the engines are running, the managers, foremen and engineers shall be allowed additional time not exceeding thirty minutes for work before the work of the wage-earning employees begins or after it ends, which shall not be included in the general hours of actual work in the establishment, provided that such persons shall be granted an additional break during the general hours of work of the establishment. § XIV lays down that commercial, banking and industrial establishments may exceed the eight-hour day for the purpose of preparing their balance-sheet and other exceptional operations, provided that a supplementary rest period is granted in compensation. Decree No. 364, which adds a new paragraph to § V of Decree No. 2513, provides that in industrial processes connected with the sugar-cane crop, the hours of work of wage-earning and salaried employees may amount to fifty-six hours a week, at the rate of eight hours a day, where no provision is laid down to the contrary. In the event of the sudden sickness of a wage-earning or salaried employee, the hours of work of the employees who perform the same duties on the other shifts may be increased pending the recovery of the sick person or his final replacement; nevertheless, this exceptional arrangement of the hours of work shall not be continued for more than seven consecutive days. The report states that the increased rate of pay provided for in the last paragraph of this Article of the Convention is not included among the provisions of Decree No. 2513, doubtless because the increased rate in question is provided for in nearly all the individual and collective contracts of employment concluded between trade unions and employers.

*India.* — As regards permanent exceptions, § 43(2)(b) of the Factories Act, 1934 authorises the Local Government, subject to the conditions and the maximum limits prescribed by it, to exempt preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory from the application of the provisions which establish a 54-hour week and a ten-hour day. Such exemptions may not remain in force for more than three years. § 44(2) provides that the Local Government, or subject to the control of the Local Government the Chief Inspector, may, by written order, exempt, on such conditions as it or he may deem expedient, any or all of the adult workers in any factory, or group or class of factories, from any or all of the provisions concerning the limits of hours of work, on the ground that the exemption is required to enable the factory or factories to deal with an exceptional press of work. With regard to mines... § 47 of the Factories Act, 1934 prescribes that overtime must be paid at 50 per cent above the normal rates of pay...

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

*Nicaragua.* — See 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.

*Uruguay.* — See introductory note.

#### 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.

*Canada.* — See introductory note.

*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. The report adds that every industrial, commercial or agricultural undertaking must submit its work regulations to the General Labour Office of the Ministry of Industry and Labour. These regulations must contain all the details of internal administration, e.g. admission to work, hours of work, insurance benefits, etc. These regulations, which are only approved by the Office concerned if they are entirely in agreement with the necessary legal provisions, must be posted up in several places easily accessible to the workers.

*Cuba.* — § XV of Decree No. 2513, as amended by Decree No. 2699, lays down that, with a view to facilitating official supervision, within thirty days after the promulgation of these Regulations every employer or person in charge shall procure a register with numbered pages, previously countersigned by the municipal judge or a public notary of the district concerned; the certificate of entry of the employer in the Commercial Register need not be produced in order to obtain this visa. The hours of work, wages and rest periods of every wage-earning or salaried employee, according to his trade or employment, shall be entered in the said book, whether the hours of work are regular or not. Inspectors shall make a brief record in this book of every inspection which they carry out, stating the results thereof; the said record shall be signed by the inspector, by a representative appointed freely for that purpose by the wage-earning or salaried employees and by the employer or person in charge of the establishment. Failure to provide registers for the hours of work, falsification of the said registers, refusal to submit them to the inspector for examination and checking, or hindrance to his doing this, shall be deemed to be a contravention and shall entail the maximum penalty laid down in the Decree.

*India.* — §§ 39, 40, 41 and 42 of the Factories Act, 1934, §§ 23 B and 28 of the Indian Mines Act, and Rule 9 of the Railway Servants Hours of Employment Rules, 1931, contain provisions to give effect to this Article. The Government has communicated with the report specimen copies of rosters to which railway-servants are working.

*Nicaragua.* — See introductory note.

*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.

*Spain.* — ... The report adds that specimens of the documents specified in this Article do not exist.

*Uruguay.* — See introductory note.

#### 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.* — Indian legislation prescribes the following limits in execution of this Article: (a) for factories, § 34 of the Factories Act, 1934 lays down that no adult worker shall be allowed to work in a factory for more than fifty-four hours in any week, or, where the factory is a seasonal one, for more than sixty hours in any week, provided that an adult worker in a non-seasonal factory engaged in work which for technical reasons must be continuous throughout the day may work for fifty-six hours in any week. Under § 36, no adult worker may be allowed to work in a factory for more than

ten hours in any day, provided that a male adult worker in a seasonal factory may work for eleven hours in any day. § 2(j) defines the term "factory" as any premises including the precincts thereof whereon twenty or more workers are working or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on. The definition does not include mines. § 4 defines a "seasonal factory" as a factory which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton or jute pressing, the decortication of ground nuts, the manufacture of coffee, indigo, lac, rubber, sugar (including *gur*) or tea, or any manufacturing process which is incidental to or connected with any of the aforesaid processes, provided that the Local Government may declare any such factory in which manufacturing processes are ordinarily carried on for more than one hundred and eighty working days in the year, not to be a seasonal factory for the purposes of the Act. On the other hand, the Local Government may declare any specified factory in which manufacturing processes are ordinarily carried on for not more than one hundred and eighty working days in the year and cannot be carried on except during particular seasons or at times dependent on the irregular action of natural forces, to be a seasonal factory for the purposes of the Act. Under § 2, "manufacturing process" means any process: (i) for making, altering, repairing, ornamenting, finishing or packing, or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal; or (ii) for pumping oil, water or sewage; or (iii) for generating, transforming or transmitting power. (b) In mines, that is, according to the definition given in § 3(f) of the Indian Mines Act, 1934, in "any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on", and including "all works, machinery, tramways, and sidings, whether above or below ground, in or adjacent to or belonging to a mine: provided that it shall not include any part of such premises on which a manufacturing process is being carried on unless such process is a process for coke making or the dressing of minerals", §§ 22 A, B and C of the Indian Mines Act, 1923 lay down that no person shall be allowed to work in a mine on more than six days in any one week. A person employed above ground may not be allowed to work for more than 54 hours in any week or for more than ten hours in any day. A person employed below ground may not be allowed to work for more than nine hours in any day. The periods of work must be so arranged that they do not spread over

more than twelve hours in any day for work above ground, or nine hours in any day for work below ground. (c)...

#### ARTICLE 12 (*Greece only*).

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

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

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

- (1) Mechanical industries: Machine shops for engines, safes, scales, beds, tacks, shells (sporting), iron foundries, bronze foundries, tin shops, plating shops, manufactories of hydraulic apparatus;
- (2) Constructional industries: Lime-kilns, cement works, plasterers' shops, tile yards, manufactories of bricks and pavements, potteries, marble yards, excavating and building work;
- (3) Textile industries: Spinning and weaving mills of all kinds except dye works;
- (4) Food industries: Flour and grist-mills, bakeries, macaroni factories, manufactories of wines, alcohol, and drinks, oil works, breweries, manufactories of ice and carbonated drinks, manufactories of confectioners' products and chocolate, manufactories of sausages and preserves, slaughterhouses, and butcher shops;
- (5) Chemical industries: Manufactories of synthetic colours, glassworks (except the blowers), manufactories of essence of turpentine and tartar, manufactories of oxygen and pharmaceutical products, manufactories of flaxseed oil, manufactories of glycerine, manufactories of calcium carbide, gasworks (except the firemen);
- (6) Leather industries: Shoe factories, manufactories of leather goods;
- (7) Paper and printing industries: Manufactories of envelopes, record books, boxes, bags, bookbinding, lithographing, and zinc-engraving shops;
- (8) Clothing industries: Clothing shops, underwear and trimmings, workshops for pressing, workshops for bed coverings, artificial flowers, feathers, and trimmings, hat and umbrella factories;
- (9) Woodworking industries: Joiners' shops, coopers' sheds, wagon factories, manufactories of furniture and chairs, picture-framing establishments, brush and broom factories;
- (10) Electrical industries: Power houses, shops for electrical installations;
- (11) Transportation by land: Employees on railroads and street cars, firemen, drivers, and carters.

#### ARTICLE 13 (*Rumania only*).

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



## ARTICLE 14.

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

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

*Canada.* — See introductory note.

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

*Cuba.* — The report states that Cuban legislation contains no specific provisions of this kind, but nevertheless, following the spirit of the law, the Cuban Government made use of this Article in order to suspend the provisions of the law for a short period in the district of Cienfuegos and in the adjacent districts of the province of Santa Clara after the cyclone which devastated that region.

*Nicaragua.* — See introductory note.

*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.

*Uruguay.* — See introductory note.

## 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 and private civil engineering undertakings other than those connected with the building industry (these exceptions have been suspended until 1 November 1935); quarries and brick-making (these exceptions have been suspended until 1 November 1936 on account of the crisis); clothing and subsidiary industries; textile industry (dyeing, bleaching and dressing sections of the industry, for exclusively jobbing work); food industries; confectionery, icemaking and the manufacture of chocolate; manufacture of biscuits, gingerbread and marzipan; retting of flax in streams, ponds and fields; warehouses for the storage of scutched flax, called "vlasopmakerijen" (these exceptions have been suspended until 30 September 1936); 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, electrotypes). The exceptions granted under §§ 5 and 6 of the Act were made subject to a twofold consultation: (a) that of the most representative employers' and workers' organisations (the Belgian Central Industrial Committee, the Belgian Trade Union Committee, and the Belgian Confederation of Christian Trade Unions); (b) that of the Supreme Labour Council, composed of equal numbers of employers, workers and sociologists. The Government adds that the Royal



Orders applying to seasonal industries are legally based on the report of the Hours Committee of

the Washington Conference, rather than on the text of Article 6 (b) of the Convention.

**BELGIUM. — AUTHORISATIONS GIVEN FROM 1 OCTOBER 1934 TO 30 SEPTEMBER 1935 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	144	10,504	4	144	10,504
Woodwork and furnishing	2	42	2,184	7	157	10,198	9	199	12,382
Food and drink	—	—	—	4	732	21,040	4	732	21,040
Textiles	12	418	29,888	40	1,766	116,492	52	2,184	146,380
Metals	15	501	29,835	19	636	42,664	34	1,137	72,499
Clothing	3	51	2,367	5	114	9,136	8	165	11,503
Artistic and fine work.	—	—	—	—	—	—	—	—	—
Book printing, binding, etc.	9	—	—	—	—	—	—	—	—
Hides and skins	5	464	34,095	6	85	1,900	15	549	35,995
Tobacco	—	369	12,038	7	278	15,163	12	647	27,201
Chemicals	1	—	—	1	400	20,800	1	400	20,800
Paper	1	14	728	4	107	10,348	5	121	11,176
Special	2	34	1,768	4	57	2,358	6	91	4,126
Ceramics	3	298	13,740	13	625	54,061	16	923	67,801
Quarries	—	—	—	2	12	508	2	12	508
Glass	—	—	—	—	—	—	—	—	—
Transport	—	—	—	4	195	8,508	4	195	8,508
	52	2,191	126,643	120	5,308	323,680	172	7,499	450,323
Metals <sup>1</sup>	—	—	—	2	89	13,528	2	89	13,528
Total	52	2,191	126,643	122	5,397	337,208	174	7,588	463,851

<sup>1</sup> Authorisation 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.

*Canada.* — See introductory note.

*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.

The report adds that, taking into consideration the industrial organisation of the country, no agreement has so far been concluded between the employers' and workers' organisations for longer hours of work than eight per day. Further, the authorities have not yet issued regulations to determine permanent or temporary exceptions in the case of preparatory or supplementary processes, or to deal with exceptional pressure of work. Up till now, no necessity has been felt for the issue of any such regulations.

*Cuba.* — The report states that up till now no specific classification has been made of continuous processes, except that given in § V (2 and 3) of Decree No. 2518, i.e. undertakings engaged in rendering services of public utility and industrial processes connected with the sugar-cane crop (crushing the sugar, for a period of one to two months every year, by machinery). The report adds that the following industries and processes may be carried on, owing to their continuous nature, independently of the working day and only in relation to the Act of 4 May 1910 concerning the closing of establishments, by virtue of § 6 of the Regulations issued under the Act on 6 August 1910: all processes connected with the manufacture of sugar, baking (in which work is prohibited, by the Act of 2 June 1928, between 8 p.m. and 4 a.m.), transport undertakings, slaughter-houses, metal foundries, forges, mechanics' and boiler-makers' workshops, loading and unloading of merchandise for market, harbours, railway stations, ships' consignees, undertakings employing double staff, fighting pests in the country, the demolition of buildings in a state of ruin, and work resulting from a fire or public catastrophe. This list does not concern the working day, and is only mentioned in the report for the purpose of giving information and as the only legal precedent on the question of legislative rulings in regard to continuous processes.

*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 1934 and 1 January to 30 September 1935. The figures which refer to the latter period are given in brackets. Permits were granted to 28 (172) undertakings (0.001 (0.007) per cent. of the total number of undertakings covered by accident insurance, or 0.004 (0.024) per cent. after deduction of agricultural undertakings); the total number of workers employed in these 28 (172) undertakings was 5,680 (41,731) (0.13 (0.94) per cent. of the total number of wage-earners); the number of workers who worked overtime was

628 (4,727) (0.02 (0.11) per cent. of the total number of wage-earners); the total number of hours of overtime expressed in working days of eight hours was 1,454 (28,079) or 242 (4,680) working weeks.

*India.* — The report supplies the following information :

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

The final publication of rules made by local Governments under the Factories Act, 1934, is still in progress. A list of processes will be forwarded when the rules are complete.

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

Article 5 is not applicable to India.

(c) *Regulations made under Article 6.*

See under (a) above. The report states that, when the provisions of the Convention were introduced in the Factories Act in 1921, the Bill containing the proposed amendments was circulated for public criticism, and the opinions received by Government, including those from associations of employers and workers, were given due consideration...

*Luxemburg.* — The report states that it has been found, from enquiries made when the Orders concerning continuous processes (Article 4) and the exceptions provided for in Article 6 of the Convention were being drawn up, that the exceptions in question are not asked for by the persons concerned, except for drivers of motorcars. The text of an Order concerning hours of work for drivers of touring cars and cars for hire will be shortly submitted to the representatives of the persons concerned. See also introductory note. No agreements have been made in the sense of Article 5.

*Nicaragua.* — See introductory note.

*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. The 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.

*Uruguay.* — See introductory note.

#### 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.

*Spain.* — The report states that the legislative provisions of 1931 apply to the sovereign territories of Morocco. In the Protectorate zone of Morocco, the Dahir of 7 September 1931 reproduces the terms of Spanish legislation prior to that date.

#### 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.*

*Canada.* — See introductory note.

*Chile.* — . . . The working of the general labour inspection service is determined by the basic regulations of this service,

which are approved by Decree No. 369 of 2 April 1932, as subsequently amended (codified text in the 1935 edition of the Labour Code and its Regulations) The labour inspection service is responsible for enforcing Decree No. 702 of 8 June 1935.

*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.

*Cuba.* — The Ministry of Labour and the judges of the criminal courts are responsible for the enforcement of the relevant legislation. Infringements may be reported either by a representative of the public authorities or by an individual citizen. The labour inspectors who are attached to the Ministry of Labour and to the central offices in the different provinces inspect workplaces in order to ensure that the legal limits of daily hours of work are respected. Any infringement is reported to the competent office, and the inspector subsequently appears in the criminal courts to bring a charge against the person who has been guilty of infringement. Decree No. 2513 contains provisions with regard to penalties which may be inflicted in cases of infringement.

*India.* — . . . In addition to the factory inspectors the Local Governments may, under §§ 32, 33, 43 and 59 of the Indian Factories Act, appoint other public officers

to act as inspectors, and the District Magistrates are all inspectors under the Act. . . § 11 of the Indian Factories Act and § 6 of the Indian Mines Act give inspectors certain powers of entry, examination, etc. . . .

*Nicaragua.* — See introductory note.

*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 of 13 April 1927 concerning the organisation of the factory inspectorate 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.

*Uruguay.* — See introductory note.

## VI.

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

*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, an undertaking refused to pay for the overtime worked by a mechanic, stating that, under the terms of the regulations of the undertaking, the work in question was intermittent, and the mechanic in question was holding a post of supervision and was employed in a confidential capacity. The court rejected this thesis, first, on the grounds that the intermittent work exceeded in this case the physical capabilities of a man,

and secondly, on the grounds that the regulations of the undertaking had not been approved by the labour inspection service. The court sentenced the undertaking to pay for the overtime worked according to the mechanic's appeal, and also to pay the costs of the proceedings.

*Cuba.* — The decisions given by the criminal courts are limited to a reproduction of the charges against the person who has committed the infringement, and his acquittal or condemnation; the decisions do not give any opinion as to the interpretation of the legal provisions of the Decree. It has therefore not been considered necessary to transmit copies of any such decisions.

*Spain.* — The report states that during 1935 the courts have pronounced sentence in a considerable number of cases relating to overtime.

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.* — During the period under review, 870 cases of proceedings for infringements of the Eight-Hour Day Act were instituted. The total number of staff employed by the undertakings visited by the Labour Inspection Service during the twelve months covered by the report was 489,828. The employers' organisations have not made any observations with regard to the application either of the Convention or of the national legislation. Cases of infringement reported by the workers' organisations have been inquired

into, and, when necessary, have been followed by written declarations on oath. The Government is not aware of any other observations.

*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, and the report of the directorate of the Ministry is ready. The organisation of employers and workers undertaken by the State is not yet definitively completed, and no observations have therefore been received with regard to the practical application of the Convention.

*Canada.* — See introductory note.

*Chile.* — The report of the Labour Inspection Service states that in general the application of the eight-hour day and the forty-eight hour week has not given rise to any difficulties in industrial undertakings. This state of affairs is more easily arrived at owing to the fact that practically all the industrial undertakings have internal regulations which are examined by the Labour Inspection Service and which fix precisely the normal daily hours of work. The eight-hour day is only exceeded in the undertakings in exceptional cases, since the employers have to pay the legal increased wages for overtime work, and this increase is at least 50 per cent. of the normal wages. Either owing to ignorance of the law or because they are afraid of delay, employers do not always ask the Labour Inspection Service in advance to give its opinion whether the overtime work is dangerous or not. These cases of infringement are difficult to verify, because the workers receive the increased wages corresponding to the overtime worked by them. On the other hand, in all State or municipal undertakings the Labour Inspection Service is always asked to give an opinion whether the overtime work is prejudicial to the health of the worker. Decree No. 702 of 8 June 1935 concerning hours of work in private railway undertakings has only come into force quite recently, and it has not therefore been possible to obtain sufficiently detailed information as to its application. In urban motorbus transport undertakings certain difficulties have come to light owing to the fact that the conductors and drivers of these vehicles, who are given a percentage on the price of the tickets sold, prefer to work longer than the legal day in order to increase their takings. This difficulty has partly disappeared latterly, as the number of vehicles employed has had to be reduced, owing to the increased price of the fuel used. The number of workers covered by the legislation concerning hours of work

in industrial and commercial establishments was 357,637, and the number subject to the regulations concerning private railway companies or railway undertakings was 1,065 salaried employees and 3,775 workers, making a total of 4,840 persons. The majority of railways in Chile are State undertakings, and 17,491 paid workers are employed by these railways.

*Colombia.* — The report states that detailed statistical or other information is not yet available for the period covered by the report, as the eight-hour day has been in force only since 1934. Detailed information will be forwarded as soon as possible. The employers' organisations have made some observations with regard to the application of the eight-hour day and forty-eight hour week to certain agricultural processes. In their opinion, agriculture should be excluded from the application of these provisions, which seriously prejudice this kind of work. See introductory note.

*Cuba.* — The Ministry of Labour regrets that it is unable to transmit the labour inspection report, as it has not yet been received. Neither the employers' nor the workers' organisations concerned have made any observations with regard to the Convention.

*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 1934, 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 1934-1935" 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 355,621 railway employees belonging

to the four large railway companies to which the Regulations apply, about 50,000 are covered by the Factories Act. It states that most of the preliminary difficulties regarding the classification and rostering of the staff of the four above-mentioned railway companies have been surmounted. Certain difficulties still obtain, but it is hoped that a satisfactory solution will soon be found for them. The position on the East Indian and Eastern Bengal Railways has no doubt improved during the year 1934-35, but there is still room for considerable improvement, especially as regards the classification of certain work as continuous or intermittent. The report of the Government adds that from 1 November 1935 the Hours of Employment Regulations were extended to the Madras and Southern Mahratta, and the Bombay, Baroda and Central India Railways, thus bringing six railway systems employing about 71 per cent. of railway workers in India within the scope of the Regulations. It was represented to the Railway Board by the All-India Railwaymen's Federation at the half-yearly meeting between the Board and the Federation in June 1935 that the Hours of Employment Regulations should have been extended to a greater number of railways with less delay. The position was fully discussed by the Governing Body of the International Labour Office at its Sixty-ninth Session (29 January-2 February 1935).

*Lithuania.* — The report states that the number of persons working in undertakings which employ not less than two paid workers is as follows: industry, 11,813 men, 6,583 women; handicrafts, 2,835 men, 452 women. The Convention applies, however, to all undertakings, without exception. No difficulties have arisen with regard to the application of the Convention, and 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 three cases of infringement, and in each case the courts found the defendant guilty. The Government has received two complaints, which are being examined.

*Nicaragua.* — See introductory note.

*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. The report also refers to the letter sent by the Portuguese Government to the Office on 7 June 1935 and to the statement which the Government Delegate of Portugal made to the Committee on the application of Conventions set up by the International Labour Conference at its Nineteenth Session to the effect that the Government was exercising a strict supervision with a view to the application of the Convention and of the legislative measures which implement it.

*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 June 1935, the inspectors took proceedings in 195 cases of contravention of the provisions of the Act of 9 April 1928 (including contraventions of the provisions concerning the protection of women and children). In 1934, the number of cases was 439.

*Spain.* — The report states that in 1934, the authorities recorded 6,154 cases of infringement of the provisions relating to statutory daily hours of work. Out of this number, 1,549 cases referred to commerce, 567 to food industries, 561 to the clothing industry, 464 to small machinery industries and 428 to the wood industry.

*Uruguay.* — See 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 1935, and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	
Austria . . . . .	12. 6.1924	16.11.1935
Belgium . . . . .	25. 8.1930	24.10.1935
Bulgaria . . . . .	14. 2.1922	15.11.1935
Chile . . . . .	31. 5.1933	20.12.1935
Colombia . . . . .	26. 6.1933	13. 1.1936
Denmark . . . . .	13.10.1921	12.11.1935
Estonia . . . . .	20.12.1922	19.10.1935
Finland . . . . .	19.10.1921	1.11.1935
France . . . . .	25. 8.1925	30.12.1935
Germany . . . . .	6. 6.1925	26.10.1935
Great Britain . . .	14. 7.1921	9. 3.1936
Greece . . . . .	19.11.1920	
Hungary . . . . .	1. 3.1928	16.12.1935
India . . . . .	14. 7.1921	14.12.1935
Irish Free State . .	4. 9.1925	7. 1.1936
Italy . . . . .	10. 4.1923	11. 2.1936
Japan . . . . .	23.11.1922	29. 1.1936
Luxemburg . . . . .	16. 4.1928	10. 2.1936
Netherlands . . . .	6. 2.1932	8.11.1935
Nicaragua. . . . .	12. 4.1934	5.12.1935
Norway . . . . .	23.11.1921	15.10.1935
Poland . . . . .	21. 6.1924	28.11.1935
Rumania . . . . .	13. 6.1921	23. 3.1936
Spain . . . . .	4. 7.1923	
Sweden . . . . .	27. 9.1921	5.11.1935
Switzerland . . . . .	9.10.1922	1.11.1935
Union of South Africa	20. 2.1924	22.11.1935
Uruguay . . . . .	6. 6.1933	16. 3.1936
Yugoslavia . . . . .	1. 4.1927	11.11.1935

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

The Government of *Colombia* states in its report that, owing to the special

characteristics of the economic and industrial systems in the country, the unemployment problem has not arisen up till now and will not arise for some time to come. The country is essentially agricultural, and is only now beginning to develop industrially to any extent. It follows that most of the workers are employed in agriculture and the remainder are distributed over industry; there is, therefore, no serious unemployment problem. By its adherence to the Unemployment Convention, the Colombian Government was only intending to take its part in the examination of this most important subject, in order to facilitate practical international action with a view to its solution. Further, the Government wished to have at hand an instrument which would allow it, when the time came, to use the principles contained in the Convention for the benefit of the working classes by introducing them into its public law. Notwithstanding this, however, the Colombian Government has promulgated Decree No. 837 of 1928 to re-organise the Ministry of Industry, with a view to applying the Convention in so far as the economic tradition of the country allows. This Decree provides for the setting-up of a placing register to co-ordinate labour supply and demand. Further to this, § 10 of Act No. 68 of 1918 provides a certain degree of compensation for workers and other measures to combat unemployment. Employers who suddenly close their undertakings or factories are obliged to pay their workers or salaried employees compensation equivalent to one month's salary or wages. Owing to the economic characteristics of the country, however, the enforcement of the legislation adopted up till now has only led to very limited official action.

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

The report of the *Italian* Government mentions the Act of 10 January 1935 concerning the establishing of work books. Under § 5 of this Act, which has not yet come into force, employers may not engage any workers who are not provided with such a work book, with the exception of domestic servants engaged in housework. Under § 8, employment exchanges are not allowed to register workers who are not provided with work books if the possession of such a book is compulsory.

The Government of *Nicaragua* states in its report that the only regulations existing on this question are those contained in Chapter XIV (§§ 104-121) of the draft Labour Code submitted to Congress on 29 January 1934 by the Ministry of Agriculture and Labour. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.



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

The Government of *Sweden* states in its report that the Royal Decree of 5 May 1916 concerning employment agents has been superseded, since 1 January 1936, by the Act of 18 April 1935, under which private fee-charging employment exchanges can only operate under a permit given by the Social Office. These permits can be renewed or granted afresh for the operation of private exchanges which are not conducted with a view to profit (for example, offices set up by occupational organisations or other associations). On the other hand, private exchanges conducted with a view to profit must be abolished, subject to certain transitional provisions which allow persons working exchanges of this nature to continue to operate these until 1940 or, in case of necessity, for a period of ten years, but in no case longer than 1 January 1950. The permits must be renewed yearly.

The report of the Government of *Uruguay* states that, owing to measures which have been introduced recently, and to the rapid economic recovery of the country during the last few years, unemployment is no longer so grave a problem in Uruguay as it was in 1931 and 1932, when the world depression was most acute. At the present time such workers as are unemployed are those engaged in occupations which are subject to regular fluctuations in employment. According to the last industrial census, the highest figure for employment in industry was 99,952, and the lowest 85,867. The difference between the two figures is due to fluctuations in the volume of labour employed, more especially in industries which are less active at certain times of the year. After describing the measures taken to reduce unemployment, the report states that a National Employment Exchange and local exchanges were set up under Chapter IV, § 17 *et seq.* of Act No. 9196 concerning the reorganisation and development of the pensions scheme by the Industrial, Commercial and Public Services Pensions Fund. A Decree issued shortly afterwards, on 2 April 1934, regulates the organisation and operation of these exchanges. The last General Budget Act provides that the Central Employment Exchange shall be set up before 1 April 1936, and shall replace the employment committees, which have so far operated as employment exchanges. The organisation is to include: (1) a National Employment Exchange, the offices of which will be in the capital of the Republic, and which will be responsible for the general management of the scheme; (2) departmental employment exchanges in the capital of each department; (3) auxiliary employment exchanges which will be set up, in local-

ities recognised as being industrially important, to co-operate with the departmental exchanges; (4) auxiliary employment exchanges to be set up in less important localities; (5) special exchanges set up for different trades and attached to trade unions and trade union federations; (6) special exchanges for certain occupations, such as that of dockers. These last exchanges either have already been set up by measures introduced prior to the publication of the Decree or may be set up in future with a view to protecting workers, who are on the books of the registration offices, against partial unemployment. Under the national legislation concerning employment exchanges, the State, municipalities and public works contractors of all kinds must apply to the employment exchanges for such staff as they need. The exchanges, on the other hand, are required to supply the needs of employers and private industrial or commercial establishments in regard to staff. In order to facilitate the work of employment exchanges, all employers and contractors engaged in any occupation covered by the Pensions Acts which apply throughout industry, commerce and the public services, are required to notify the employment exchanges of their needs in regard to staff. The Regulations provide that the services of employment exchanges shall be given free of charge, that establishments in which there is a strike shall not be supplied with labour, that employment shall be distributed to applicants in order of registration, irrespective of any rights of precedence other than those arising out of the fact that the applicant has ceased, or will very shortly cease, to be in receipt of unemployment benefit, or out of the fact that the applicant is domiciled in the district, is a natural or legal citizen of Uruguay and, as between such citizens, has married a Uruguayan woman or is the father of children born in Uruguay. Further, the report adds that, under the laws and regulations concerning workers' pensions, workers who have been dismissed by establishments are entitled, when under 40 years of age, to unemployment relief for one year and, when over 40, to a permanent pension. The amount of the pension varies with the worker's age and the number of years during which he has been in employment. The unemployment and pensions insurance scheme for dismissed workers at present covers 4,114 workers. In this connection it is worth noting that many of the workers who are still fit for work are in gainful employment. So far, the fact of being in such employment does not as a rule entail the withdrawal of pension. Foreign workers who are members of unemployment insurance funds are also covered by this last provision even when benefit takes the form of a permanent pension. Finally the report states that the 1934

Constitution contains stipulations which ensure the impartial and equitable distribution of every kind of work. This constitutional provision is confirmed by legislation and by the regulations concerning central and local employment exchanges.

### 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.*

*Up to 31 March 1935 :*

Unemployment Insurance Act of 24 March 1920 as subsequently amended by 31 amending Acts (text up to and including the XXVIIIth amendment in L. S. 1931, Aus. 1, and 1932, Aus. 3).

*From 1 April 1935 :*

Social Insurance Act of 30 March 1935 (L. S. 1935, Aus. 2).

#### *Belgium.*

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

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

Royal Order of 27 July 1935 to set up the National Employment and Unemployment Office, amended by Royal Order of 23 August 1935.

Royal Order of 31 July 1935 to give effect to the above Royal Order of 27 July 1935.

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

Royal Order 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.

Decree No. 399 of 5 May 1934 concerning the placing of dockers and seamen (L. S. 1934, Chile 8), amended by Decree No. 481 of 4 April 1935.

#### *Colombia.*

See introductory note.

#### *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).

Act of 23 March 1934 concerning employment exchanges entitled to a subsidy from the public funds.

Order of 23 March 1934 to implement and enforce the above Act.

#### *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, 1933 and 1935 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.

*Great Britain.*

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

Unemployment Insurance Act, 1935 (consolidated text) (L. S. 1935, G. B. 1.)

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.)

Order 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 Orders of 2 February 1919 on the composition of the committees of employment offices.

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

Order 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).

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

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

*India.*

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

*Irish Free State.*

The Labour Exchanges Act, 1909, and the Unemployment Insurance Acts, 1920-35 (L. S. 1920, G.B. 3 ; 1924, I.F.S. 1 ; 1926, I.F.S. 3 ; 1933, I.F.S. 3).

*Italy.*

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

Royal Decree of 29 March 1928 concerning the national regulation of the demand and supply of labour (L. S. 1928, It. 2), 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.

Royal Decree of 18 October 1934 concerning the new organisation of the provincial employment exchanges.

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, amended by Ordinances Nos. 20 and 37 of the Department of Home Affairs, promulgated on 15 July 1933 and 18 December 1934 respectively).

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.
- Grand-Ducal Order of 21 August 1913 concerning employment exchanges.
- Grand-Ducal Order of 5 January 1931 concerning the scale of unemployment benefits.
- Grand-Ducal Order 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).

*Nicaragua.*

See introductory note.

*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.
- Decree of the President of the Republic of 24 October 1934 concerning the amalgamation of the Unemployment Fund and the Labour Fund.
- Order of the Minister of Social Welfare of 26 March 1935 concerning the undertaking of placing by the Labour Fund.
- Order of the Minister of Social Welfare of 27 March 1935 concerning the employment exchange for dockers at Gdynia.
- 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).
- Ministerial Decree of 9 January 1933 concerning the rights of workers employed abroad to unemployment insurance benefits.
- Notification of 24 June 1932 to promulgate the consolidated text of the Act concerning unemployment insurance (L. S. 1932, Pol. 3).
- 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).

*Sweden.*

- Act of 15 June 1934 concerning the public employment exchange service (L. S. 1934, Swe. 3).
  - Royal Decree of 23 November 1934 concerning the co-ordination of public employment exchanges.
  - Royal Decree of 23 November 1934 concerning methods of procedure with regard to State subsidies for the public employment exchange service.
  - Royal Decree of 5 May 1916 concerning employment agents.
- See also introductory note.

*Switzerland.*

- Federal Order 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 Order 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.
- Federal Order of 21 December 1934 concerning the struggle against the depression and the creation of possibilities of employment (L. S. 1934, Switz. 3).
- Order of 24 May 1935 concerning placing, occupational development, and suitable measures for facilitating the transfer of unemployed workers.

*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."

*Uruguay.*

See introductory note.

*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 detailed statistics with regard to unemployment are sent every three months to the International Labour Office.

*Colombia.* — See introductory note.

*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.

*Nicaragua.* — See introductory note.

*Sweden.* — Information with regard to unemployment is published monthly in the review *Sociala Meddelanden* and in the proceedings of the Unemployment Commission, both of which are sent regularly to the Office. Since the beginning of 1935, the Office has also received industrial reports dealing with unemployment which are drawn up by the Labour Department.

*Union of South Africa.* — ... The report contains a detailed statement of the measures taken to combat unemployment in 1934-1935.

*Uruguay.* — See introductory note.

*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) § 311 of the Social Insurance Act, which, since 1 April 1935, has superseded the Insurance Act of 1920 and its thirty-one amending Acts, provides that placing shall be undertaken

by employment exchanges (*Arbeitsämter*) and provincial employment exchanges (*Landesarbeitsämter*), under the supervision of the Ministry of Social Administration. Each employment exchange is administered by a manager appointed by the Minister of Social Administration, and has attached to it an employment committee composed of an equal number of representatives of employers and workers. The chairman of the committee is the manager of the exchange, and he appoints the representatives in question on the proposal of the incorporated occupational organisations of employers and workers. The employment committee must be consulted on all questions of principle concerning unemployment within the area covered by the exchange in question (§ 312). Each provincial exchange (*Landesarbeitsamt*) is administered by a manager appointed by the Minister of Social Administration, and has attached to it an administrative committee consisting of the manager of the provincial exchange as chairman, four representatives of the employers, and four representatives of the workers. These representatives and their substitutes, are appointed by the Minister of Social Administration, after consulting the incorporated occupational organisations of employers and workers; they hold office for four years. The administrative committees are responsible, *inter alia*, for laying down the principles under which placing operations may be carried out by the employment exchanges, and for taking decisions in cases of appeal against any measure taken by an employment exchange with regard to placing, etc. (§§ 313-314). There are at present eleven provincial exchanges and over a hundred employment exchanges in the country. The number of applications for employment in 1934 was 370,210; the number of vacancies notified during the same period was 206,478, and the number of posts filled was 192,460.

*Belgium.* — (a) With a view to achieving a greater unity of action management and supervision in the organisation of unemployment insurance and placing, the Royal Decree of 27 July 1935, as amended on 23 August 1935, and the Royal Decree of 31 July 1935 have set up a National Employment and Unemployment Office which started to operate on 1 September 1935. This National Office includes a General Council, a Directing Committee and a Director General. The General Council is composed of 20 full members (not including substitute members), six of whom are chosen from among persons with exceptional experience in economic and social questions, the remainder being selected from among the nominees of the most representative employers' and workers' organisations (seven each). The Directing Committee is composed of seven members, chosen from among the full

and substitute members of the three groups which compose the General Council. The General Council decides, *inter alia*, whether the National Office shall assume control over unemployment societies which can no longer meet their liabilities towards their members. It also recommends to the Minister of Labour Social Welfare any changes in Acts and Decrees concerning placing and unemployment which it considers advisable. If the Minister makes such changes on his own initiative, he should consult the General Council. The same applies to the approval of the rules or of changes in the rules of the unemployment societies, the granting of labour "bursaries", applications for extension of the benefit period for insured unemployed persons, etc. The Directing Committee has the fullest powers—without prejudice to those of the General Council—to achieve the objects for which the Office was set up. It administers the funds placed at the Office's disposal by the Government with a view to making such achievement materially possible. The Office is required to exercise permanent general supervision—directly or through the regional offices dependent on it—over the private employment exchanges, the primary unemployment societies and the unemployed themselves. Further, it organises the unemployment appeal boards and a court of final appeal. It has a number of administrative services, one of which is required to draw up rules for the working of the regional offices with regard to placing, to arrange for co-operation between these offices, and to establish a national clearing house for offers of and applications for employment. Regional offices were set up by the Royal Order of 27 July 1934, § 2 of which 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 Order further provides for the nomination of a certain number of substitutes on these committees. The official labour exchanges, the organisation of which is regulated by the Royal Order of 19 February 1924, as amended on 19 January 1925, are set up and closed down by the Minister of Labour and Industry (now the Minister of Labour and Social Welfare). They are free exchanges, administered by a governing body composed of representatives of the public departments which contribute towards the expenses of the institution, and of representatives of employers' and workers' associations. The operations of these exchanges are supervised by joint committees composed as to half, of representatives of employers' federations or heads of undertakings falling within the jurisdiction of the particular committee and, as to half, of representatives of organisations of workers and salaried employees; the organisations themselves nominate their representatives on the Committee. The Governing Body fixes the number of seats allotted to each organisation and makes a fair allowance for the rights of minorities. The joint supervisory committee, within the limit of its powers under the regulations, gives instructions to the Director as regards the placing of workers in employment. The committee appoints to sit on the Governing Body, in addition to its Chairman, at least two and at the most three members of each of the groups of which it is composed.

*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, amended by Decree No. 481 of 4 April 1935. 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 number of public employment exchanges is as follows: 76 for workers in general, 15 for dockers and 4 for seamen. All these exchanges are subject to supervision by the public authorities (labour inspection services and maritime authorities). The report supplies statistics of the labour market in August 1935, which show that the number of applications for employment during the month was 7,848 (against 24,464 in August 1934), and the number of vacancies filled, 790 (against 2,571 in August 1934).

(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, which are of secondary importance, may not charge fees, and trade union employment exchanges must further obtain a special official permit in every case in which workers are engaged in one locality for work in quite a different locality. This precaution makes it possible to co-ordinate and regulate the distribution of labour



on the basis of a national plan in accordance with the supply and demand in different industries and different districts.

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

*Colombia.* — See introductory note.

*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 1934, the number of free employment exchanges was 30. During the period from 1 April 1933 to 31 March 1934, these exchanges received 599,013 applications for employment and 59,759 notices of vacancies. The number of vacancies filled during the same period was 56,366.

*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 17. 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 1934, the number of applications for employment received by the employment exchanges was 21,985, and the number of vacancies notified was 34,747; 26,193 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 993 at the end of September 1934 to 1,120 at the end of September 1935. The number of placings effected by public employment offices in 1934 was 1,228,238.

*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 1217 (Great Britain, 1188, Northern Ireland, 29); the average number of applications for employment, 2,157,742 (Great Britain, 2,088,315, Northern Ireland, 69,427); the number of vacancies notified, 2,825,579 (Great Britain, 2,801,669, Northern Ireland, 23,910) and the number of vacancies filled, 2,448,528 (Great Britain, 2,426,173, Northern Ireland, 22,355).

*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 134. During the period 1 October 1934 to 30 September 1935, the free public employment exchanges received 268,073 applications for employment and 171,376 notices of vacancies, and effected 164,567 placings. During 1934 the free agricultural employment exchanges received 95,322 applications for employment and 97,833 notices of vacancies, and effected 95,641 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 Govern-



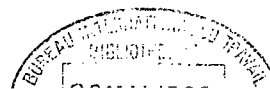
ment of India are therefore of opinion that the setting up of a general system of agencies on the western model to deal solely with industrial workers is not warranted by the conditions in India. An examination is, however, being made, in consultation with the authorities concerned, into the possibility 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 report for last year stated that the Government of India had asked that the matter might be examined further. Unfortunately, no progress has been made, one of the obstacles being that the experiment at a single port might react unfavourably on the business at that port. The Government of India have now decided to ask all Port Trusts to cooperate, but the difficulties are considerable. The question of establishing exchanges in Rangoon has been discussed between the Government of Burma and the Port Commissioners. Progress has been delayed pending the result of a general enquiry into labour conditions recently ordered by the Government of Burma. The Government shipping officers at the principal ports already assist in placing seamen.

(c) The report adds that Indian conditions and the Indian system of unemployment relief differ so radically from those of other countries which have ratified the Convention that no co-ordination embracing India is feasible.

*Irish Free State.* — (a) . . . 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 numbers in question were as follows: 117,507 on 29 October 1934; 123,890 on 26 November 1934; 128,084 on 31 December 1934; 138,779 on 28 January 1935; 141,626 on 25 February 1935; 137,870 on 25 March 1935; 125,847 on 29 April 1935; 124,920 on 27 May 1935; 130,244 on 24 June 1935; 82,371 on 29 July 1935; 82,697 on 26 August 1935; and 83,191 on 30 September 1935. During the twelve months under review, 21,148 vacancies were notified and 20,678 filled.

*Italy.* — (a) Under the various Decrees the placing of unemployed workers free of charge is effected by special offices for each class of workers; these offices have a national, inter-provincial or provincial juris-

diction, 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 through the 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. The Royal Decree of 18 October 1934 has reorganised the provincial employment exchange system as follows: One single employment exchange is set up in each province, with headquarters at the provincial branch of the corporative economic organisation. The exchange will be subdivided into occupational sections, which will be attached to the corresponding workers' unions. Each provincial employment exchange will be under the supervision of a board composed of the local secretary of the National Fascist Party, as chairman, and representatives of the employers' and workers' unions in equal numbers. The board will exercise supervision in respect of all trade union questions. A former employment official or employers' or workers' union organiser will act as director of each exchange; he will be appointed by the Ministry of Corporations on the recommendation of the board. The director will be responsible to the Ministry of Corporations. So far as the technical administration of the exchange is concerned, he will follow the instructions of the Ministry and the provincial authority; with regard to trade union policy he will take his orders from the chairman of the board. It will be his duty pass on applications for labour to the occupational sections, which will register and classify the unemployed; to make rules governing the registration of the same workers in more than one section; to supervise the work of the sections; and to compile unemployment statistics. The Decree also authorises the Government to establish a consolidated text of all the provisions of the Decree itself and of all the other Acts and Regulations concerning em-



ployment exchanges, in order to co-ordinate and regulate the question on a fundamental basis. The report states that at the end of September 1935 the number of provincial employment offices was as follows: agriculture, 94 offices, 1,981 communal sections; transport industry, 94 offices, 279 regional sections; commerce, 94 offices, 59 regional sections. The placings effected by these offices in 1934 were as follows: agriculture, 9,656,457; transport industry, 1,575,480; commerce, 184,739. The national employment exchange for persons employed in cleaning and harvesting rice and in harvesting olives and corn effected 949,816 placings in 1934, and in the same year the national employment exchange for persons employed in theatrical undertakings effected 181,871 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, 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 669 on 30 September 1935. . . . The report states that the work of the free public employment exchanges for the period under review may be illustrated by the following figures: ordinary workers: vacancies notified, 1,911,589; applications for employment, 1,684,225; vacancies filled, 735,170. For casual workers the figures were: vacancies notified, 13,129,651; applications for employment, 14,772,574; vacancies filled, 12,991,191. The report adds that even in the towns and villages where labour exchanges do not exist, a considerable number of persons are seeking work and the inconvenience resulting from lack of exchanges is keenly felt. When a great number of offers are being made and thus a great number of workers are to be supplied all at once, the employment exchange alone is not able to cope with the situation. Consequently, in order to remedy these defects and to adjust the

demand and supply of labour in the whole country, the Ordinance of 28 June 1921 was amended by Ordinance No. 37 of the Department of Home Affairs, promulgated on 18 December 1934 and put into force as from 7 January 1935. Under the terms of this Ordinance, the chiefs of cities, towns or villages where no employment exchange exists may be charged with a part of the office work of the employment exchange. When the district employment exchange board or the employment exchange considers it necessary to do so, they can inform the chiefs of the cities, towns or villages where no employment exchange exists of the conditions of the offer of employment. The chiefs who receive this information must then take the necessary steps to publish it, to enter the eventual applicants for the employment offered in a card register and to forward the card register immediately to the district employment exchange board or to the employment exchange which has given the above-mentioned information.

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

*Nicaragua.* — See introductory note.

*Poland.* — (a) The report states that the Presidential Decree of 24 October 1934 and various legislative and administrative measures taken to give it effect have modified placing to a certain extent. Thus, as from 1 April 1935, the public employment exchanges set up under the Unemployment Fund have been placed under the authority of the Employment Fund which was set up in 1933 in the Ministry of Social Welfare. Public placing is entrusted to district offices of the Employment Fund to be established in each province. The district offices may in turn establish local offices, and certain functions of the district offices may be entrusted to the local authorities or other public institutions. District advisory committees will be established in each province, composed of representatives of local authorities and independent economic institutions, representatives of the employers and workers and persons appointed for their special knowledge. The governors will act as chairmen of these committees. The Decree of 26 March 1935 has created local offices dependent on the district offices and responsible for placing workers and registering and supervising unemployed workers. The Decree further provides that advisory committees may be set up, attached to these employment offices, with a view to collaborating with the communal and economic authorities and with the employers' and workers' organisations. These committees shall be composed of a representative of the employment office as chairman, a representative of the labour inspection service,

representatives of the communal and economic authorities, and representatives of employers and workers. Other persons may be summoned to sit on the committee in case of need by the director of the district office of the Employment Fund. The employers' and workers' representatives are chosen from among the employers' and workers' organisations which operate within the jurisdiction of the office or its branch. All placing operations are free, subject to the provisions of § 12, which lays down that in the case of domestic servants, employers may be required to pay a contribution not exceeding 2 zlotys towards the office expenses for every person placed. The exact amount of these contributions is fixed in the different districts by the director of the Employment Fund, who takes into account the state of the local labour market and of the work done and wages earned by domestic servants. The system of employment exchanges included, on 30 September 1935, 43 exchanges attached to the Employment Fund and 67 communal exchanges in Upper Silesia. These exchanges found employment for 504,913 workers between 1 October 1934 and 30 September 1935. The number of unemployed persons seeking work who were registered with the exchanges numbered 275,661 on 1 October 1935. The placing of dockers at Gdynia is undertaken by a special office of the Employment Fund, the organisation and methods of procedure of which are laid down in the Order of 27 March 1935. The number of dockers necessary to ensure an efficient harbour service has been fixed at 2,500, of whom 1,450 are regularly employed, and the remainder are appointed when necessary. These temporary placings amount to 20,000 per month, as each docker is appointed several times in each month.

(b) ... The number of employment agencies carried on by social organisations during the period under review was 194. These agencies received 72,485 applications for employment and 44,822 notices of vacancies, and effected 33,348 placings. The number of fee-charging agencies during the same period was 12, as against 17 in 1934. These agencies, one of which was for theatrical artists, 3 for agricultural workers, and 8 for all professions except domestic service, received 7,778 applications for employment and 3,819 offers of employment, and effected 2,428 placings. The agency for theatrical artists received 596 applications for, and 188 offers of employment, and effected 188 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 indus-

trial importance. On 30 September 1934, there were 33 departmental and also two communal exchanges... During the year 1934, employment was found for 99,291 persons; the numbers of applications for and offers of employment were respectively 132,478 and 116,298. Corresponding figures for the period 1 January to 30 June 1935 are: 48,751; 61,855; and 59,082.

*Sweden.* — (a) A placing system including the whole country and subsidised by the State has been in existence since 1902. This system, which was organised by the general provincial councils and certain communes, is under the supervision and management of the State, that is to say, the Labour Department. At the end of September 1935 the number of public employment exchanges was 29, controlling 29 employment offices and 114 branch offices, 4 of which were engaged in finding employment for seamen. About 650 employment agents, 17 of whom are concerned with finding employment for seamen, are also established in various localities. The directing committees of the employment offices are composed of an equal number (two at least) of employers' and workers' representatives, and an impartial chairman. The employers' and workers' members are all appointed by the general provincial councils or by the representative communal bodies. The Governor of the province is responsible for appointing the chairman, after consulting the Labour Department. 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. The more important information with regard to vacancies is also broadcast once a week. During the period 1 October 1934 to 30 September 1935, the number of applications for employment was 1,313,301, the number of vacancies, 401,745, and the number of placings, 321,121.

(b) Up to now, the private employment agencies have not been subject to State control. The report states that the Act of 18 April 1935, which came into force on 1 January 1936, gives the State wider powers with regard to private employment agencies and allows it to fulfil the requirements of this Article of the Convention. See introductory note.

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

employment exchange (cantonal office) in every Canton. Those Cantons, moreover, in which a central employment exchange is insufficient have set up employment exchanges in the communes, or, where it was thought desirable, district exchanges covering several communes. The Federal Office of Arts and Crafts and of Labour exercises supreme supervision over the public employment exchanges. It co-ordinates the working of the public, cantonal and communal exchanges, promotes and facilitates their relations with each other, and directs their activities in accordance with the needs of the labour market. The Federal Order of 21 December 1934, concerning the struggle against the depression and the creation of possibilities of employment, and the Order of the Federal Council of 24 May 1935 concerning placing, occupational development, and suitable measures for facilitating the transfer of unemployed workers, while not in any way modifying the organisation of the public employment exchanges, make the Federal Office in particular responsible for seeing that the organisation and activities of the employment exchanges shall respond to the needs of the labour market and the work arising from those needs, and for promoting the development of the exchanges. In matters of actual placing, the Federal Office will in the future be in a position to take the initiative, which has hitherto been reserved to the communal and cantonal authorities, in matters of collective operations concerning the labour market. The Order of 11 November 1924 further requires the formation of committees, composed of equal numbers of employers' and workers' representatives, to serve as advisory bodies in questions concerning employment exchanges. Within these limits the Cantons and communes are left free to choose the method of selecting the employers' and workers' representatives, the manner of appointing and the exact task of these committees. The public offices in Switzerland dealing chiefly with employment-finding number 43 at the present moment. All these offices now possess joint committees, which are set up at the request of the employers' and workers' groups by the cantonal or municipal authorities, and are composed of 13 to 15 members under the chairmanship of the head of the competent department or an impartial person. Members of the committees are elected for three or four years, and are generally eligible for re-election. These joint committees do not all perform the same tasks. While some are bodies for the supervision of the employment exchange, others are of a purely advisory nature. The report further states that the public employment exchanges have made further progress in the course of the past year. Placing is now assured by a system of 43 main offices, supplemented by secondary offices set up in the more im-

portant 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. In the search for new possibilities of employment, the public employment exchanges have collaborated with the Central Office for Possibilities of Employment, which has made a useful contribution towards improving the state of the labour market by co-ordinating public works, examining the possibility of starting new industries, and taking its share in the organisation of unemployment works, camps and organised labour service. The report supplies the following details with regard to the work of employment exchanges during the period from 1 October 1934 to 31 August 1935: applications for employment, 342,238; vacancies notified, 126,310; vacancies filled, 99,149.

(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. They registered 4,043 offers of employment (650, 2,409 and 994) and 8,648 applications for employment (2,769, 6,195 and 684), and effected 2,152 placings (246, 1,355 and 551). 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 facilit-

ate 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.* — (a) ... In rural areas, there were 202 subsidiary labour exchanges under postmasters at the end of April 1935. During the year under review, the co-operation between the Department of Labour and the Dutch Reformed Church with the object of maintaining closer touch with rural indigency and unemployment has developed. The number of Church Poor Relief Committees established as an experiment in country districts, mainly in those where conditions of indigency and unemployment are known to be prevalent is 12, with 51 Sub-Committees. These Committees, together with the Sub-Committees, which are 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. They also try to retard the drift of the rural unemployed to urban areas. 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. With regard to the systems which apply to natives, no statistics of unemployment are available. It should be explained that only a small portion of the total native population is in employment at any one time. As the great majority of natives return to the locations and reserves at the termination of their period of employment, the result of economic depression is merely to increase the population in these reserves

during its continuance. The year under review shows very considerable improvement owing to expansion in the gold mining industry, wherein large numbers of native male adults have been absorbed.

(b) The report states that the only free private agencies are those conducted by patriotic societies, trade unions, philanthropic societies and ex-military service organisations which endeavour to obtain employment for their members...

*Uruguay.* — See introductory note.

*Yugoslavia.* — (a) ... At the end of September 1935 the number of employment exchanges was 25, including 6 central provincial offices. During the period from 1 October 1934 to 30 September 1935, these offices registered 543,129 unemployed workers, of whom 95,368 were women; 32,284 vacancies were notified and 24,745 filled...

(b) ... The report supplies statistics illustrating the work of the trade union employment agencies during the period October 1934 to August 1935.

### 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.*

*Austria.* — The provisions of the Unemployment Insurance Act of 1920, which has been superseded as from 1 April 1935 by the Social Insurance Act of 30 March 1935, make no distinction between foreigners and nationals as regards unemployment insurance...

*Belgium.* — Workers of foreign nationality who were members of a Belgian insurance fund approved by the Government before 31 May 1933 receive from such fund statutory benefit equal to that granted to national workers who are unemployed. Foreign workers do not however receive the supplementary daily benefit and family benefit granted by the National Emergency

Fund. Since 31 May 1933, only those foreign workers whose countries of origin have concluded a reciprocal agreement as regards unemployment with Belgium may register themselves with an approved unemployment fund. Agreements of this kind have been signed with France, the Netherlands, and the Grand Duchy of Luxemburg. Statutory benefit and post-statutory benefit, both supplementary daily benefit and family benefit, are granted to workers belonging to the above countries, who are therefore treated on exactly the same footing as Belgian subjects.

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

*Colombia.* — See introductory note.

*Finland.* — Under the Act of 25 March 1934 concerning unemployment funds, affiliation to a fund is conditional on the worker being of Finnish nationality; the previous Act made no restrictions of this kind. The report states that this restriction has not affected the number of members of unemployment funds, since none of the members were of foreign nationality. It adds that, if the operations of these funds are extended, and if foreign workers working in Finland wish to become members of the funds, and a corresponding wish is expressed by Finnish workers working abroad, the necessary measures will have to be taken by Finland to conclude reciprocal agreements on the question.

*France.* — France has not set up any unemployment insurance scheme, but treaties of reciprocity for reciprocal aid for French unemployed workers living abroad and foreign unemployed workers living in France have been signed between France and the following countries: Italy, on 30 September 1919; Poland, on 14 October 1920; Belgium, on 24 December 1924; Rumania, on 28 January 1930; Austria, on 27 May 1930; Yugoslavia, on 29 July 1932; Spain, on 2 November 1932; Switzerland, on 9 June 1933; Czechoslovakia, on 17 April 1934; and Luxemburg, on 11 June 1934. The treaties with Italy, Poland, Belgium, Austria and Spain have been ratified, and the others are in process of ratification.

*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.

*Nicaragua.* — See introductory note.

*Poland.* — The negotiations between the Polish Government and the Belgian Government with a view to concluding an arrangement in accordance with the terms of this Article are not yet concluded. A convention with regard to social assistance, including relief to the unemployed, has been the object of negotiations between Poland and Latvia. The two Governments have agreed as to the methods to be applied in regard to all forms of relief to be given to the unemployed of the contracting parties.

*Sweden.* — Under agreements which Sweden has concluded with Denmark, Norway, Germany, Switzerland and Czechoslovakia, the nationals of these countries, under certain conditions, are accorded the same treatment in Sweden as national workers in regard to measures for the relief of unemployment. The legislation concerning optional unemployment insurance, which was promulgated on 15 June 1934, having come into force at the beginning of 1935, the Swedish Government has initiated negotiations with ten other States with a view to concluding arrangements such as are anticipated by this Article of the Convention.

*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 unemploy-

ment 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. The report last year mentioned the fact that the Federal Council, by its Order of 23 October 1933, had decided to exclude from the benefits of unemployment insurance the nationals of a country which had decided to give unemployment benefit only to nationals of countries with which it had concluded a reciprocal agreement. The report wished it to be understood, however, that this situation should be considered as merely provisional, and that the agreement with the principles of the Washington Convention would shortly be re-established. This agreement is now assured, since, at the beginning of 1935, Switzerland and Belgium—which was the country in question—have agreed, after an exchange of notes, to apply the principle of equality of treatment to unemployment insurance.

*Uruguay.* — See introductory note.

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

### III.

*Article 5 of the Convention is as follows:*

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

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

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

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



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

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

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

*Belgium.* — The provisions of this Convention have not been applied either to the *Belgian Congo* or to the *Mandated Territories*, owing to local conditions.

*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 1934, the departmental and municipal employment exchanges in Algeria effected 12,659 placings and registered 23,240 applications for employment and 16,197 notices of vacancies. 10,581 applications for employment were not satisfied and 3,538 vacancies were not filled. The special situation of the labour market has not so far appeared to make it necessary to extend to it the provisions for aiding unemployment which are in force in the home country. Owing to the comparatively small number of unemployed and the fact that the larger number of them concern the building industry and public works, the most appropriate means of increasing possibilities of employment has appeared to be the opening of workshops and other works by the municipalities. 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 1934, the Moroccan Office, by means of its six exchanges in the French zone and its branch offices, effected 17,384 placings. 11,941 applications for employment were not satisfied, and 1,771 vacancies were not filled. Owing to various practical difficulties, no unemployment relief has been distributed to the unemployed in Morocco. The unemployed do, however, receive help in the form of vouchers for meat, bread, vegetables and other provisions. During the year 1934, a sum of 1,275,000 francs was spent by the Sherifian Government, and a credit of 1,500,000 francs has been included in the budget of 1935 for the same purpose. 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 Bizerta and another at Sfax. The activities of this office are supervised by a joint administrative supervisory committee attached to the organisation. During 1934, the Tunis Labour Office received 11,735 applications for employment and 3,328 notices of vacancies, and effected 3,580 placings. In Tunisia, the preponderance of the foreign element in local labour on the one hand, and the customs of the native labourers on the other, have not allowed a scheme of unemployment assistance similar to that which exists in the home country to be set up. Relief is, however, given to the workless. 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 Cyre-



naica. 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)*: With regard to the free public employment exchange agencies, it is the policy of the Government to leave their management to departments (*Do*), arrondissements (*Gun*) and villages (*Men*) and also to private institutions. Fee-charging employment exchanges are regulated by Provincial Orders in the respective provinces issued between 1922 and 1929. At the end of 1934, there were 12 free public employment exchanges and 70 fee-charging exchanges. The public exchanges registered 33,505 vacancies notified and 47,754 applications for employment, and effected 19,341 placings. The corresponding figures for the fee-charging exchanges were as follows: 2,563; 3,379; and 2,099. A new general enquiry with regard to the employment situation was made on 1 October 1934. II. *Taiwan (Formosa)* ... 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 on 31 August 1934 seven large and eleven small ... The special local conditions in *Surinam* prevent application of the Convention there. Ever since 1863, when slavery was abolished, part of the population (especially in the one town, Paramaribo) has been chronically unemployed, which should be ascribed, among other things, to a certain natural exodus from agriculture, in which, however, the immigrant Javanese and British Indians are able to find a modest livelihood. The establishment of an employment exchange can produce little, if any, improvement in this respect; and as regards the finding of employment outside agriculture, there is little need for an employment agency as a medium between employers and applicants for work, since, in the small *Surinam* industry, they have no difficulty in getting to know each other. Earlier experience has already shown this to be the case. As regards

unemployment insurance as it is known, for instance, in Europe, quite apart from the cost involved there can be no question of introducing it in *Surinam*, where many people are, even now, all too ready to rely on Government support. Relief of this kind would tend to have an even more paralysing influence on willingness to work. The above should not be taken to mean, however, that where in *Surinam* unemployment now exists in consequence of the economic depression, nothing has been done to combat it. Government action takes the form of the provision of work (e.g. on road construction), financial assistance to private undertakings which make a special effort to provide the unemployed with a livelihood in agriculture (the inclination for which has been increased by hard times and the work of these undertakings), and the establishment of land settlements. In *Curaçao*, unemployment is still on too small a scale to justify application of the Convention.

#### IV.

*Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.*

*Austria.* — The administration of unemployment insurance and placing is in the hands of the employment exchanges and the provincial exchanges both of which are Federal institutions working under the supervision of the Minister of Social Administration. The enforcement of the legal provisions is guaranteed by the statutory supervision exercised over the employment exchanges by the provincial exchanges and over the latter by the Minister aforesaid.

*Belgium.* — The application of the Royal Orders concerning unemployment and employment is entrusted to the Ministry of Labour and Social Welfare (Office of Labour) and to the National Employment and Unemployment Office.

*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 and also by the labour courts.

*Colombia.* — The body responsible for enforcing the Acts and Decrees relating to the Convention when it has been introduced into public law will be the General Labour Office attached to the Ministry of Industries and Labour. This Office is also responsible for supervising the enforcement of all social legislation. See also introductory note.

*Nicaragua.* — See introductory note.

*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.

*Uruguay.* — See introductory note.

## V.

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

*Chile.* — The report states that legal decisions have been and are given constantly with regard to the enforcement of the legislation in question. In one case, judgment was pronounced sentencing the owner of an employment exchange to a fine of 100 pesos for having undertaken to place a worker, in spite of the fact that placing by private employment exchanges is prohibited by law.

The remaining reports supplied do not mention any such decisions.

## VI.

*Please add a general appreciation of the manner in which the Convention is applied in your country, giving, for example, extracts from official reports and any other information bearing on the practical application of the Convention. In particular, please supply any information that you may consider desirable concerning the finding of employment for workers in theatrical undertakings. (This request for information has been inserted in the report form in pursuance of decisions taken by the Governing Body on 1 June and 10 October 1930, in response to a wish expressed by the Advisory Committee on Professional Workers.)*

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

*Austria.* — No observations have been made 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.* — With regard to workers in theatrical undertakings, Act No. 5563 of 10 January 1935 has set up the Superior Directorate of the National Theatre, which is responsible for forming theatrical companies and for managing and supervising their activities. Between 1 March and 30 September 1935 this Directorate supervised 42 companies employing a total of 652 persons.

*Colombia.* — See introductory note. The employers' and workers' organisations have not made any observations with regard to the Convention, without doubt for the reasons given above in the introductory note.

*Denmark.* — The public employment offices find employment for workers in theatrical undertakings (with the exception of the artistes), for example, programme-sellers, cloak-room attendants, washerwomen, scene-shifters, painters, etc. The public offices do not find employment for artistes who have no Unemployment Fund recognised by the State. The Association of Danish Actors (*Dansk Skuespillerforbund*) has set up for its members a free employment institution to which the theatres apply and which thus spares 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 artistes. Under the Act of 1928, these agencies were subjected to the general regulations and the fees are now borne by the employers. The finding of employment is, in practice, undertaken by the private agencies; in the Departmental Office of the Seine, however, there is an employment branch in which there is a Section for theatrical and operatic artistes. This branch is being developed in a normal manner. The report contains detailed information on the organisation in France of the system of public employment exchanges, 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 appli-

cation 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 1934. 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 gives a detailed statement of the measures taken to combat unemployment, and states that, according to the figures given by the workers' trade unions, the number of unemployed during the 11 months October 1934 to September 1935 was 17.3 per cent. lower than the number in the preceding 11 months; on the other hand, according to the information given by the social insurance bodies, the number of their members during the 10 months October 1934 to August 1935 increased by 4.2 per cent. in comparison with the preceding 10 months. From this it may be concluded that the position of the labour market has improved. 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.

*Irish Free State.* — The report gives a detailed statement of the measures taken to combat unemployment. No observations have been made by either the employers' or the workers' organisations.

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

*Japan.* — The report 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 1935, classified according to their specialised functions :

	Specialised agencies	Agencies maintaining specialised branches
Casual workers	58	31
Women	9	11
Young persons	2	9
Intellectual workers	1	7
Skilled workers	—	2
Ex - soldiers and discharged soldiers	—	4
Korean workers	4	—
Total	74	64
Seasonal agencies		28
Temporary agencies		54

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.

*Luxemburg.* — 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.

*Nicaragua.* — See introductory note.

*Norway.* — The report states that no infringement of the relevant legal provisions 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 14 employment agencies for this purpose, apart from the fee-charging employment agency 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. 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 describes the measures taken to combat unemployment and to assist the unemployed.

*Sweden.* — 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 artistes. The Swiss Employment Service which has just been organised certainly remedies a

deficiency in the Swiss organisation of labour. Since it started work, it has received an ever-increasing number of requests for registration from orchestras and individual musicians, and the welcome which it has met with from employers shows that it responds to a real need. By its joint and professional character and the direct relation which it has with professional life, it is, moreover, in a position to give appropriate and much-appreciated advice to the public services and authorities which consult it on professional questions. The Joint Committee of Enquiry and the registration office attached to it give appreciable service to theatrical undertakings and 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. 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.

*Uruguay.* — See introductory note.

*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 1935, and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	
Brazil. . . . .	26. 4.1934	9. 1.1936
Bulgaria . . . . .	14. 2.1922	15.11.1935
Chile . . . . .	15. 9.1925	20.12.1935
Colombia . . . . .	20. 6.1933	13. 1.1936
Cuba . . . . .	6. 8.1928	18.11.1935
Germany . . . . .	31.10.1927	26.10.1935
Greece . . . . .	19.11.1920	
Hungary . . . . .	19. 4.1928	16.12.1935
Latvia . . . . .	3. 6.1926	25. 1.1936
Luxemburg . . . . .	16. 4.1928	28. 1.1936
Nicaragua. . . . .	12. 4.1934	5.12.1935
Rumania . . . . .	13. 6.1921	23. 3.1936
Spain . . . . .	4. 7.1923	6. 3.1936
Uruguay . . . . .	6. 6.1933	16. 3.1936
Yugoslavia . . . . .	1. 4.1927	11.11.1935

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

The Government of *Brazil* states in its report that the essential principles of the Convention have been observed in the national legislation, with the exception of the compulsory rest period of six weeks before and six weeks after childbirth prescribed in the Convention; in the national legislation the period is fixed at four weeks before and four weeks after childbirth, with the possibility of an extension of two weeks in each period in exceptional cases attested by a medical certificate. Similarly, Brazilian legislation contains no provisions to ensure that in cases of illness arising out of pregnancy or confinement, and rendering the woman unfit to return to work within the period of six weeks following her confinement, her post shall be kept open for her during a maximum period to be fixed by the competent authority, as prescribed by the Convention. The benefit due to a woman during the weeks she is absent from work owing to pregnancy and confinement is paid by the social insurance funds, which are financed as to one-third by a public subsidy. Medical and hospital treatment is also paid by the said funds. The Federal Government will take the necessary steps to lay before the National Congress amendments to the national legislation regulating the conditions of employment of women in industrial and commercial establishments. The report adds that the Federal Constitution, in § 141, makes maternity and infant protection compulsory through-

out the national territory, and the Federation, the States and the municipalities must devote one per cent. of their respective tax revenues to this purpose.

The Government of *Colombia* states in its report that Colombia is an essentially agricultural country and its economic development is only just beginning to reach an advanced stage. The economic and industrial tradition of the nation has not so far permitted complete enforcement of this Convention. In certain industrial undertakings and establishments, however, pregnant women are protected before and after childbirth. As has already been stated in previous reports, the Government of Colombia has submitted to Congress, for its consideration, a draft Labour Code in which the essential provisions of the Convention are included, but the exacting nature of legislative activity has so far delayed examination of this measure. § 2 of the Colombian Act No. 18 of 1924, although it is not directly related to the terms of this Convention, requires factories to institute crèches for the children of their women workers. This is, indirectly, a maternity protection scheme.

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

The Government of *Nicaragua* states in its report that the draft Labour Code which the Ministry of Agriculture and Labour of the Republic submitted to Congress on 29 January 1934 contains the following provision: "§ 45. A woman shall be entitled to a holiday, which her employer must grant, with full pay, from four weeks before her confinement until six weeks after it. She may not surrender this right." See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

The report of the Government of *Uruguay* states that under § 37 of the Children's Code, promulgated by an Act of 6 April 1934, a woman wage-earning or salaried employee who is pregnant may not perform any work during the last month of pregnancy. After confinement the rest period is to be prolonged by at least one month, which is deemed to be the mother's normal period of convalescence before returning to work. During these two months a woman wage-earning or salaried employee may not lose her post and is, pending the institution of a maternity insurance scheme, to receive 50 per cent. of her wages. She may be temporarily replaced. If, when the two months have expired, she is, owing to her confinement, unable to return to work and this is established by a medical certificate, she may not be dismissed on this account but does not receive any wages. Eight days after

birth, the infant is placed under the supervision of the Infancy Department of the Children's Council, which is responsible for the social protection of minors. The report adds that in some respects there are differences between the Convention and national legislation. The scope of the latter is on the one hand wider than that of the Convention, since it covers all classes of work, whereas the Convention only applies to work in industrial undertakings. On the other hand the aggregate minimum leave before and after confinement is four weeks less than that stipulated in the Convention. The Uruguayan Government is at present considering the possibility of developing national legislation in the direction suggested by the Convention in order that the two sets of provisions may coincide. The report points out that the Children's Code was promulgated recently (6 April 1934) and that the country was at the time going through a period of acute economic depression. This made it very difficult for industrial and commercial establishments to apply the new labour laws. In view of the country's economic recovery there are already prospects of the Act's being shortly amended so as to conform to the stipulations of the Convention. Finally the report states that, under §41 of the 1934 Constitution, "maternity entitles a deserted woman to social protection and assistance whatever may be her condition and status".

### 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 Decree No. 576 of 30 April 1935.

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).

Decree No. 969 of 18 December 1933 to apply Chapter IV of Book I of the Labour Code (§§ 49-51, concerning leave in case of approaching childbirth for women salaried employees in private undertakings).

#### Colombia.

See introductory note.

#### 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. 787 of 6 April 1935 (L. S. 1935, Cuba 1).

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), amended by Legislative Decrees No. 114 of 23 April 1935 and No. 147 of 14 August 1935.

#### 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 the 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 15 December 1932 (L. S. 1932, Hung. 4 E) 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 employees (L. S. 1920, Lux. 2).
- Orders of 14 May 1921 and 26 May 1930 (L. S. 1930, Lux. 1) (staff rules of the Luxemburg railways).
- Act of 17 December 1925 (§§ 12 and 13) respecting the Social Insurance Code (L. S. 1925, Lux. 2).
- Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).
- Order of 30 March 1932 respecting the application of certain Conventions adopted by the International Labour Conference during its first ten Sessions (L. S. 1932, Lux. 1).
- Order of 6 January 1933 to amend the Order of 30 March 1932 (L. S. 1933, Lux. 1).
- Act of 6 September 1933 to amend the Act of 17 December 1925 respecting the Social Insurance Code (L. S. 1933, Lux. 3).

*Nicaragua.*

See introductory note.

*Rumania.*

- Act of 9 April 1928 relating to the employment of young persons and women and the regulation of hours of work (L. S. 1928, Rum. 1), amended by the Act of 10 October 1932 (L. S. 1932, Rum. 6 A).
- Regulations 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 1923 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.

*Uruguay.*

See introductory note.

*Yugoslavia.*

- Workers' Protection Act of 28 February 1922 (L. S. 1922, S.C.S. 1).
- Act of 14 May 1922 respecting workers' insurance (L. S. 1922, S.C.S. 2), 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.

*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 division between industry and commerce on the one hand and agriculture on the other has not yet been defined.

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

*Nicaragua.* — See introductory note.

*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.

*Uruguay.* — See introductory note.

#### 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.

*Cuba.* — § XIII of Legislative Decree No. 781, amended by Legislative Decree No. 114 of 1935, defines the term "woman" as any person of the female sex, irrespective of her age, race, nationality and civil status. The term "child" means any infant born in Cuba, irrespective of the race, nationality and civil status of its parents.

*Nicaragua.* — See introductory note.

*Uruguay.* — 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. See also introductory note. (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 states, with regard to the question of the advisability of having the whole of maternity benefit paid from the public funds or under an insurance scheme, that the Compulsory Sickness Insurance Institution and the Private Employees' Welfare Institution have been requested to examine the form in which the statutory benefit for women workers and salaried employees in case of childbirth may be paid in full out of the funds at their disposal. (d)...

*Colombia.* — See introductory note.

*Cuba.* — (a) § I of Legislative Decree No. 781 and § 1 of Legislative Decree No. 787 contain equivalent provisions. (b) § II of Legislative Decree No. 781 and § 2 of Legislative Decree No. 787 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. § 9 of Legislative Decree No. 787 lays down that a woman shall receive 50 per cent. of the benefit, i.e. the sum due for the first six weeks, during her stay in hospital; the other half shall be paid on her discharge from hospital. (d) § VI of Legislative Decree No. 781 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. § 5 of Legislative Decree No. 787 contains similar provisions to those of the Convention.

*Hungary.* — . . . (c) . . . Under the Compulsory Sickness and Accident Insurance Act an insured woman is entitled to receive: (1) such medical treatment and care as are required (including attendance by a doctor and a midwife); (2) during the last six weeks before confinement an allowance equal to her full average wage or salary; (3) during the six weeks following confinement an allowance equal to her full average wage or salary; (4) during the twelve weeks following the cessation of the above allowance a nursing benefit of not less than 60 *fillérs* a day. The report adds, however, that if the Social Insurance Institution 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 shall be 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 maintenance 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 cared for 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.

*Nicaragua.* — See introductory note.

*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 confinement is entitled: (a) to the services of a doctor or midwife, and the necessary pharmaceutical products and dressings; (b) to pecuniary benefit for twelve weeks, not less than six of which 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 pecuniary 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. Pecuniary 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 pecuniary 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 pecuniary 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.

*Uruguay.* — See introductory note.

*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 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 5 December 1931, 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 Industrial 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 em-

ployed, 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 for 1933-1934 added 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 Central Workers' Insurance Institution, in pursuance of a decision taken by its governing body on 26 August 1935, has promulgated Order No. 31,625, dated 13 September 1935, which provides that in such cases maternity benefit shall be granted as from the date on the medical certificate, even if this involves payment of benefit for a period exceeding twelve weeks. (d) . . .

#### ARTICLE 4.

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

*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. See also introductory note.

*Colombia.* — See introductory note.

*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 deter-

mine in the light of the circumstances of the case.

*Nicaragua.* — See introductory note.

*Uruguay.* — 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 no action has been taken.

### 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.

*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.

*Nicaragua.* — The report states that no authority has been appointed in this connection. See also 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.

*Uruguay.* — See introductory note.

### V.

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

*Chile.* — Decisions of this nature have been and are constantly being given. In one case, the third Labour Court of *Valparaiso* was informed that an employer had dismissed a woman worker without knowing that she was pregnant, and that the woman, on receiving her notice, had submitted a medical certificate to the effect that she was pregnant; the Court sentenced the employer to cancel the notice, to consider the woman as being on sick leave, to grant her the leave of absence prescribed by law for cases of pregnancy and childbirth, and to keep her post open for her. In another case, judgment was given dismissing the action brought by a woman worker who had been dismissed in similar circumstances, the reason being that the woman in ques-

tion had not presented, on being given notice, the medical certificate, attesting that she was pregnant, which the provisions of the Labour Code require. In a third case, an employer who had dismissed a domestic servant whom he knew to be pregnant was sentenced to pay compensation equal to the benefits prescribed by the national legislation for cases of pregnancy and childbirth, and also to pay a fine of 100 pesos for having infringed the provisions of the Code. The employer's appeal against this sentence was dismissed by the Court of second instance.

*Spain.* — The report states that the special judicial authorities for welfare have given various decisions with regard to the application of maternity insurance. These decisions are published in the "Annals of the National Provident Institution" which is received monthly by 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 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, who up till now have not been anxious to avail themselves of the rest to which they are entitled—six weeks before and six weeks after confinement—because the statutory benefit, which is dependent on the wages of the woman in question, had become insufficient, the position is now gradually changing: wages, which had become insufficient owing to the rapid depreciation of the currency, have now undergone a readjustment roughly equivalent to the fall in the purchasing power of money, and consequently the benefit due to working mothers may once more be considered as sufficient for the maintenance of mother and child. The reports of the inspection services do not notify any infringement of the legislation applying the Convention, which is enforced without difficulty throughout the country. Maternity benefit for women wage-earners, paid under Article 3 (c) of the Convention, amounted to 2,590,408.23 pesos. This is exclusive of the nursing allowance, which is equivalent to 25 per cent. of wages and is paid to the mother, if she nurses her child, from the third week after confinement until weaning. No figures are available concerning either medical and obstetrical benefit for working women, or maternity benefit received by women salaried employees in private undertakings. Neither the employers' nor the workers' organisations concerned have submitted any observations with regard to the practical application of the legislative provisions which enforce the Convention.

*Colombia.* — See introductory note.

*Cuba.* — The reports of the labour inspectors and statistics are in course of preparation. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention.

*Germany.* — The *Statistik des Deutschen Reiches*, vol. 473: *Die Krankenversicherung im Jahre 1933 nebst vorläufigen Ergebnissen für das Jahr 1934* 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 1,007,636 in 1932 to 984,880 in 1933, i.e. from 15.5 to 15.1 per thousand inhabitants. The number of cases in which the sickness insurance funds gave maternity benefit was 574,515 as against 628,613 in the preceding year. In 1933, 58 per cent. of the births (62 in 1932, 68 in 1931 and 71 in 1930) gave rise to maternity benefit, which was given by the sickness insurance funds. The number of cases per thousand insured persons in which maternity benefit was granted by the sickness insurance funds was 31 in 1933 (33.6 in 1932, 35.7 in 1931 and 38.4 in 1930). During 1933, the cost of maternity relief to sickness insurance as a whole was 70,500,000 RM. against 79,400,000 in 1932, 98,500,000 in 1931 and 99,700,000 in 1930. 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 have come to the notice of the Government.

*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 1934, the average number of women subject to compulsory sickness insurance was 336,582. 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 1934 states that the period in question marks a new stage in the favourable development of maternity relief, the importance of which is clearly shown by the following statistics: the amount spent on maternity relief in 1933 was 454,730.41 francs, the number of insured persons being 47,509. In 1934 the amount spent was 533,860.34 francs, the number of insured persons

being 48,296. The average cost of relief for each case of confinement was 1,105.23 francs in 1934, as against 1,046.74 francs in 1933. The number of women who received such relief, which in 1927 was 91, was 163 in 1931, 139 in 1932, 122 in 1933 and 131 in 1934. 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.

*Nicaragua.* — See introductory note.

*Rumania.* — The report gives the following information: (a) for the year 1934 (provisional statistics): number of insured women confined who received maternity benefit as legally prescribed, 2,426; number of women confined who were wives of insured persons, to whom maternity benefit was paid as legally prescribed, 3,000; (b) for the period 1 April 1934 to 31 March 1935: amount of maternity benefit (in cash), 8,230,290 lei; amount of nursing benefit (in cash), 3,379,347 lei.

*Spain.* — The report states that no cases of infringement have been noted by the labour inspection service.

*Uruguay.* — See introductory note.

*Yugoslavia.* — During 1934, the benefits granted under § 45 of the Workers' Insurance Act amounted to 7,488,432 dinars for pecuniary benefit and 2,522,723 dinars for attendance by midwives, i.e., 18.42 dinars per insured person. The cost of medical attendance, pharmaceutical benefit and hospital treatment are included in the cost of sickness benefit, which amounted to 5,778,658 dinars for insured persons, i.e., 38.66 dinars per insured woman, and 4,232,497 dinars for members of the families of insured persons, i.e. 7.78 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 1935, and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period:



COUNTRIES	Date of registration of ratification	Reports received
Albania . . . . .	17. 3.1932	
Argentine Republic.	30.11.1933	
Austria . . . . .	12. 6.1923	16.11.1935
Belgium . . . . .	12. 7.1924	24.10.1935
Brazil . . . . .	26. 4.1934	9. 1.1936
Bulgaria . . . . .	14. 2.1922	15.11.1935
Chile . . . . .	8.10.1921	20.12.1935
Colombia . . . . .	20. 6.1933	13. 1.1936
Cuba . . . . .	6. 8.1928	18.11.1935
Czechoslovakia . .	24. 8.1921	12. 2.1936
Estonia . . . . .	20.12.1922	19.10.1935
France . . . . .	14. 5.1925	27.11.1935
Great Britain . . .	14. 7.1921	11. 2.1936
Greece . . . . .	19.11.1920	
Hungary . . . . .	19. 4.1928	16.12.1935
India . . . . .	14. 7.1921	14.12.1935
Irish Free State . .	4. 9.1925	22.10.1935
Italy . . . . .	10. 4.1923	11. 2.1936
Lithuania . . . . .	19. 6.1931	9. 3.1936
Luxemburg . . . . .	16. 4.1928	10. 2.1936
Netherlands . . . .	4. 9.1922	13.11.1935
Nicaragua . . . . .	12. 4.1934	5.12.1935
Portugal . . . . .	10. 5.1932	16. 1.1936
Rumania . . . . .	13. 6.1921	23. 3.1936
Spain . . . . .	29. 9.1932	6.3.1936
Switzerland . . . .	9.10.1922	1.11.1935
Union of South Africa	1.11.1921	19.11.1935
Uruguay . . . . .	6. 6.1933	16. 3.1936
Venezuela . . . . .	7. 3.1933	15.10.1935
Yugoslavia . . . . .	1. 4.1927	11.11.1935

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

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

The Government of *Colombia* states in its report that it must emphasise the fact that Colombia is only at the beginning of any industrial development comparable to its agricultural development—agriculture being the traditional occupation of the country. It has therefore not been possible to take the official action necessary for putting into force practical legislation with a view to the application of this Con-

vention. The Government decided to ratify the Convention in order to promote international solidarity in this matter and, to have available when circumstances permitted an instrument laying down a principle which could be adapted to the actual needs of the national situation. The Government intends, as it has already stated in previous reports, to proceed to a preliminary examination of the Convention, in order to give it practical application. At the present moment it is tacitly applied by industrial undertakings, since employment of women during the night in these undertakings does not in fact exceed the limits laid down in Article 2 of the Convention.

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

The Government of *India* states in its report that as a result of the decision given by the Permanent Court of International Justice in 1932, the Factories Act, 1934 has been amended so as to remove the power of the Local Government to exempt from restrictions on night employment women holding positions of supervision or management or employed in a confidential position in a factory.

The *Italian* Government states that the Act of 26 April 1934 consolidating all the provisions hitherto in force for the protection of women's work and, in particular, for the prohibition of night work, has not yet been applied. § 26 provides that the Act shall come into force 90 days after the publication of the Ministerial Decree which is prescribed by § 8 of the Act. This Decree, which has not yet been published, will contain the principles on which the form and contents of a special work book for children and women not yet of age will be based.

The Government of *Nicaragua* states in its report that § 43 of the draft Labour Code, which was submitted to Congress on 29 January 1934, lays down that women shall not be employed on any night work—i.e., work done between 8 p.m. and 5 a.m.—in industrial undertakings, except in those in which only members of the same family are employed under the authority of one such member. See also introductory note to *Convention No. 1 (Hours of work, industry)*.

The report of the Government of *Uruguay* states that there are no laws and regulations dealing with the subject matter of the Convention, since in Uruguay women are not usually employed in industries where night work is performed. The report adds that a select committee has been



set up with a view to bringing national legislative provisions into line with those of the Convention. The committee consists of the following: the Director of the National Labour Institute and its affiliated departments, the Chairman of the Industrial, Commercial and Public Services Pensions Fund, the Chairman of the Children's Council, a representative appointed by the Minister of Public Health and a representative appointed by the Minister of Industry and Labour.

## 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.

### Cuba.

Legislative Decree No. 598 of 19 October 1934 [concerning the employment of women in industry] (L. S. 1934, Cuba 10).

### 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, 1934 (L. S. 1934, Ind. 2), amended in 1935.

*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.

See also introductory note.

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

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

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

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

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

*Netherlands.*

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

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

*Nicaragua.*

See introductory note.

*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).

*Uruguay.*

See introductory note.

*Venezuela.*

Labour Act of 23 June 1928 (L. S. 1928, Ven. 2).

*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;

(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.

*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 and agriculture on the other. The reports adds that up to the present the line has not

been defined. 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.

*India.* — In accordance with Article 5 of the Convention which provides that the application of Article 3 may be suspended by the Government of India in respect to any undertaking except factories as defined by the national law, the sphere of application is limited to factories as defined in the Indian Factories Act, 1934.

*Italy.* — ... See also 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 agreement 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. It also states that the Act of 11 November 1933 applies to all the undertakings covered by the Convention.

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

*Nicaragua.* — See introductory note.

*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 by § 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. The report adds that no line of division has therefore been defined.

*Uruguay.* — See 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.

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.

*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.

*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.* — § 45 of the Factories Act, 1934 lays down that no woman shall be allowed to work in a factory except between 6 a.m. and 7 p.m. Local Governments are empowered, however, in respect of any class or classes of factories and for the whole year or any part of it, to vary these limits to any span of thirteen hours between 5 a.m. and 7.30 p.m.

*Italy.* — ... 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. The report adds that, although the term "night" is not expressly defined in the Act, the provisions of this Article of the Convention are in practice explicitly applied.

*Nicaragua.* — See introductory note.

*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.

*Uruguay.* — See 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.

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 prohibition 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. The report states that the revision of the Convention having been approved by the Eighteenth Session of the International Labour Conference, it is necessary to denounce the first Convention and to propose to Congress to ratify the second, with which Brazilian legislation is in agreement, and which allows an exception for women holding responsible positions of management who are not ordinarily engaged in manual work. The Government will take the necessary measures for the ratification of the revised Convention.

*Colombia.* — See introductory note.

*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.

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

*India.* — § 45 of the Factories Act, 1934 lays down that no woman shall be allowed to work in a factory except between 6 a.m. and 7 p.m. See also under ARTICLE 2.

*Italy.* — ... 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. except in undertakings in which only members of the same family are employed.

*Nicaragua.* — See introductory note.

*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.

*Uruguay.* — See 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 4.

Article 3 shall not apply :

(a) In cases of *force majeure*, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character.

(b) In cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

*As regards paragraph (a) please state whether your legislation, etc., imposes any conditions subject to which employers are allowed to take advantage of this exception.*

*As regards paragraph (b) please give particulars of the processes carried on in your country (stating whether only in certain areas and at certain periods) to which this exception is applicable, as well as the conditions, if any, subject to which your legislation, etc., allows employers to take advantage of it.*

*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.

*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. No conditions are imposed in relation to these exceptions.

*India.* — (a) No such exemption is permissible under the Factories Act, 1934. (b) § 45 (2) provides that the Local Government may make rules providing for the exemption from the prohibition of night work, to such extent and subject to such conditions as it may prescribe, of women working in fish-curing or fish-canning factories where the employment of women beyond the said hours is necessary to prevent damage to or deterioration in any raw material.

*Italy.* — ... See also 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.

*Nicaragua.* — See introductory note.

*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. By letter dated 7 June 1935, the President of the Portuguese Delegation to the Nineteenth Session of the Conference stated that the only exceptions permitted with regard to the provisions of the Convention relate to the fish-preserving industry. The raw material in question is liable to deterioration if it is not prepared on the same day as the fish is caught and in view of the nature of the work involved, such preparation can be carried out only by women. The collective agreements concerning hours of work concluded between the Union of Manufacturers and Exporters of Preserved Fish and the National Union of Workers employed in the Canning Industry have laid down the regulations appropriate to labour conditions in this industry, which differ only very slightly from the provisions of the Convention. Further, the canning industry is a purely seasonal one. As regards the other industries, Portuguese legislation fixes limits which are stricter than those laid down by the Convention, and it may be stated that the employment of women during the night in industry has been completely abolished. This information was confirmed by the Government Delegate of Portugal to the Committee on the application of Conventions set up by the International Labour Conference at its Nineteenth Session.

*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. The Federal Government is not aware of any cases of such exceptions to the prohibition of night work for women being authorised during the period covered by the report. The Act of 31 March 1922 (§ 4 (1)) provides that the prohibition of night work may be suspended for women over 18 years of age in the event of an interruption of the work of the undertaking due to *force majeure* which could not be foreseen and does not recur periodically. Under the same Act (§ 4 (2)) the prohibition of night work may be suspended for women over 18 years of age in cases of the working up of raw materials or the manipulation of substances which are liable to very rapid deterioration, when necessary to prevent the otherwise inevitable loss of the said raw materials or substances. As regards the competent authority for the suspension of the prohibition, § 6 of the Administrative Order provides: "The prohibition of night work may be suspended in the cases mentioned in § 4 of the Act, subject to an

order of the competent authority. The following shall be the competent authorities: (a) for suspension for not more than 10 nights, the district authority, or in default thereof the local authority; (b) for suspension for more than 10 nights, the cantonal Government. If, owing to an emergency, an order of the competent authority cannot be procured in due time, the said authority shall be notified not later than the following day." The enforcement of the Federal Act relating to the employment of young persons and women in industry is within the competence of the cantons, which, every two years, send reports to the Federal authorities. According to 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) ... From 1 October 1934 to 31 August 1935, § 15 (2) of the Act of 1918, as amended by § 4 of the Act of 1931, has been applied to the following occupations: spinning (hours permitted: 5 a.m. – 1 p.m.; 1 p.m. – 9 p.m.); clothing, dressmaking and millinery (7 p.m. – 9 p.m., Fridays only; 6 p.m. – 8 p.m., 3 evenings per week only; 6 p.m. – 8 p.m.; 7 p.m. – 9 p.m.; 6 p.m. – 9 p.m.; 6 p.m. – 8.30 p.m.); fruit-canning (6 a.m. – 8 p.m.; 6 p.m. – midnight); printing (6 p.m. – 9 p.m.); boot and shoe manufacturing (6 p.m. – 9 p.m.); baking and confectionery (5 a.m. – 7 a.m.; 6 p.m. – 9 p.m.); textile industry (5 a.m. – 1 p.m.; 1 p.m. – 9 p.m.); cheese cloth manufacturing (6 a.m. – 9 p.m., 2 shifts); sweet manufacturing (6 a.m. – 7 p.m.; 7.15 a.m. – noon; 1 p.m. – 7 p.m.).

*Uruguay.* — See introductory note.

*Venezuela.* — The Act of 23 June 1928 does not contain any provision of this nature.

#### ARTICLE 5 (*India and Siam only*).

In India and Siam, the application of Article 3 of this Convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law. Notice of every such suspension shall be filed with the International Labour Office.

*India.* — The Government of India has notified the Office that in the application of this Convention to India the term "industrial undertaking" includes only factories as defined in the Factory Act<sup>1</sup>.

<sup>1</sup> See under Convention No. 1 (*Hours of work, industry*), ARTICLE 10, for definition of "factory."

#### ARTICLE 6.

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

*In addition, please give particulars of the processes carried on in your country (stating whether only in certain areas and at certain periods) to which the exception provided for in this Article is applicable, as well as the conditions, if any, subject to which your legislation, etc., allows employers to take advantage of it.*

*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.

*Cuba.* — Cuban legislation does not contain any equivalent provisions.

*India.* — § 45 of the Factories Act, 1934 provides that the Local Government may, in respect of any seasonal factory or class of seasonal factories in a specified area, reduce the night period to ten hours. The report states the provisions of this Article of the Convention have not been utilised in India.

*Italy.* — ... See also introductory note.

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

*Nicaragua.* — See introductory note.

*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 1934 seven factories in East Switzerland made use of the exception permitted under § 66 (2) of the Factory Act.

*Uruguay.* — See introductory note.

*Venezuela.* — The Act of 23 June 1928 does not contain any equivalent provisions.

#### 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 states that Brazil is one of the countries where the climate renders work by day particularly trying. The report does not, however, refer to the question of compensatory rest to be accorded during the day. 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.

*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.

*India.* — The report states that this Article has not been applied in India.

*Italy.* — ... See also introductory note.

*Nicaragua.* — 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.

*Uruguay.* — See introductory note.

*Venezuela.* — The Act of 23 June 1928 does not contain any provision of this nature.

### 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, amended by Ordinance 16 of 1935, with the modification that the Governor in Executive Council may make regulations reducing the night period for the non-employment of women to 10 hours on 60 days of the year in industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it); *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. Legislation applying the provisions of the Convention has been enacted in *Saint Lucia* (Ordinance 22 of 1934 — not yet brought into force), *Saint Vincent* (Ordinance 20 of 1935 — not yet brought into force), and *Sierra Leone* (Ordinance 30 of 1934).

*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, 2 and 3 from 1926 to 1934, and to 1 during the first seven months of 1935. 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 1934, 7,386 and 3,008. From 1 October 1927 the night work of women in the salt-packing department in *Madura* 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, and during 1934, nine. During the first six months of 1935, the number of breaches was 11... In *Surinam* and *Curaçao* employment of women during the night, as covered by the Convention, does not exist.

*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 in the sovereign territories of *Morocco*. In the protectorate zone of *Morocco*, the Dahir of 7 September 1931 prohibits the employment of women between 10 p.m. and 6 a.m.

## 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.

*Colombia.* — See introductory note.

*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 16 October 1934 provides penalties in cases of infringement (§§ XX and XXI). The criminal courts are competent to take cognisance of infringements of the Legislative Decree in question.

*India.* — The Factories Act, 1934 is administered by Local Governments through their factory inspectors, who are empowered to take proceedings before specified courts against persons contravening the provisions of the Act. §§ 60 and 61 of the Act impose penalties for contraventions.

*Nicaragua.* — See introductory note.

*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.* — 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, have been published regularly every year, and will continue to be so in the future. The reports for the year 1934 contain for the first time an extract from the reports of the cantonal Governments, covering the years 1933 and 1934, dealing with the administration of the Federal Act relating to work in

factories. The cantons were not required to submit a report this year on the Act relating to the employment of young persons and women in industry. Next spring they will submit a report on the administration of this Act for the years 1934 and 1935.

*Union of South Africa.* — ... There are 50 inspectors appointed to assist in the administration of the Factories Act, the Industrial Conciliation Act and the Wage Act. Inspectors of mines are not included in this number, as they do not in practice deal with the question of night work for women, owing to the prohibition of the employment of women underground in mines. The inspectors are divided as follows: Johannesburg (Southern Transvaal) 14; Pretoria (Northern Transvaal) 2; Durban (Natal) 10; Bloemfontein (Orange Free State) 2; Kimberley (North Western Cape) 1; East London (Border Districts) 3; Port Elizabeth (Eastern Province) 6; Cape Town (Western Province) 12.

*Uruguay.* — See 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.

*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 24 sentences pronounced for infringements of the prohibition of night work under the Factories Act with regard to females, and 14 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 400 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 38 sentences pronounced, 13 were pronounced by the legal authorities and 25 by the administrative authorities. The report further states that the Federal Court has had to give a decision on six appeals against the application of the Factories Act to certain undertakings; two other appeals are pending. In one case, on the question of applying the Factories Act to the workshops of a large commercial establishment, the Federal Court stated that workshops which are independent of each other and are attached to the different sales departments of a commercial house in order to alter or adapt articles which have been sold were not, as a general rule, industrial undertakings, especially when the work done in these workshops was limited to slight alterations directly connected with the sale of a manufactured article, which could not be sold unless the alterations in question were made. On the other hand, the Federal Court classed as industry rather than agriculture the manufacture of non-alcoholic drinks made by adding different liquids to sweet cider, and prepared for sale.

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. The number of women employed at night in these factories shows a marked decrease in comparison with the number employed in the previous year. This exception would seem to be covered by the provisions of Article 4 (b) of the Convention. At the end of 1934, mining undertakings in Austria employed 13,805 workers of whom 396 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 1934. 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.* — A statement of the breaches of the law which have been reported is published monthly in the *Revue du Travail*. Statistics prepared on 31 October 1926 by the Department of Labour showed that 206,022 women were employed in factories or workshops employing at least ten workers. The report states that the inspection services have taken care that the prohibition of night work for women under the conditions laid down by the national legislation is in accordance with the Convention. It is not possible to supply further details with regard to the application of the exceptions laid down in Articles 4 and 6 of the Convention, but it may be said that in general these exemptions are only used to a limited extent, especially as the economic circumstances in question have in practice only made the use of them necessary on rare occasions. The regulation of night work for women according to the provisions of the Convention has not given rise to any observations by employers' or workers' organisations.

*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 54,356. The employers' and workers' organisations have not made any observations with regard to the practical application of the relevant legislation.

*Colombia.* — See introductory note.

*Cuba.* — Statistics with regard to the application of the Convention are in course of preparation. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention.

*Czechoslovakia.* — The report states that copies of the report of the inspection service for 1934, 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 1934, 15,304 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. Two cases of contravention were however recorded, one of which gave rise to a simple warning; the other was 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 1934. In the case

of Article 4 (b) of the Convention, exceptions were granted in 1934 to 58 undertakings, with a total of 33,574 nights to which the exception applied. (Of these 58 undertakings, 54 were engaged in fish-preserving, and accounted for 32,334 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 1934 there were 13 prosecutions and 73 offences; whilst as regards the period of rest at night no breaches of the law were recorded. The French Government has not received any observations from employers' or workers' organisations in regard to either the practical application of the provisions of the Convention or the application of the national legislation which implements those provisions.

*Great Britain.* — The provisions of the Convention have been embodied in the well-established industrial law of the country and are enforced in the case of the great majority of the undertakings affected by the highly organised factory and mines inspectorates as a part of their ordinary duties. The 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 1934 for offences involving breaches of these Conventions has been as follows: minimum age, 3; night work of young persons, 41; night work of women 18, which is an increase under all three headings as compared with 1933, when the corresponding figures were 2, 38 and 15 respectively. As regards the young persons, the great majority of those employed at night in the above cases were males, 27 of them being under 16 years of age; 18 of the 41 defendants were bakers. 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. No complete figures are available for 1934. In Northern Ireland, 50,981 women were employed in factories in 1934, and 5 in quarries. In 1934, the number of women employed as wage-earners above ground at mines and quarries more than twenty feet deep in Great Britain was 2,079. 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 1934, the number of women employed in undertakings subject

to factory inspection was 73,417. The Government has no statistical information available yet for 1935. According to the reports of the factory inspectors for the year 1934, employers as a whole comply with the prohibition of night work for women. Breaches have been comparatively rare, but, when reported, have been followed immediately by legal proceedings on the part of the authorities. In 1934, 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 position in Saorstát Éireann in relation to this Convention is that the provisions of the Factory and Workshop Act, 1901, do not permit of any exception under which women of any age may be employed at night in factories or workshops. Even if it were desirable it would not, therefore, be possible to adopt all the exceptions permitted in the Articles of this Convention, the Factory and Workshop Act, 1901, being more restrictive in its provisions relating to the prohibition of employment of women at night than the Convention. The question of employment of women at night in mines or quarries does not arise in Saorstát Éireann. It is forbidden by the terms of the Convention, and, so far as can be ascertained, no women have at any time been employed at night in either mines or quarries in this country. 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 1935 concerning the work of the corporative inspection service during 1934, 19,375 ordinary visits of inspection and 9,089 special visits were made by the inspectors to the industrial undertakings covered by the Young Per-

sons' and Womens' Employment Act, and therefore covered by the night work prohibition. Of these visits of inspection, 1,211 were carried out during the night, with a view to checking certain breaches of the law, and 868 cases of infringement gave rise to proceedings during 1934. 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 6,583. 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 1934, no cases of infringement of the provisions concerning the nightly rest period of 11 consecutive hours were reported. One case was mentioned where women were employed between 10 p.m. and 5 a.m. During 1934, 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 more than 92,500. Neither employers' nor workers' organisations have formulated any observations concerning the practical application of the Convention or of the national legislation which implements it.

*Nicaragua.* — See introductory note.

*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." See also under ARTICLE 4.

*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. For infringements of the Act of 9 April 1928, see under *Convention No. 1 (Hours of work, industry)*, point VII.

*Spain.* — In 1934, the labour inspection service reported 234 infringements of the legislation concerning employment of women during the night, of which the following related to industry: food industry, 10; small metal industry, 1; chemical industry, 2; textile industry, 46; clothing industry, 16; graphic arts, 11; railways, 2; gas, water and electricity undertakings, 2.

*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 319,537 persons (including 112,969 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 states that conditions in South Africa are such that the necessity for imposing severe restrictions on the employment of women at night is generally accepted, and no difficulty is experienced in administration. No observations have been received from employers' and employees' organisations on the subject.

*Uruguay.* — See introductory note.

*Venezuela.* — The report states that it is not possible to supply detailed information, since Venezuela is not really an industrial country.

*Yugoslavia.* — According to the report of the Central Labour Inspection Service, the number of undertakings visited during 1934 was 5,264, the number of men employed in these undertakings was 101,192, and the number of women was 28,126. The labour inspectors inflicted 51 fines for breaches of the provisions concerning the prohibition of night work for women and young persons. The fines amounted to a total sum of 15,350 dinars.

##### 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 1935, and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period:



COUNTRIES	Date of registration of ratification	Reports received
Albania . . . . .	17. 3.1932	
Argentine Republic.	30.11.1933	
Belgium . . . . .	12. 7.1924	24.10.1935
Brazil. . . . .	26. 4.1934	9. 1.1936
Bulgaria . . . . .	14. 2.1922	15.11.1935
Chile . . . . .	15. 9.1925	20.12.1935
Colombia . . . . .	20. 6.1933	13. 1.1936
Cuba . . . . .	6. 8.1928	18.11.1935
Czechoslovakia . .	24. 8.1921	12. 2.1936
Denmark . . . . .	4. 1.1923	12.11.1935
Dominican Republic	4. 2.1933	
Estonia . . . . .	20.12.1922	19.10.1935
Great Britain . . .	14. 7.1921	11. 2.1936
Greece . . . . .	19.11.1920	
Irish Free State . .	4. 9.1925	14.10.1935
Japan . . . . .	7. 8.1926	29. 1.1936
Latvia . . . . .	3. 6.1926	25. 1.1936
Luxemburg . . . .	16. 4.1928	10. 2.1936
Netherlands . . . .	21. 7.1928	13.11.1935
Nicaragua. . . . .	12.4.1934	5.12.1935
Poland . . . . .	21. 6.1924	28.11.1935
Rumania . . . . .	13. 6.1921	23. 3.1936
Spain . . . . .	29. 9.1932	6. 3.1936
Switzerland . . . .	9.10.1922	1.11.1935
Uruguay . . . . .	6. 6.1933	16 3 936
Yugoslavia . . . .	1. 4.1927	11.11.1935

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

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

The Government of *Cuba* mentions in its report Act No. 53 of 29 March 1935, which regulates the age of admission for children and young persons to employment in commercial and agricultural establishments.

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* stated in its report for the year 1 October 1932-30 September 1933 that in order to ensure

the practical application of Article 3 of the Convention the Committee of Social Affairs of the Saeima had drafted a Bill concerning apprenticeship, which had not yet been approved by the Saeima. The report for the year 1 October 1934-30 September 1935 adds that the legislation remains unchanged.

The Government of *Nicaragua* states in its report that § 41 of Chapter IV of the draft Labour Code which was submitted to Congress on 29 January 1934 lays down that "persons over 18 years of age, who shall be considered as of legal age for the purpose of this Code, may dispose freely of their labour by contract. Persons under 18 and over 14 years of age may dispose freely of their labour by contract if completely without parents or guardians; but they shall not engage in underground work, the preparation or manipulation of inflammable substances, the cleaning of engines or transmissions while the machinery is running, operations requiring great strength, or other work classed as dangerous or unhealthy; nor may they be employed for more than 6 hours a day." § 42 adds that "the labour of young persons under 14 but over 12 years of age may be disposed of by contract, provided they are not thereby prevented from attending compulsory elementary school; but they may not be employed in industrial establishments, even as apprentices, unless they can show that they have successfully completed the primary school course for the first three years. Their parents or guardians must be parties to the contract." See also introductory note to *Convention No. 1 (Hours of work, industry)*.

The *Spanish* Government states in its report that the legislative provisions necessary to adapt the Act of 13 March 1900 and its administrative Regulations of 13 November 1900 to the terms of the Convention have not yet been enacted. The Convention may nevertheless be considered to be in force, since § 15 of the Act of 21 November 1931 concerning labour contracts prescribes that such contracts may only be concluded individually by persons over 18 years of age, whether living with their parents or not, and 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 who are living with their parents, such contracts may only be concluded with the permission of their parents or guardians, etc.

The report of the Government of *Uruguay* states that § 223 *et seq.* of the Children's Code, promulgated on 6 April 1934, deal with the minimum age for



admission to industrial employment. The scope of these provisions is wider than that of the Convention. They apply to all industrial undertakings, whether public or private. In the meaning of the Act, the word "industrial" also covers commercial undertakings. The stipulations explicitly apply to rural workers (stock-breeding and agriculture). As provided in the Convention, children under 14 years of age may not be employed in any public or private undertaking other than small undertakings in which only members of the same family are employed. Employment in the latter is supervised by the public authority designated by the Children's Council, and the children so employed must have completed their elementary education. The competent authority designated by the Children's Council may authorise the employment of children under 14 but over 12 years of age, provided they hold a certificate stating that they have completed the elementary education course, if their employment is necessary for their own maintenance or for the maintenance of their parents or brothers or sisters. Under § 236 of the Children's Code, employers or managers are bound to issue free of charge to the father, mother or guardian of every employed minor a work-book, in which must be entered the name of the minor, his date and place of birth and domicile, the consent of his parents or guardians to his employment, the medical certificate attesting his physical fitness, and the date of his entering the establishment and of his leaving it. In the case of children under 14 years of age an entry must also be made showing that the child holds a certificate of elementary education. The particulars specified above must also be entered in a register which is to be held at the disposal of the public authorities. Contraventions of these provisions are to be punished by fines of 50 to 200 pesos or an equivalent term of imprisonment. In the event of a second or further offence the penalty is to be doubled. The report adds that under § 40 of the 1934 Constitution the necessary legislative measures must be taken to ensure that children and young people shall not be physically, intellectually or morally abandoned by their parents and guardians, that they shall not be exploited and shall be protected from abuse.

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).

## Cuba.

Legislative Decree No. 647 of 2 November 1934 [concerning the employment of young persons] (L. S. 1934, Cuba 11).

## 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).

*Nicaragua.*

See introductory note.

*Poland.*

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).

*Uruguay.*

See introductory note.

*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.

*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 define the line of division between industry on the one hand and commerce and agriculture on the other.

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

*Nicaragua.* — See introductory note.

*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 division 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.

*Uruguay.* — 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. The report adds: the Government of Colombia considers that, unless the International Labour Office holds the contrary opinion, the Convention can be completely enforced by the provisions of § 4 of Act No. 48 of 1924, which are in agreement

with the provisions of § 7 of Act No. 56 of 1927.

*Cuba.* — § XI 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.

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

*Nicaragua.* — See introductory note.

*Poland.* — § 5 of the Act of 2 July 1924 relating to the employment of women and young persons fixes the minimum age for admission of children to employment for wages at fifteen years. The exception relating to undertakings in which only members of the same family are employed is not expressly provided for.

*Spain.* — See introductory note.

*Uruguay.* — 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, pending the founding of higher elementary schools within the meaning of the Elementary Schools Act of 5 December 1929, persons who have attained the age of twelve years may be taken 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.

*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.

*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.

*Nicaragua.* — See 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.

*Uruguay.* — 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.

*Chile.* — A specimen register of workers under 16 years of age, and a model for the book which must be issued to such workers by the employer, will be found respectively on pages 763 and 723 of the official edition of "The Labour Code and its Administration", a copy of which has been sent to the International Labour Office.

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

*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. The report adds that the supervision of these provisions is carried out by the Section for the inspection of women's and children's work attached to the Department of Labour.

*Nicaragua.* — See introductory note.

*Spain.* — The report states that heads of undertakings are not required to keep a register of persons under 16 years of age; they must, however, have at their disposal "certificates for minors", and all workers under 18 years of age must be in possession of such a certificate, which must give the date of birth, the father's permit, the state of the worker's health, etc. Provisions to determine the details to be supplied in the certificates for foreigners are contained in the Royal Ordinances of 29 July 1920 and 23 May 1921.

*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 1934 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. Cases of infringement have occurred to some extent in recently constituted undertakings, or undertakings which work for only part of the year. § 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.

*Uruguay.* — See introductory note.

#### ARTICLE 5 (*Japan only*).

In connection with the application of this Convention to Japan, the following modifications of Article 2 may be made:

(a) Children over twelve years of age may be admitted into employment if they have finished the course in the elementary school;

(b) As regards children between the ages of twelve and fourteen already employed, transitional regulations may be made.

The provision in the present Japanese law admitting children under the age of twelve years to certain light and easy employments shall be repealed.

## III.

*Article 8 of the Convention is as follows:*

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

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

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

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

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

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

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

*Great Britain.* — The Convention has been applied in the following dependencies, in some cases with the modifications indicated: *Zanzibar*: By Decree 2 of 1932. *Nigeria* (including the *Cameroons under British Mandate*): by Ordinance 17 of 1932, with the modification that the Ordinance does not apply to an industry of a kind which is customarily carried on by natives of Nigeria in their own homes, provided that any machinery used is set and kept in motion by hand or foot power only. *Gold Coast* . . . *Trinidad*: The Convention is now applied without modification by Ordinance 8 of 1933, which was brought into operation on 16 October 1933. *St. Helena* . . . *Straits Settlements and Federated Malay States*: By rules under Ordinance 17 of 1927 and Enactment 1 of 1922 respectively, the industrial employment of children under 12 is prohibited, and by § 16 of Straits Settlements Ordinance No. 42 and § 16 of Federated Malay States Enactment No. 8 of 1927 children under 16 are prohibited from being in attendance on machinery. The employment of boys under 16 and also of women and children in any underground working in the Federated Malay States is prohibited by Mining Rules under the Mining Enactment, 1928, published in Federated Malay States Gazette Notification No. 2426 on 20 April 1935 . . . *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*: Ordin-

ance 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. *Saint Lucia*: Ordinance 22 of 1934 (with the modification that the minimum age is 12 years instead of 14). The Ordinance has not yet been brought into force. *Saint Vincent*: Ordinance 20 of 1935 (with the modification that the minimum age is 12 years instead of 14). The Ordinance has not yet been brought into force. *Sierra Leone*: Ordinance 30 of 1934.

*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 1934, 31 cases of infraction of the provisions relating to the employment of children were reported. From January to July 1935, the number of breaches of the provisions was 18 . . . In *Surinam* and *Curaçao*, the employment of children, as covered by the Convention, does not exist.

*Spain.* — The report states that the provisions in force are applied in the sovereign territories of *Morocco*. In the protectorate zone of Morocco, the Dahir in force does not permit persons under 16 years of age to be employed for the whole day, although it does permit persons over 12 years of age to be employed. The poverty of the zone makes it impracticable to apply the Convention in its entirety.

## 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. The report states that the General Labour Office, which is attached to the Ministry of Industry and Labour, is legally responsible for supervising the enforcement of all legislative provisions which concern labour.

*Cuba.* — The Department of Labour, acting through its Section for the inspection of women's and children's work, is in general 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 by the criminal courts in cases of infringement.

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

*Nicaragua.* — See introductory note.

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

*Spain.* — The labour inspection service is responsible for enforcing the legislation concerning women and children.

*Uruguay.* — 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.*

*Switzerland.* — During the period covered by the report, five 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, three of which were pronounced by the administrative and two by the legal authorities, recognised the guilt of the accused persons, and in each case the penalty inflicted was a fine, the heaviest being 30 francs. For decisions of the Federal Court on the application of the Factories Act, see under *Convention No. 4 (Night work, women)*, point V. The report adds that the Federal Court has further stated in one of the awards in question that the Factories Act applies to the workers employed in an undertaking without distinction as to the productive capacity of the undertaking in question. Apprentices must in consequence be included in the number of workers in a factory; they have indeed no less need of legal protection than the other members of the staff.

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. The registers prescribed by the Regulations are kept by the industrial undertakings. The entries in these registers are, however, not always made in due form, as the parents or guardians often omit to send the authorisation which is necessary before young persons between 14 and 18 years of age can be inscribed. The permission for young persons under 18 years of age who have not received any scholastic education to be given two hours' unpaid leave of absence every day in order to attend school is not being used in practice, as young persons of this age do not ask for it, not wishing to decrease their earnings. Further, practically all the employers require that the young persons whom they engage shall have completed their school attendance. During their visits of inspection, the inspectors limit themselves to verifying whether the young persons of under 18 years have completed their school attendance, and that those who have not done so are attending a night school. No infringements of the relevant legislative provisions have been recorded. Certain difficulties which have been met with in the case of young persons between 14 and 18 years of age employed without the authorisation of their parents or guardians have been settled by the intervention of the inspectors. The employers' and workers' organisations have not made any observations with regard to the practical application of the legislation in question.

*Colombia.* — Owing to the re-organisation of the inspection service, involving changes of staff and a better distribution of duties, it is not possible to supply summaries of the reports of the service, nor to give any general information with regard to the application of the Convention. The employers' and workers' organisations have not made any observations with regard to the application of the Convention.

*Cuba.* — Up to 31 September 1934, the Section for the inspection of women's and children's work had noted three cases of infringement of the provisions of § XIX of Legislative Decree No. 647 (absence of the compulsory work certificates for young persons under 18 years of age). The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention.

*Czechoslovakia.* — The Ministry of Social Welfare states in the report that the available information upon the manner in which the prohibition of the employment of children under 14 in industry is enforced is contained in the report of the factory inspectorate for the year 1934, which will be transmitted to the International Labour Office as soon as possible.

*Denmark.* — The report states that during 1934 nine infringements were recorded in the undertakings under the control of factory inspection, two of which concerned bakeries. 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 1934 was 592. The reports of the labour inspectors for the year 1934 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 1934 there were three cases in which it was necessary to prosecute an employer for an offence involving a breach of this Convention. In Northern Ireland there were no such cases. 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, 2 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.* — The report refers to the information already supplied in previous years, according to which, in 1932, 9 convictions took place in respect of breaches of Article 2 of the Convention, and 20 in respect of breaches of Article 3. In the same year, 4,752,149 workers were employed in the undertakings to which the Minimum Age for Industrial Employment Act applies. The report adds that 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 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 1934, 411 actions were brought for the illegal employment of children protected by the Act. 29 of these actions were brought by the labour inspection service, 229 by the provincial police authorities, 69 by the State police and 84 by the rural police. The actions may be classified

as follows: 87 cases of employment in a factory or workshop; 120 cases of employment in distributing bread, milk and newspapers; 130 cases of employment on distributive work of other kinds; 74 cases of employment in other occupations. It should be noted that the last 74 cases did not concern employment covered by the Convention, and that a certain number of the 250 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 20 florins. In two cases the persons guilty of the contravention persisted in it and were therefore sentenced to terms of imprisonment. Neither employers' nor workers' organisations have formulated any observations concerning the application of the Convention or of the legislation which implements it.

*Nicaragua.* — See introductory note.

*Poland.* — The report states that details with regard to the method of enforcing the prohibition of employment of children under 15 years of age may be found in the report of the Labour Inspection Service for 1934, which will be sent to the International Labour Office in the near future.

*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 Instruction, 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. The report adds that the Convention is applied; that breaches of the law are rare, and that such as are discovered by the labour inspectors are immediately dealt with according to the law. During the year 1934, labour inspectors visited 7,265 industrial and commercial establishments, employing 296,725 workpeople, of whom only 582, including 115 on night work, were under 14 years of age. During the first half of the year 1935, the inspectors have come across 379 employees under 14 years of age, 154 of them on night work, in 4,566 establishments employing a total of 149,844 workpeople.

*Spain.* — In 1934, the labour inspection service noted 7,913 cases of infringement of the legislative provisions relating to women and children, the majority of which concerned the employment of children. The largest number of cases was in respect of the following industries: clothing industry, 1,326 cases; wood industry, 578 cases; food industry, 522 cases; small metal industry, 566 cases.

*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 1934, out of a total of 319,537 workers subject to Federal inspection, 22,053 (6.9 per cent.) persons were between 14 and 18 years of age, of whom 10,749 were of the male sex (5.2 per cent. of the total number of male workers), and 11,304 were of the female sex (10 per cent. of the total number of female workers). In 1929, the last year for which factory statistics are available, the number of workers between 14 and 18 years of age was 46,873. From this it may be inferred that, although there has been again a slight increase in the number of posts available for young persons in industry, the number is still quite insufficient and lower than the normal proportion to the natural increase of the working population. In spite of this, there does not seem to be any tendency anywhere to engage young persons in preference to adults. (See also under ARTICLE 4 and point V for information concerning certificates of age and sentences pronounced for infringements.) 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. The report states that the authorities and the institutions concerned are much occupied at present with the question of the entrance into professional life of children who have just left school, and also with the placing of young persons who have come to the end of their period of apprenticeship, and that, on the other hand, there is a tendency at the present moment to raise the minimum age of admission for children to professional life. The efforts which have been made in this direction have been mainly due to the situation in the labour market, but it is at present uncertain whether they will receive legal sanction or, if so, in what form.

*Uruguay.* — See introductory note.

*Yugoslavia.* — The Government states that, according to the report of the central labour inspection service, the number of workers employed in the 5,264 undertakings inspected in 1934 was 129,318. The number of infringements of the provisions of § 20 of the Labour Protection Act was 5, and the fines inflicted amounted to a total sum of 2,700 dinars.

## 6. Convention concerning the night work of young persons employed in industry.

This Convention came into force on 18 June 1921. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1935, and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Albania . . . . .	17. 3.1932	
Argentine Republic.	30.11.1933	
Austria . . . . .	12. 6.1924	16.11.1935
Belgium . . . . .	12. 7.1924	24.10.1935
Brazil . . . . .	26. 4.1934	9. 1.1936
Bulgaria . . . . .	14. 2.1922	15.11.1935
Chile . . . . .	15. 9.1925	20.12.1935
Cuba . . . . .	6. 8.1928	18.11.1935
Denmark . . . . .	4. 1.1923	11.11.1935
Estonia . . . . .	20.12.1922	19.10.1935
France . . . . .	25. 8.1925	27.11.1935
Great Britain . . .	14. 7.1921	11. 2.1936
Greece . . . . .	19.11.1920	
Hungary . . . . .	19. 4.1928	16.12.1935
India . . . . .	14. 7.1921	14.12.1935
Irish Free State . .	4. 9.1925	15.10.1935
Italy . . . . .	10. 4.1923	11. 2.1936
Latvia . . . . .	3. 6.1926	25. 1.1936
Lithuania . . . . .	19. 6.1931	9. 3.1936
Luxemburg . . . . .	16. 4.1928	10. 2.1936
Netherlands . . . .	17. 3.1924	8.11.1935
Nicaragua . . . . .	12. 4.1934	5.12.1935
Poland . . . . .	21. 6.1924	28.11.1935
Portugal . . . . .	10. 5.1932	16. 1.1936
Rumania . . . . .	18. 6.1921	23. 3.1936
Spain . . . . .	29. 9.1932	6. 3.1936
Switzerland . . . . .	9.10.1922	1.11.1935
Uruguay . . . . .	6. 6.1933	16. 3.1936
Venezuela . . . . .	7. 3.1933	15.10.1935
Yugoslavia . . . . .	1. 4.1927	11.11.1935

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

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

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

The *Italian* Government states in its report that the Act of 26 April 1934, consolidating all the provisions hitherto in force for the protection of child labour and, in particular, for the prohibition of night work, has not yet been applied. § 26 provides that the Act shall come into force ninety days after the publication

of the Ministerial Decree prescribed by § 8. This Decree, which has not yet been issued, will contain the principles on which the form and contents of a special work book for children, and women not yet of age, will be based.

The Government of *Latvia* states in its report that, although the provisions of the Act concerning hours of work which relate to the prohibition of night work for young persons are explicit, the Ministry of Social Welfare is acceding to the request of the Committee of Experts on the application of Conventions, and is in process of amending the Act by a provision which prohibits children from being employed up to 10 p.m. on any one day and also from 6 a.m. on the following day.

The Government of *Nicaragua* states in its report that § 43 of Chapter IV of the draft Labour Code which was submitted to Congress on 29 January 1934 provides that "young persons under 18 years of age shall not be employed at any night work—that is, work done between 8 p.m. and 5 a.m.—in industrial undertakings, excepting those in which only members of the same family are employed under the authority of one such member." See also introductory note to *Convention No. 1 (Hours of work, industry)*.

The *Spanish* Government states in its report that provisions relating to the night work of young persons are contained in the Act of 13 March 1900 concerning the employment of women and children and its administrative Regulations of 13 November 1900. Although Spanish legislation has not yet been adapted to the terms of the international Convention, the Spanish legislative text in question would allow the criteria determined by the Convention to be established without the necessity of revision.

The report of the Government of *Uruguay* states that under § 231 of the Children's Code, promulgated on 6 April 1934, young persons under 18 years of age, with the exception of those employed in domestic service, may not be employed at night. "Night" is taken to be the period between 9 p.m. and 6 a.m. Contraventions of this provision are to be punished by fines of 50 to 200 pesos for every minor employed, provided that the total fine does not exceed 1,000 pesos. In the event of a second or future offence imprisonment for not less than eight days nor more than three months may be imposed in addition to the fine. If the legal representatives of a minor are guilty of a contravention of the provisions mentioned above they are liable to the same penalties without prejudice to the loss or restriction of paternal or guardianship authority. Owners or managers

are bound to post up in every industrial establishment copies of the legislative provisions relating to the employment of young persons under the age of 18 years. They must also keep at the disposal of the public authorities a register containing all the particulars required for the purpose of supervising the application of the Act. The report points out that the scope of the Uruguayan Act is wider than that of the Convention, since the former covers all classes of work, excepting only domestic service. Further, the Act does not allow, as the Convention does in Article 2, of night work being performed by young persons over 16 and under 18 years of age. The term "night" covers a longer period as defined in the Act than as defined in the Convention. Finally the report states that, under § 40 of the 1934 Constitution, legislative measures must be taken to ensure that children and young people shall not be physically, intellectually or morally abandoned by their parents and guardians, that they shall not be exploited and shall be protected from abuse.

### 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).

#### Cuba.

Legislative Decree No. 647 of 2 November 1934 [concerning the employment of young persons] (L. S. 1934, Cuba 11).

Decree No. 2133 of 27 December 1928 (L. S. 1928, Cuba 1 B) issuing Regulations under the Act of 2 June 1928 respecting the prohibition of night work in bakeries (L. S. 1928, Cuba 1 A).

#### 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, 1934 (L. S. 1934, Ind. 2), amended in 1935.

#### *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.

See also introductory note.

#### *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).

#### *Nicaragua.*

See introductory note.

#### *Poland.*

Act of 18 December 1919 relating to hours of work in industry and commerce (L.S. 1920, Pol. 1), text of Notification of the Minister of Social Welfare, dated 25 October 1933 (L. S. 1933, 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 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.*

Act of 13 March 1900 concerning the employment of women and children.

Administrative Regulations of 13 November 1900 issued in pursuance of the Act of 13 March 1900 concerning the employment of women and children.

See also 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).

*Uruguay.*

See introductory note.

*Venezuela.*

Labour Act of 23 June 1928 (L. S. 1928, Ven. 2).

*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".

*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 provides that the Secretary of Labour shall define the line of division between industry on the one hand and commerce and agriculture on the other. The report states that the line of division has not yet been defined.

*India.* — In accordance with Article 6 of the Convention, the sphere of application is limited to factories as defined in the Indian Factories Act, 1934, subsequently amended.

*Italy.* — ... See also 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 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. The report also states that the Act applies to undertakings belonging to every branch of industry enumerated in this Article of the Convention.

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

## II.

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

## ARTICLE 1.

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

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

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

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

*Nicaragua.* — See introductory note.

*Portugal.* — See under *Convention No. 4 (Night work, women)*, 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 division 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.* — The Act of 18 March 1900 applies to industrial and commercial undertakings. The line of division has not yet been defined. See also introductory note.

*Uruguay.* — See 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 define the line of division 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.

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 8 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.

*Chile.* — ... The report adds that the regulations to determine the industries and processes to which the exception in the second paragraph of this Article shall apply are in course of preparation.

*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 deoxidation process; glass works; gold mining reduction work. No cases have so far arisen for the application of the above-mentioned exceptions.

*India.* — § 54 (3) of the Factories Act, 1934 prohibits the employment of children (i.e. persons who have not completed their fifteenth year and adolescents not certified as fit to work as adults) in any factory before 6 a.m. or after 7 p.m. Local Governments are empowered, in respect of any class or classes of factories and for the whole year or any part of it, to vary these limits to any span of thirteen hours between 5 a.m. and 7.30 p.m.

*Italy.* — ... 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 states that the processes covered by this exception have not been defined. On the question of this general exemption for continuous processes which are not limited to the industries and processes enumerated in paragraphs (a) to (e) of this Article of the Convention, the report indicates that there are only a small number of such undertakings in Lithuania (one glass works, two sugar manufactories and one paper factory), and that the Article in question is strictly enforced. In view of the fact that the provisions of the Convention are compulsory in Lithuania to the same extent as the Act, it has not been considered necessary to mention all the exceptions in the text of the Act.

*Nicaragua.* — See introductory note.

*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. In a letter, dated 7 June 1935, addressed to the Nineteenth Session of the International Labour Conference, the Government Delegation of Portugal stated that "the divergence between the provisions of the Convention (which fixes the age-limit at 18 years) and those of § 7 of the Legislative Decree No. 24402 (which fixes it at 16 years) is more apparent than real, the application of the provisions of the Convention being, in practice, fully assured. This apparent divergence in the provisions referred to above arises from the fact that the Convention applies only to industrial employment while the Decree in question covers employment both in industry and in commerce. According to the meaning and the scope of the above-mentioned Article, there exists a distinction between these two categories of employment, a distinction which has always been maintained in the administration regulations issued by the Under-Secretary of State for Corporations and Social Welfare as well as in the relevant provisions in the collective agreements already concluded. The special conditions of Portuguese economic life render night work almost superfluous, and the industries in which such work is necessary are, as a rule, those in which the night employment of young persons is prohibited, either by law or by Ministerial Orders. According to the principles laid down in the National Labour Statute, the Portuguese Government is endeavouring to prevent by all means in its power, especially by exercising a strict supervision in this matter, night work, where it exists, from being carried out by persons who are not fully developed physically or who have not, as a general rule, completed 21 years of age. It may also be stated that, according to the provisions of § 9 of the above-mentioned Decree, the limits laid down are more narrow than those laid down by the Convention. This information was confirmed by the Government Delegate of Portugal to the Committee on the application of Conventions set up by the International Labour Conference at its Nineteenth Session.

*Spain.* — § 4 of the Act of 13 March 1900 prohibits the employment of young persons of both sexes under 14 years of age during the night. The same pro-



hibition applies to young persons of over 14 and under 18 years of age in the industries specified by the local and provincial boards. Under § 4 of the Regulations of 13 November 1900, an exception is allowed for work done in undertakings in which only members of the same family or persons accepted by them are employed under the direction of one of them. Young persons of under 16 years of age are not allowed to work underground, nor may they be employed in undertakings where inflammable materials are manufactured or handled, nor in industries which are classed as dangerous or unhealthy (§ 5 of the Act of 13 March 1900). See also introductory note.

*Switzerland.* — ... At present three permits are in force, in three glass works, for the employment on night work of 21 young workers between 16 and 18 years of age. The works in question have given an undertaking to have these 21 young persons medically examined from time to time.

*Uruguay.* — See 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.

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.

*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. Night work in bakeries is regulated by Decree No. 2133, § 6 of which prohibits the employment of young persons under 18 years of age in bakeries, etc. No use has been made in Cuba of the exception allowed by the Convention in regard to tropical countries. The report adds that, up till now, work has not been permitted in coal and lignite mines in the interval between 10 p.m. and 5 a.m.

*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.* — See under ARTICLE 2.

*Italy.* — ... See also introductory note.

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

*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.

*Nicaragua.* — See introductory note.

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

*Spain.* — Under § 4 of the Act of 18 March 1900 and § 7 of the Regulations of 13 November 1900, night work is deemed to be work done between 7 p.m. and 5 a.m. See also under ARTICLE 2 and introductory note.

*Uruguay.* — See 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.

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.

*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. No legislative or administrative provisions exist imposing any conditions subject to which employers may take advantage of this exception.

*India.* — This provision is not applicable to India.

*Italy.* — ... See also introductory note.

*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.

*Nicaragua.* — See introductory note.

*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 under ARTICLES 2 and 3 and 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.

*Uruguay.* — See introductory note.

*Venezuela.* — The Act of 23 June 1928 does not contain any provisions of this nature.

#### 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.* — In the application of this Convention to India the term "industrial undertaking" includes only factories as defined in the Factories Act. § 2 (c) of the Act of 1934 defines a child as "a person who has not completed his fifteenth year", and § 2 (b) defines an adult as "a person who has completed his seventeenth year". A person between the age of fifteen and seventeen years is treated as a "child" if he is not considered by the certifying surgeon to be fit to work as an adult (§§ 2 (a) and 53).

## 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.

**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. No use has been made of this provision.

**India.** — This provision is not applicable to India.

**Italy.** — ... See also introductory note.

**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.

**Nicaragua.** — See introductory note.

**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 under ARTICLES 2 and 3 and introductory note.

**Uruguay.** — See 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 de-

manded 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.

*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 1951 ; *Perlis* : Enactment 10 of 1951 ; *Sarawak* : Order L-6 of 1933 (with the modification that "night" is defined as the interval between 10 p.m.

and 5 a.m.); *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 has been amended by Ordinance 16 of 1935 to enable the Governor in Executive Council to make regulations suspending the prohibition of night work for young persons between the ages of 16 and 18 when in cases of serious emergency the public interest demands it; *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; *Saint Lucia*: Ordinance 22 of 1934 (with the modification that the minimum age is 16 years instead of 18); the Ordinance has not yet been brought into force; *Saint Vincent*: Ordinance 20 of 1935 (with the modification that the minimum age is 16 years instead of 18); the Ordinance has not yet been brought into force; *Sierra Leone*: Ordinance 30 of 1934.

*Netherlands*. — ... In *Surinam* and *Curaçao*, the employment of children, as covered by the Convention, does not exist.

*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 report states: "In the protectorate zone of *Morocco*, young persons under 16 years of age from 10 p.m. to 6 a.m." See also 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 IV.

*Cuba*. — See under *Convention No. 5 (Minimum age, industry)*, point IV.

*India*. — See under *Convention No. 4 (Night work, women)*, point IV.

*Nicaragua*. — See introductory note.

*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*. — The labour inspection service is responsible for supervising the enforcement of the relevant legislation. See also introductory note.

*Uruguay*. — See introductory note.

*Venezuela*. — See under *Convention No. 4 (Night work, women)*, point IV.

#### 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*. — A number of judgments have been issued in application of the legislation which implements the Convention. In one case, a bakery was fined 400 pesos for several infringements which were reported by the competent inspector (employing a young person under 18 years of age on night work, dirty premises, etc.).

*Switzerland*. — During the period covered by the report, the following sentences have been reported to the Federal authorities: 10 sentences pronounced in cases of infringement of the prohibition of night work under the Factories Act, with reference to young persons; 44 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 54 sentences, 27 were pronounced by the legal authorities and the rest by the administrative authorities. The heaviest fines amounted to 100 frs. and 200 frs. respectively, the latter being reduced to 150 frs. on appeal. See also under *Convention No. 5 (Minimum age, industry)*, point V.

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 1934 states that, during 1934, 649 cases of illegal employment of women or children were reported. The number of workers employed in mines at the end of 1934 was 13,805, including 86 young persons of male sex. Out of these 86, 66 were employed exclusively on surface work. No infringement was reported in the mines. The number of young persons employed in paper works has decreased considerably as compared with the previous year. 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. With regard to the exceptions provided for in Articles 2, 3 and 4 of the Convention, these have been used only

to a limited extent, especially as the economic circumstances in question have only made the use of them necessary on rare occasions, owing to the present reduced economic activity. 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 Department of Welfare (Labour and Social Welfare Section) states that the prohibition of night work for young persons is in general satisfactorily applied. A difficulty has arisen, however, with regard to the night work of young persons in glass works where the work is continuous and is carried out by three shifts of eight hours each. Since the installation of these factories, young persons of under eighteen years have been working on processes which, though light, are continuous. The methods of work in these factories demand that these young persons shall work one week on night shift and the two following weeks on day shift. The labour inspection services have demanded that the prohibition of night work for young persons shall be strictly applied in these industries, in accordance with the law, and the employers have shown themselves disposed to submit to this. A serious social problem arises, however, in this connection, since more than 300 young persons have been obliged to stop work, and the majority of these young persons are the sole support of their families. Up to the present, this reason has prevented a fundamental solution of the problem being applied, but it is at present being examined by the Ministry of Labour, and it is hoped that a solution will shortly be found. In bakeries, a considerable number of cases of infringement of the prohibition of night work for young persons have been reported. Information has been laid against these infringements, and the competent court has inflicted the appropriate penalties. (See also above under V.) The number of young persons protected by the relevant legislation is 34,138, of whom 5,126 are employed in mines and 29,012 in other industrial undertakings.

*Cuba.* — See under *Convention No. 5 (Minimum age, industry)*, point VI.

*Denmark.* During 1934, 48 cases of infringement of the prohibition of night

work were recorded, 18 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 1934 the number of children protected by the Act was 592. The reports of the labour inspection services for 1934 do not record any complaints of non-observance of the Act; one case of infringement was recorded, and gave rise to a report being registered. 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 1934 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, during 1934 no cases were discovered of children under 16 years of age being employed in any such industry during the night. Statistics with regard to exceptions used during 1934 in accordance with the conditions prescribed by the Decree of 5 May 1928 are given in the following table:

Industry	No. of establishments.	Staff on night duty	
		Boys. 16-18 yrs.	Males. Over 18 yrs.
Paper factories .	297	443	14,195
Raw sugar factories . . . . .	117	91	11,781
Iron and steel works . . . . .	121	492	40,534
Glass works . .	106	196	6,018
<i>Total . .</i>	<i>641</i>	<i>1,222</i>	<i>72,528</i>

As regards breaches of the provisions of the Convention, during the year 1934 the Factory Inspection Service prosecuted in 7 cases out of 68 breaches of the prohibition of night work of children; no breaches of the regulations concerning nightly rest were recorded. 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 was one prosecution for breaches of this Convention in mines or quarries in Great Britain in respect of boys who had been employed

half an hour longer than the period allowed by the Convention. There were no prosecutions in Northern Ireland. In 1933, 702,766 young persons were employed in factories in Great Britain; no complete figures are available for 1934. In Northern Ireland, in 1934, 18,751 were employed in factories and 48 in mines. In 1934 the number of young persons employed as wage-earners above ground at mines and quarries more than 20 feet deep in Great Britain was 68,462. See also under *Convention No. 4 (Night work, women)*, point VI.

*Hungary.* — The report states that in 1934 the number of children employed in undertakings subject to labour inspection was 15,589. According to the reports of the labour inspectors the provisions concerning night work of children are in general satisfactorily observed and cases of infringement are rare. The inspectors recorded only 11 cases of infringement during 1934, 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 1934, the inspection services made 19,375 ordinary inspections and 9,098 exceptional inspections, 1,211 of which were made by night, owing to certain infringements of the Act. The number of cases in which proceedings were taken in 1934 for breaches of the Act reached a total of 868. 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. The employers' and workers' organisations concerned have not made any observations with regard to the practical application of the Convention and of the relevant national legislation.

*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.* — One case of infringement of the provisions concerning nightly rest was reported; it concerned a printing works. Most of the 30 cases of infringement of the prohibition of work between 10 p.m. and 5 a.m. took place in bakeries (24 cases). During 1934, 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.

*Nicaragua.* — See introductory note.

*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 above, under *ARTICLE 2*, and 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. See also under *Convention No. 5 (Minimum age, industry)*, point VI.

*Spain.* — Out of a total number of 7,913 cases of infringement of the provisions of the legislation concerning women and children, noted during 1934 by the Labour Inspection Service, it may be estimated that only about 10 per cent. concern the inspection of night work of young persons. See also introductory note.

*Switzerland.* — The Convention is completely observed in Switzerland. The reports of the Federal factory inspectors give the following figures for the year 1934: the number of workers subject to federal factory legislation was 319,537, distributed as follows: 14 to 18 years of age: men 10,749 (5.2 per cent. of the total number of men workers), women 11,304 (10 per cent. of the total number of women workers), total 22,053 (6.9 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. The yearly reports of the Federal factory inspectors on the application of the Act relating to work in factories contain information as to the carrying out of the provisions which relate to the night work of children in industry. The observance of these provisions has become in most cases a matter of habit, and there is in consequence very little need for the authorities to intervene. The reports of the last two years gave an account of the efforts which were being made to prevent, as

far as possible, the employment of young persons before 6 a.m. or after 8 p.m.; these efforts are still being continued. The Federal factory inspector for the third district reports that, whenever possible, he has done his best to prevent young persons from being employed on shifts. The report adds that during the period under review 54 convictions were pronounced for violation of the night work prohibition (see above under V.). 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.

*Uruguay.* — See introductory note.

*Venezuela.* — The report states that it is not possible to supply detailed information, since Venezuela is not really an industrial country.

*Yugoslavia.* — According to information supplied by the report of the central labour inspection service, the number of undertakings visited in 1934 was 5,264, the number of workers employed in these undertakings was 129,318, and the number of breaches of the provisions concerning night work of women and young persons was 51. The fines inflicted amounted to a total sum of 15,350 dinars.



## 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 1935, and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	
Australia . . . . .	28. 6.1935	29.11.1935
Belgium . . . . .	2. 2.1925	28.10.1935
Bulgaria . . . . .	16. 3.1923	15.11.1935
Canada . . . . .	31. 3.1926	19.10.1935
Colombia . . . . .	20. 6.1933	13. 1.1936
Cuba . . . . .	6. 8.1928	18.11.1935
Denmark . . . . .	12. 5.1924	12.11.1935
Dominican Republic	4. 2.1933	
Estonia . . . . .	3. 3.1923	19.10.1935
Finland . . . . .	10.10.1925	1.11.1935
Germany . . . . .	11. 6.1929	26.10.1935
Great Britain . . .	14. 7.1921	8.11.1935
Greece . . . . .	16.12.1925	
Hungary . . . . .	1. 3.1928	5. 2.1936
Irish Free State . .	4. 9.1925	26.11.1935
Italy . . . . .	14. 7.1932	11. 2.1936
Japan . . . . .	7. 6.1924	29. 1.1936
Latvia . . . . .	3. 6.1926	25. 1.1936
Luxemburg . . . . .	16. 4.1928	10. 2.1936
Netherlands . . . .	26. 3.1925	8.11.1935
Nicaragua. . . . .	12. 4.1934	5.12.1935
Norway . . . . .	7.10.1927	15.10.1935

COUNTRIES	Date of registration of ratification	Reports received
Poland . . . . .	21. 6.1924	28.11.1935
Rumania . . . . .	8. 5.1922	23. 3.1936
Spain . . . . .	20. 6.1924	30. 1.1936
Sweden . . . . .	27. 9.1921	5.11.1936
Uruguay . . . . .	6. 6.1933	16. 3.1936
Yugoslavia . . . . .	1. 4.1927	11.11.1935

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

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

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

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

The Government of *Nicaragua* states in its report that the terms of the Convention do not at the moment apply to Nicaragua, which possesses no vessels, or boats engaged in maritime navigation ; Acts, Regulations or other provisions for the application of the provisions of the Convention are therefore not required.

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 integral part of Spanish legislation. The Government adds, with regard to those provisions of the Convention which are not yet fully embodied in Spanish legislation, that the Ministry of Labour and Social Welfare has prepared a Bill incorporating them all, which will

shortly be submitted to the Cortes for approval.

The Government of *Uruguay* states in its report that the provisions concerning the minimum age for the admission of children to industrial employment also apply to work on board ships. Within the meaning of the Children's Code (§§ 223 *et seq.*) and in that of Uruguayan social legislation as a whole such work is covered by the term «industry». See *Convention No. 5 (Minimum age, industry)*, 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.*

#### *Australia.*

The Navigation (Maritime Conventions) Act, 1934 (L. S. 1934, Austral. 10).

#### *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).

#### *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).

#### *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. 4B), amended by Imperial Ordinance No. 13 of 10 February 1928 (L.S. 1928, Jap. 2B).

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. 2C 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).

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

*Nicaragua.*

See introductory note.

*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.

*Uruguay.*

See introductory note.

*Yugoslavia.*

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

Order of 29 March 1935 to regulate conditions of work on board Yugoslav vessels engaged in maritime navigation (L. S. 1935, Yug. 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 "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

*Australia.* — Under the Navigation Act, 1912-1934, "vessel" means any ship engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war. "Ship" includes every vessel used in navigation not ordinarily propelled by oars only. The Act does not apply to ships belonging to the King's Navy or the Navy of the Commonwealth or of any British possession, or to the Navy of any foreign Government.

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

*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.

*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.

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

*Yugoslavia.* — Under § 2(1) of the Order of 29 March 1935, a "vessel" means any floating structure of any kind, whether publicly or privately owned, except ships of war.

## ARTICLE 2.

Children under the age of fourteen years shall not be employed or work on vessels, other than vessels upon which only members of the same family are employed.

*Australia.* — § 40 A (1) of the 1934 Act provides that a person shall not engage another person for service at sea in any capacity unless the superintendent is satisfied that that other person has attained the age of fourteen years. Provided that this section shall not apply to service in ships where 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. § 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.

*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.

*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.

*Nicaragua.* — See introductory note.

*Spain.* — ... The Bill mentioned above provides for an exception in the case of vessels on which all the crew are members of the same family. See introductory note.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 4 (1) of the Order of 29 March 1935 and § 20 (1) of the Act of 28 February 1922 provide that children under fourteen years of age may not be employed on board ship, except in the case of vessels upon 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.

*Australia.* — Under § 40 A of the Navigation Act, 1912-1934, the prohibition of service at sea for children under fourteen years of age does not apply to service in any training ship approved by the Director.

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

*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.

*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.

*Nicaragua.* — See introductory note.

*Spain.* — This exception, which is not mentioned in the Labour Code, appears in the Bill mentioned above. See introductory note.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 4 (2) (a) of the Order of 29 March 1935 and § 20 of the Act of 28 February 1922 provide that the prohibition relating to the employment of children under fourteen years of age on board ship does not apply to school-ships, if they are approved by the competent authorities and are under their supervision.

#### ARTICLE 4.

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

*In addition, please give details of the method of registration in use and forward a specimen copy of the register, if any, prescribed in virtue of this Article.*

*Australia.* — The Government states that provision has been made for inserting the register of young persons under 18 years of age in the master's agreement with the crew.

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

*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. § 17 requires that the ship's muster-roll shall be delivered by the shipmaster to the harbour master or chief customs officer, together with a sworn declaration to the effect that the particulars given in the register provided for under § 16 are correct.

*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.

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

*Yugoslavia.* — Under § 25 of the Order of 29 March 1935, the articles of agreement must contain the Christian name or names, surname, and date and place of birth of the seaman, and under § 27 the articles of agreement must be entered in or attached to the ship's muster-roll.

### 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.*

*Australia.* — The Government states that the Convention has not been applied to the territories of *Papua* and *Norfolk Island*, nor to the mandated territories of *New Guinea* and *Nauru*, for the reason that its provisions are inapplicable, owing to local conditions.

*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); *Saint Lucia* (Ordinance 22 of 1934, not yet in force, with the modification that the age limit is 12 instead of 14); *Saint Vincent* (Ordinance 20 of 1935, not yet in force, with the modification that the age limit is 12 instead of 14); *Sierra Leone* (Ordinance 30 of 1934); *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 Government states in its report that application of the Convention to the colonies is provided for in a measure concerning other questions which the Minister for the Colonies has already prepared. It is not possible to separate from the rest the provisions in question, which, with the measure as a whole, will be promulgated as soon as possible.

*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.

*Netherlands.* — ... With regard to *Surinam* and *Curaçao*, the Government states that the employment of children dealt with in the Convention does not occur in the territories in question.

#### IV.

*Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.*

*Australia.* — The Government states that the administration of the above-mentioned legislation and regulations is entrusted to the Superintendents of Mercantile Marine Offices, under the control and direction of the Director of Navigation, through his Deputy Directors of Navigation in each State. These officers are permanent officials of the Commonwealth public service. They receive detailed instructions as to their work, and are subject to inspection at any time, from the office of the Director of Navigation and the public service inspectors.

*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. The Government states in its report that application of the Convention lies with the General Labour Office, which is responsible, under statute, for securing observance of the provisions of all social legislation.

*Cuba.* — Enforcement of the above-mentioned Legislative Decree lies with the customs authorities, port authorities and criminal court magistrates, without prejudice to the competence of the Ministry of Labour to enforce all social legislation. For this purpose, the Ministry has a General Labour Inspection Section, to which a large number of inspectors are attached; these receive instruction from the head of the Section concerning the workplaces to be inspected, and send in a numbered report for each visit carried out. The methods used to supervise conformity with the Legislative Decree are the same as in the case of the other legislation relating to shipping and maritime trade, namely the clearing of the vessel by the customs authorities, previous submission by the master of all the papers required under the Commercial Code and customs regulations, and submission to the port authority of the list of crew; the vessel may not sail until these formalities have been completed.

*Hungary.* — The application of the above-mentioned legislation is entrusted to the Royal Hungarian Maritime Navigation Office. Supervision is carried out either directly by means of visits and examination by the Office, or by the inter-

mediary 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.

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 86 of the Order of 29 March 1935 lays down that the Minister of Communications, acting through the executive maritime agencies, shall be responsible for supervising the application of the Order itself and the Regulations and Orders issued in pursuance thereof, in so far as they concern the social welfare of seamen and the protection of their lives on board merchant ships.

## 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.*

*Australia.* — The Government states that the passing of the legislation necessary to implement the Convention made

no practical difference to conditions in the Commonwealth, as there have been few, if any, children under 14 years employed on ships registered in Australia. § 35 of the Navigation Act provides, also, that an apprentice must be 14 years of age. No observations on the Convention have been received from employers or employees. It has, however, been in force for three months only.

*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.* — The Government states in its report that in order to give effect to the Convention it has been decided not to approve the rules of employment of maritime and inland shipping undertakings (which must be submitted to the General Labour Office of the Ministry of Industry and Labour for approval), unless such rules provide, as they are required to do, that the undertaking must refuse admission to children under 14 years of age, failing completion of the statutory formalities mentioned above. It is not possible to give any general information on the application of the Convention, nor to furnish extracts from the reports of the inspection services, on account of the reorganisation of the personnel and methods of the inspectorate. No objections with regard to the application of the Convention have been lodged by employers' or workers' organisations.

*Cuba.* — Neither the employers' nor the workers' organisations have made any observations on the subject of the Convention, nor on the Legislative Decree implementing it.

*Denmark.* — The supervision of the application of the provisions of the national legislation is as efficient as possible. Regular reports from the commissioners of maritime registration do not exist. Such reports are submitted only in cases where, in the course of their duties, the commissioners detect breaches of the

legislation in force. Since no breaches of the laws relating to the Convention have been so far notified reports of this kind do not exist. The organisations of employers or workers have not made any observations regarding the fulfilment of the conditions of the Convention or the application of the national law implementing it.

*Estonia.* — The report states that the age of persons employed in the Estonian mercantile marine is higher than that laid down in the Convention, since, in view of the plentiful supply of adult labour, the shipowners do not employ children. No infringements of the relevant legislation have been recorded during the period covered by the report, nor has the Government 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 Government 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 26 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. No cases of contravention were reported during the period October-December 1934; three cases were reported during the period January-September 1935. The report adds that with regard to the application of the national law which implements the Convention, 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.

*Nicaragua.* — See introductory note.

*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.* — No observations on the application of the Convention have been received from employers or workers.

*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.

*Uruguay.* — See introductory note.

*Yugoslavia.* — The Government states that it has not received from the Minister of Communications any information as to reports of cases of infringement of the provisions mentioned above.

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

This Convention came into force on 16 March 1923. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1935, and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30. 11. 1933	
Australia . . . . .	28. 6. 1935	29. 11. 1935
Belgium . . . . .	2. 2. 1925	28. 10. 1935
Bulgaria . . . . .	16. 3. 1923	15. 11. 1935
Canada . . . . .	31. 3. 1926	1. 10. 1935
Colombia . . . . .	20. 6. 1933	13. 1. 1936
Cuba . . . . .	6. 8. 1928	18. 11. 1935
Estonia . . . . .	3. 3. 1923	19. 10. 1935
France . . . . .	21. 3. 1929	23. 12. 1935
Germany . . . . .	4. 3. 1930	26. 10. 1935
Great Britain . . .	12. 3. 1926	8. 11. 1935
Greece . . . . .	16. 12. 1925	
Irish Free State . .	5. 7. 1930	18. 11. 1935
Italy . . . . .	8. 9. 1924	11. 2. 1936
Latvia . . . . .	29. 8. 1930	25. 1. 1936
Luxemburg . . . . .	16. 4. 1928	10. 2. 1936
Nicaragua. . . . .	12. 4. 1934	5. 12. 1935
Poland . . . . .	21. 6. 1924	28. 11. 1935
Rumania . . . . .	10. 11. 1930	23. 3. 1936
Spain . . . . .	20. 6. 1924	17. 2. 1936
Sweden . . . . .	1. 1. 1935	5. 11. 1935
Uruguay . . . . .	6. 6. 1933	16. 3. 1936
Yugoslavia . . . . .	30. 9. 1929	11. 11. 1935

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

The Government of *Colombia* states in its report that the unemployment problem, and particularly that of unemployment due to shipwreck, may be said to be non-existent in Colombia. Owing to the agricultural character of the country and its relative industrial expansion, disengaged labour is easily re-absorbed into agriculture or industry. See also under Convention No. 23 (*Repatriation of seamen*).

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 Government of *Nicaragua* states in its report that as Nicaragua has no "seamen" in the sense of the Convention, the need for Acts or Regulations relating to unemployment in case of shipwreck has not yet been considered.

The *Rumanian* Government states in its report that the Act of 17 May 1934 to consolidate the salvage taxes in sea-ports 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 Government of *Uruguay* states in its report that the subject matter of the present Convention is dealt with by national laws and regulations concerning workers' pensions. Work on board ship is covered by the Act of 16 August 1928 respecting the Pensions Fund, subsequently completed by the Act of 11 January 1934. A seaman who is unemployed owing to shipwreck may claim the legal benefits payable under this scheme. Workers under 40 years of age are, for the first year after they have ceased to be employed, entitled to an allowance equal to 2 per cent. of the pension payable after 30 years' service for each recognised year of service. Workers who are over 40 years of age are entitled to a permanent pension the amount of which varies with the age of the worker concerned and with the number of years during which he has been in employment, including years spent in other industries. In all cases workers who have been in employment for over ten years are entitled to an unemployment allowance or to a permanent pension. The report adds that, as may be seen from the information supplied above, national legislation may, in certain cases, more especially when the seamen is over 40 years of age and has been employed for more than 20 years, go further than the Convention, since under the latter the indemnity may be limited to two months' wages. In other cases, the Convention is more favourable than national legislation, particularly when the seaman has been employed for less than 10 years, since this is the minimum period of employment which entitles him to benefit under the workers' pension scheme. Finally the report states that the Uruguayan Government is considering the possibility of bringing the national legislation into line with the provisions of the Convention.

#### I.

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

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

#### *Australia.*

The Navigation (Maritime Conventions) Act, 1934 (L. S. 1934, Austral. 10).

#### *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.*

Maritime Trade Code, 1869.  
See also introductory note.

#### *Cuba.*

Commercial Code of 1885 (§§ 586-651).  
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).

#### *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 1928.  
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).

*Nicaragua.*

See introductory note.

*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, §§ 28, 43 and 51 (L.S. 1926. Sp. 5).

Regulations of 26 August 1935 concerning contracts of employment on board ship.

*Sweden.*

Seamen's Act of 15 June 1922 (L. S. 1922, Swe. 1), amended by the Act of 18 May 1934 (L. S. 1934, Swe. 1 A).

Royal Notification of 18 May 1934 to place alien seamen on the same footing as Swedish seamen in certain cases (L. S. 1934, Swe. 1 B).

*Uruguay.*

See introductory note.

*Yugoslavia.*

Decree of 29 March 1935 to regulate conditions of work on board sea-going vessels in the Kingdom of Yugoslavia (L. S. 1935, Yug. 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 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.

*Australia.* — Under § 85 (I A) of the Navigation Act, 1912-1934, the term "seaman" for the purposes of the section in question (i.e. for the application of the Convention) includes every person employed or engaged in any capacity on board the 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 the same Act, the term "vessel" means any ship engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war. Under § 85 (I A), however, river and bay ships are excluded from the operation of the section (i.e. the application of the Convention). The term "ship" includes every vessel used in navigation not ordinarily propelled by oars only. The Act does not apply to ships belonging to the King's Navy or the Navy of the Commonwealth or of any British Possession, or to the Navy of any foreign Government.

*Colombia.* — See introductory note.

*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 ship's 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.

*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.

*Nicaragua.* — See introductory note.

*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.

*Sweden.* — The Seamen's Acts of 15 June 1922 and 18 May 1934 employ the terms "seaman" and "vessel" without giving any special definition of the terms.

*Uruguay.* — See introductory note.

*Yugoslavia.* — Under § 2 of the Order of 29 March 1935, a "vessel" is deemed to be any floating gear of any kind whatever, whether publicly or privately owned;

ships of war are excluded. A "seaman" is deemed to be any person employed on board ship.

## 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.

*Australia.* — Under § 85 of the Navigation Act, 1912-1934: (1). Where the service of a seaman belonging to a ship (other than a river and bay ship) registered in Australia terminates, before the period contemplated in his agreement, by reason of the wreck or loss of the ship, he shall be entitled: (a) to conveyance, by or at the cost of the owner, to the port of engagement, or, at the master's option, to the port of discharge mentioned in the agreement, or to such other port as is mutually agreed upon, with the approval of the proper authority, between the master and the seaman; and (b) to wages, in respect of each day on which he is in fact unemployed during a period of two months from the date of the termination of the service, at the rate to which he was

entitled on that date. Provided that a seaman shall not be entitled to receive wages under this section: (i) if the owner shows that the unemployment was not due to the wreck or loss of the ship; nor (ii) in respect of any day if the owner shows that the seaman was able to obtain suitable employment on that day. (2). Where a seaman, whose service terminates by reason of the wreck or loss of the ship, has been engaged by the run, he shall be entitled to the wages to which he would have been entitled on the termination of the run, subject to all just deductions. The Government adds that the seaman has been granted these benefits whenever his service terminates before the period contemplated in his agreement, by reason of the wreck or loss of the ship, and to escape payment of the minimum of two months' wages the owner must show that the termination of the service was not due to wreck or loss of the ship. Possible difficulties in interpreting the words "loss or foundering" have thus been avoided. The period of two months for which the wages are due as compensation is, under the Commonwealth law, not affected by the date on which the contract would have terminated if the wreck had not occurred. The compensation, however, is not payable for any day within those two months on which the seaman could have obtained suitable employment. "Suitable employment" in this connection would be deemed to be employment at least at the rate of wages to which he was entitled at the time of the wreck. "Wages", as used in § 85, means only the payment due in accordance with the terms of the articles of agreement, and does not include allowance for food.

*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.

*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. The report states that: 1. The term "loss by shipwreck" covers both total loss of the vessel and cessation of use of the vessel owing to serious damage which it would not be economical to repair and which does in fact involve a declaration of unseaworthiness; but the term excludes damage which is repaired and does not prevent completion of the voyage. 2. The term "unemployment consequent upon loss of the vessel" covers the unemployment among the crew directly caused by the shipwreck or cessation of use of the vessel owing to serious damage; in such cases an indemnity is always payable, in the shape of not more than two months' wages whatever the length of time remaining before expiry of the seaman's articles of agreement; as the discontinuation of use of the vessel for navigation is a valid ground for terminating the contract (Commercial Code, § 639 and § 640 (5)), when this occurs the seaman's right to unemployment indemnity holds good in the manner and to the extent laid down in §§ VII and VIII of Legislative Decree No. 660. 3. The term "wages" used in Article 2 of the Convention and § VII of Legislative Decree No. 660 means the remuneration for the seamen's services stipulated in the agreement; therefore, as § VII of the Legislative Decree provides that the indemnity shall consist of payment to the seamen for the actual days of involuntary unemployment occurring before termination of the period of remuneration stipulated in the agreement, the employer is required, on loss of the vessel, to continue to remunerate any seaman thereby thrown out of employment, at the same rate as that previously paid to him, unless the seaman is re-engaged by the same or another employer; the indemnity is however in any case limited to two months' wages. This interpretation is simply the opinion of the administrative official responsible for the report, and has no legal force in itself. The binding interpretation in such cases is that of the Supreme Court, which decides appeals made by litigants. 4. The indemnity, equivalent to two months' wages, prescribed in Article 2 of the Convention and § VII of Legislative Decree No. 660, appears to be the maximum that can be paid by shipowners in such circumstances, in view of the low level of profits in this industry in recent years.

*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.

*Nicaragua.* — See introductory note.

*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 indemnity is payable only for the days during which the seaman remains in fact unemployed and in accordance with the rate of wages payable under the contract; the total amount of indemnity payable to each seaman may be limited to two months' wages.



*Spain.* — § 51 of the Labour Code provides that "if the vessel is lost by shipwreck, all members of the crew shall be entitled by way of compensation to draw their wages or salary for a period not exceeding two months if they are out of employment for this reason". The Government quotes in its report § 23 of the Regulations of 26 August 1935. The text of the first provision is identical with that given above. The Government adds that it follows from this section that if the vessel does not become a total loss by shipwreck, but the crew is unemployed on this account during a specified period not exceeding two months, they have a claim to compensation. As in the previous question, it is not clear what interpretation should be given to the expression 'but in consequence of the loss of the vessel' on the question whether a seaman whose articles expire within two months after the loss of the vessel is entitled to two months' indemnity or only to the amount of pay lost up to the expiration of his articles. It seems natural that in this particular case, he should have a right to indemnity only in respect of the period up to the termination of his articles, since § 23 quoted above makes the indemnity conditional on his being 'out of employment for this reason', and if the vessel had not been lost, he would still have become unemployed on the expiration of his articles. Similarly it is not clear whether the pay is to be taken to include maintenance or not, but it seems logical that its inclusion should depend on whether the seaman's maintenance on the voyage was at his own, or the shipowner's expense. Otherwise, seamen who provide for their own maintenance would always be at an advantage, since their pay is necessarily higher than that of seamen whose maintenance on the voyage is defrayed by the shipowner. Notwithstanding the considerations already set forth, the first case that arises will not be settled without the necessary legal consultation. § 23 of the Regulations of 26 August 1935 also provides that members of the crew who after the shipwreck have worked to save the remains of the vessel or the cargo shall be paid a bonus proportionate to the effort expended and the risks incurred in such salvage work.

*Sweden.* — § 6 of the Act of 15 June 1922 as amended by the Act of 18 May 1934 lays down that the provisions of § 41 respecting seamen shall apply to the master's right to pay in case of unemployment, to a free passage home with pay and maintenance during the voyage and to compensation for lost effects. § 41 is as follows: If a vessel is lost in consequence of an accident at sea or is declared incapable of repair after an accident at sea, the seamen's agreements shall cease to be valid unless they contain any stipulation to the contrary, provided that the seamen shall be bound to take part in

salvage operations, and to remain at the place in question until the declaration has been filed, in return for wages and maintenance. If a Swedish seaman becomes unemployed in consequence of the loss or foundering of a vessel, he shall be entitled to pay for the period during which he is unemployed for this reason, but not for more than two months beyond the period for which he receives pay in conformity with the provisions mentioned above. If a Swedish seaman's engagement is terminated abroad in consequence of the loss or foundering of a vessel, he shall be entitled to a free passage with maintenance to his domicile in Sweden, and to pay during the voyage in so far as this is not due in pursuance of the preceding clause. The expenses of the seamen's passage home with maintenance shall be paid out of State funds. Nevertheless, the seaman shall be bound to accept employment in another vessel in accordance with the provisions of § 28. A Swedish seaman shall be entitled to compensation from the shipowner for the loss of his effects when a vessel is lost, in accordance with rules laid down by the Crown. The Government mentions in its report the Royal Notification of 18 May 1934 under which the right to pay in case of unemployment is extended to seamen who are nationals of States in which the Convention is or hereafter becomes applicable by ratification.

*Uruguay.* — See introductory note.

*Yugoslavia.* — Under § 73 of the Order of 29 March 1935: (1) In case of shipwreck, the shipowner or the person with whom the seaman has signed an agreement to serve on board ship shall pay compensation to all seamen employed on the ship to enable them to meet the unemployment resulting from the shipwreck. (2) This compensation shall be paid for each day of the actual period during which the seaman is unemployed, and at the same rate as the wages payable under the agreement, provided that the total amount of compensation shall not exceed two months' wages. The Government adds that by "shipwreck", as used in the Order aforesaid, is meant the total loss of the vessel, or damage to such an extent that the vessel is unable to finish the voyage during which the damage was sustained.

#### 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.*

*Australia.* — The Government states that in § 85 of the Navigation Act, 1912-



1934, which applies the Convention, the term "wages" is used in preference to "compensation" or "indemnity". The seaman therefore has the same remedies for recovering the indemnity as he has in regard to wages. The report also refers to §§ 91 and 92 of the Act, which relate to the jurisdiction and legal procedure in questions of seamen's wages.

*Colombia.* — See introductory note.

*Cuba.* — The Government states that Legislative Decree No. 660 does not contain any provisions corresponding to Article 3 of the Convention. § VIII of the Legislative Decree (which provides that the recovery of the indemnity and of legal costs may be made by summons, in accordance with the law of legal procedure), does not assimilate seamen's rights for recovering unemployment indemnity in case of loss or foundering of the ship to employed seamen's rights for recovering arrears of wages. The report gives details with regard to the procedure which seamen may adopt for the recovery of wages due but not paid.

*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.

*Nicaragua.* — See introductory note.

*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.

*Spain.* — § 51 of the Labour Code provides that the unemployment indemnity in case of shipwreck shall have the same preference as wages and salaries under § 43 of the Code, and that the shipowner shall not be entitled to claim reimbursement of sums advanced. § 43 stipulates that the wages and salaries due to the members of the ship's company shall be a preferential charge on the vessel, together with its engines, apparel and

freight. The Government in its report quotes §§ 23 and 16 of the Regulations of 26 August 1935, certain provisions of which re-state the above stipulations.

*Sweden.* — Chapter 7 of the Seamen's Act of 15 June 1922, as amended by the Act of 18 May 1934, relates to the jurisdiction and legal procedure in cases of dispute with regard to the application of the Act. There is no special provision for the recovery of wages, which form the subject of §§ 18 *et seq.* of the Act. No distinction is made in these sections between normal wages and wages due after shipwreck.

*Uruguay.* — See introductory note.

### III.

*Article 4 of the Convention is as follows:*

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

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

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

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

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

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

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

*Australia.* — The Government states that the Convention has not been applied to the Territory of *Norfolk Island* or the Mandated Territory of *Nauru*. The question of application to the Territory of *Papua* and the Mandated Territory of *New Guinea* is receiving attention and further advice will be furnished in this connection in due course.

*Colombia.* — The Government states in its report that this question does not concern Colombia, which has neither colonies nor protectorates.

*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 1933); *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.*

*Australia.*— The Government states that the administration of the above-mentioned legislation is entrusted to the superintendents of mercantile marine offices, under the control and direction of the Director of Navigation, through his Deputy Directors of Navigation in each State. These officers are permanent officials of the Commonwealth public service. They receive detailed instructions as to their work, and are subject to inspection at any time, from the office of the Director of Navigation and the public service inspectors.

*Colombia.*— The Government states in its report that the enforcement of the Convention, once incorporated into the positive legislation of the country, will lie with the General Labour Office, an administrative body attached to the Ministry of Industry and Labour. See also introductory note.

*Cuba.*— The Government states that the ordinary courts are responsible for enforcing the legislation applying the Convention, on submission of a complaint by the party concerned.

*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.

*Nicaragua.*— See introductory note.

*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.

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

*Uruguay.*— See introductory note.

*Yugoslavia.*— Under § 74 of the Order of 29 March 1935, the indemnities prescribed by § 73 are subject to the same rights and legal provisions as wages earned during the period of service.

#### 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 records two decisions given by the Probiviral Seamen's Court with regard to the application of the provisions of the Convention. The first, given on 10 June 1934, is an interlocutory judgment to decide the evidence to be supplied by the parties in the case. In the second, given on 10 July 1934, the plaintiff, a seaman of Greek origin, had claimed two months' wages as indemnity for unemployment resulting from shipwreck. The defendant company declared that he was not entitled to such indemnity, as the company had offered him a post, similar to that which he had held on the shipwrecked vessel, on either of two other vessels due in port five or six days later, at the same time offering him his

full salary for the period during which he would be unemployed pending the arrival of one of these two ships. The evidence was to the effect that the plaintiff had refused the employment thus offered to him because he wished to return to Greece. The Court took the view that the plaintiff had probably assumed in error that he was entitled to two months' wages as unemployment indemnity in any case, held that the case put forward by the defendant company had been proved, and rejected the plaintiff's application.

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

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.*

*Australia.* — The Government states that, since the Convention was ratified by the Commonwealth, there have been no cases of services having been terminated by wreck or the loss of the ship. It is too early, in view of the short time the Convention has been operative, to express any appreciation of its effect. No observations on the matter have been received from employers or employees.

*Belgium.* — During 1934 there were two cases of shipwreck, affecting 6 officers and seamen. The Belgian fleet employed 3,168 officers and seamen. No suggestions

were made by the organisations of employers or workers in regard to improving the application of the national legislation.

*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, and that no observations or representations have been received by the Department from organisations of employers or workers regarding the fulfilment of the conditions of the Convention or the application of the national law relating thereto.

*Colombia.* — See introductory note. The Government states that the employers' and workers' organisations have not submitted objections, no doubt for the reason given in that note.

*Cuba.* — The Government states that it did not receive the documents to which this point refers in time for them to be attached to the report, but that it hopes to be able to collect full information on the subject for the next report.

*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 July 1933 was 2,038, classified as follows: officers of the bridge, 458; engineering officers, 233; wireless telegraphists, 16; deck hands, 852; engineering hands, 297; and general service staff, 182. The number of vessels damaged from 20 August 1934 to 20 August 1935 was 4. Indemnities payable under Article 2 of the Convention were granted in two cases. 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, have made every reservation with regard to the interpretation of the Act in this sense given by the Mercantile Marine Department. The Government has communicated to the Office, together with its report, statistical tables compiled on 1 July 1935 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 1935.

*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 1934 the number of seamen registered as being eligible for employment on board was 642,582. The number of wrecks suffered by national vessels during 1934 was 31. 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.

*Luxemburg.* — See introductory note.

*Nicaragua.* — 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 1934 to 30 September 1935. The previous report mentioned that the General Inspectorate of Navigation and Harbours of the Ministry of Communications had 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 shipowners, 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.* — No observations have been received from either employers or workers on the application of the Convention.

*Sweden.* — The Government states that, so far as the competent authorities, the Association of Swedish Shipowners, and the large seamen's insurance companies are aware, no indemnity prescribed by the new legislation has yet been either claimed or paid. It is, therefore, not possible to supply information with regard to the application of the legislation which applies the Convention.

*Uruguay.* — See introductory note.

*Yugoslavia.* — The Government states that the Maritime Department of Split, which is responsible for publishing the annual report with regard to the practical application of the Order mentioned above, and consequently for supplying all necessary information on this question, has so far not been able to communicate the information requested, since the Order has only been in force a few months.

### 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 1935, and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	
Australia . . . . .	3. 8.1925	29.11.1935
Belgium . . . . .	2. 2.1925	28.10.1935
Bulgaria . . . . .	16. 3.1923	15.11.1935
Colombia . . . . .	20. 6.1933	13. 1.1936
Cuba . . . . .	6. 8.1928	18.11.1935
Estonia . . . . .	3. 8.1923	19.10.1935
Finland . . . . .	7.10.1922	1.11.1935
France . . . . .	25. 1.1928	23.12.1935
Germany . . . . .	6. 6.1925	26.10.1935
Greece . . . . .	16.12.1925	
Italy . . . . .	8. 9.1924	11. 2.1936
Japan . . . . .	23.11.1922	29. 1.1936
Latvia . . . . .	3. 6.1926	25. 1.1936
Luxemburg . . . . .	16. 4.1928	10. 2.1936
Nicaragua. . . . .	12. 4.1934	5.12.1935
Norway . . . . .	23.11.1921	15.10.1935
Poland . . . . .	21. 6.1924	28.11.1935
Rumania . . . . .	10.11.1930	23. 3.1936
Spain . . . . .	23. 2.1931	30. 1.1936
Sweden . . . . .	27. 9.1921	5.11.1935
Uruguay . . . . .	6. 6.1933	16. 3.1936
Yugoslavia . . . . .	30. 9.1929	11.11.1935

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

The Government of *Colombia* states in its report that, in view of Colombia's traditions with regard to industry and the economic structure of the country, there is no unemployment problem to-day, and there are therefore no agencies of any sort which engage in the placing of seamen for pecuniary gain. In adhering to the Convention to which this report refers, the Government of Colombia intended solely to facilitate its adoption by other States Members of the International Labour Organisation, to give a genuine

proof of its spirit of international solidarity as regards the solution of labour problems, and to have, when the moment should arise, a doctrinal basis on this particular question for incorporation into the positive law of the country.

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

The Government of *Nicaragua* states in its report that Nicaragua does not yet possess maritime shipping such as would require the issue of Acts or Regulations relating to the finding of employment for seamen.

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 Harbours attached to the Ministry of Communications. The report adds that a Committee is at present at work, at the Ministry of Communications, upon the reorganisation of harbours, and the revision of legislation affecting the mercantile marine. This Committee will also continue the discussions begun last year between the Ministries of Labour and of Communications on the establishment, under the control of the Ministry of Communications of free employment exchanges for seamen.

The *Spanish* Government states in its report that the Convention possesses full legal force in virtue of § 65 of the Spanish Constitution. The Government, taking into account the Resolutions adopted by the National Maritime Conference held at Madrid in 1932, has drafted a Bill which will shortly be submitted to the Cortes for consideration and which includes the measures likely to ensure complete application of the Convention. This Bill, which embodies all the provisions of the Convention, will be approved at an early date, and the Spanish Government therefore hopes to be able to give a satisfactory answer next year to all the questions in the report form.

*Uruguay.* — The report of the Government of *Uruguay* states that the principles to be observed by employment exchanges were laid down in Ch. IV, §§ 17-38, of the Act of 11 January 1934 and in the Administrative Regulations issued in pursuance of the Act on 2 April 1934. In this connection the report refers to information supplied with reference to Convention No. 2 (Unemployment), since the provisions concerning employment exchanges apply also to seamen. The services of such employment exchanges are given

free of charge, and public authorities are prohibited from charging any fee whatsoever for services rendered. The Uruguayan scheme may also be considered as applying Article 4 of the Convention. There is nothing to prevent the operation of employment exchanges being organised in such a way as to ensure that seamen shall retain their right of choosing their ship and shipowners that of selecting their crew, as provided in Article 6. The facilities afforded by the scheme are available for all seamen, irrespective of nationality (Article 8 of the Convention). Deck officers and engineer officers are likewise covered by the present scheme (Article 9 of the Convention). Further, employment exchanges operate under the supervision of committees consisting of three members and twice that number of substitute members. The membership of the committees must include representatives of the employers, workers and public authorities. This provision complies with Article 5 of the Convention. Article 7 of the Convention is likewise enforced, since employers and contractors are required to notify the official exchanges of their needs in regard to staff and to mention the conditions of employment and wages offered and any relevant stipulations of the Commercial Code. The report adds that only one measure remains to be taken before the terms of the Convention may be considered as having been fully applied, that is, the prohibition of employment exchanges working for pecuniary gain. An Act prohibiting such exchanges will be introduced as soon as possible, but it should be pointed out here that the importance of such legislation is purely theoretical. Finally, the report states that the 1934 Constitution contains provisions which ensure the impartial and equitable distribution of every kind of work, and that this constitutional provision is confirmed by legislation and by the regulations concerning the Central Employment Exchange and the local exchanges.

### 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).

Royal Order of 20 March 1914 concerning sea police.

### Bulgaria.

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

### Colombia.

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).

Legislative Decree No. 659 of 7 November 1934 [concerning seamen's articles of agreement] (L. S. 1934, Cuba 12 A).

### 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 (L. S. 1931, Lat. 1).

Instruction of 10 September 1935 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).

*Nicaragua.*

See introductory note.

*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).

*Uruguay.*

See introductory note.

*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).

Order of 29 March 1935, regulating working conditions on board ships of the kingdom of Yugoslavia engaged in maritime navigation (L. S. 1935, Yug. 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.

*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.

*Latvia.* — The Instruction of 10 September 1935 defines "seamen" as all persons employed on board vessels engaged in maritime navigation.

*Nicaragua.* — 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.

*Uruguay.* — See introductory note.

*Yugoslavia.* — Under § 2 (2) of the Order of 29 March 1935, the term "seaman" means any person employed on board.

#### 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.

*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.

*Nicaragua.* — 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. See also introductory note.

*Uruguay.* — See introductory note.

*Yugoslavia.* — Under § 9 of the Order of 29 March 1935, seamen will be engaged exclusively, and without fee, through the public seamen's employment offices, which form part of the central and district employment organisation. Any infringement of these provisions will be liable to the penalties laid down in § 83 of the Order.

#### 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.

*Cuba.* — The Government states in its report that this Article requires no special provision to give it effect, since there is no person, company or agency in Cuba which carries on the work of finding employment for seamen for pecuniary gain.

*Nicaragua.* — 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.

*Uruguay.* — See introductory note.

*Yugoslavia.* — The report does not deal with this point.

#### 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 the following engagements of seamen were made at the principal ports in Australia during the year ending 31 December 1934 : Sydney, 16,557 ; Melbourne, 2,608 ; Newcastle, 2,265 ; Brisbane, 697 ; Port Adelaide, 1,886 ; Fremantle, 838 ; Hobart, 301 ; other ports, 633 ; total, 25,785. The number of seamen employed in the Australian shipping industry during the 12 months ending 30 June 1934 was as follows : deck hands, 2,134 ; stokehold and engine-room hands, 1,807 ; catering department, 2,262 ; miscellaneous, 725 ; total, 6,928. The estimated daily average numbers of seamen, excluding officers, unemployed at the principal ports during the year ending 30 September 1935 were : Sydney, 1,216 ; Melbourne, 367 ; Newcastle, 185 ; Port Adelaide, 30 ; Brisbane, 89 ; Fremantle, 17 ; Hobart, 27 ; total, 1,881.

*Belgium.* — ... During the year 1934 recruitment included 13,944 Belgian seamen and 559 foreign seamen.

*Colombia.* — See 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.

*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 1934 to 30 June 1935 : deck officers : 106 applications, 44 vacancies filled ; engineer officers : 127 applications, 88 vacancies filled ; wireless telegraphists : 11 applications, 9 vacancies filled ; deck crew : 225 applications, 38 vacancies filled ; engine-room crew : 189 applications, 38 vacancies filled ; general service staff : 70 applications, 29 vacancies filled. Total number of applications, 728 ; total number of vacancies filled, 241.

*France.* — ... The activities of the Joint Maritime Employment Offices during the year 1934 may be summarised as follows : Dunkirk, 998 applications, 477 vacancies notified and 477 vacancies filled ; Le Havre, 5,077 applications, 552 vacancies notified, 552 vacancies filled ; Rouen, 5,459 applications, 3,262 vacancies notified, 3,262 vacancies filled ; Brest, 1,182 applications, 601 vacancies notified, 557 vacancies filled ; Nantes, 1,589 applications, 1,114 vacancies notified, 1,011 vacancies filled ; Bordeaux, 770 applications, 358 vacancies notified, 357 vacancies filled ; Sète, 1,673 applications, 866 vacancies notified, 855 vacancies filled ; Marseilles, 8,836 applications, 5,585 vacancies notified, 5,553 vacancies filled. Total number of applications, 25,534 ; vacancies notified, 12,815 ; vacancies filled, 12,624.

*Germany.* — ... According to the figures supplied by the Government, in October 1934 the seamen's recruiting offices and the other offices which provide facilities for employment finding in the case of seamen registered 16,123 applications and 3,301 vacancies. The number of persons placed in employment during this period was 3,286. The figures for June 1935 are as follows : applications, 10,087 ; vacancies, 4,303 ; workers placed, 4,277. The figures for October 1935 are not yet known.

*Italy.* — In the ports of Savona, Genoa, Spezia, Leghorn, Portoferraio, Civitavecchia, Naples, Torre Annunziata, Castellammare, Taranto, Brindisi, Molfetta, Barletta, Bari, Ancona, Venice, Trieste, Pola, Fiume, Cagliari, Messina, Catania, Trapani and Palermo, the placing free of charge of seamen who do not take service as officers or to perform responsible duties on board ship may, under § 1 of the Legislative Decree of 24 May 1925, be carried on exclusively by local employment exchanges under the management of the port authorities . . . The report gives the

following information with regard to the work of the seamen's employment exchanges during the second six months of 1934 and the first six months of 1935:

	Officers	Crew
Number of persons registered as applying for employment on board ship at 1 July 1934	567	32,322
Number registered during the second six months of 1934	1,564	12,831
Total	2,131	45,153
Number of applications struck off 1 July to 31 December 1934:		
(a) by cancelling	107	4,545
(b) owing to obtaining employment on board ship	1,506	9,421
Total	1,613	13,966
Number of persons registered as applying for employment on board ship at 1 January 1935	519	31,187
Number registered during the first six months of 1935	1,560	15,011
Total	2,079	46,198
Number of applications struck off during the first six months of 1935:		
(a) by cancelling	67	1,996
(b) owing to obtaining employment on board ship	1,519	12,043
Total	1,586	14,039
Number of persons registered as applying for employment on board ship at 1 July 1935	493	32,159

*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 1934 to June 1935 is as follows: workers placed: free agencies, 26,562; fee-charging agencies, 311. At the end of 1934, the number of workers not placed was as follows: free agencies, 4,626; fee-charging agencies, 16. The number of offers of work unsatisfied was as follows: free agencies, 4. At the end of September, 1935, the number of workers not placed was as follows: free agencies, 4,324; fee-charging agencies, 23.

*Latvia.* — The Order of 15 January 1931 provides for the setting up of an employment committee, composed of an equal number of representatives of the organisations of seamen and of shipowners, to manage and supervise the finding of employment for seamen. The total number of members of the committee, their period of office, the organisations of seamen and of shipowners entitled to be represented on the committee and the number of representatives to be appointed by each organisation, are determined by the Instruction of 10 September 1935. There are 3 seamen's employment offices in Latvia: (1) in Riga,

attached to the Seamen's Society of Latvia (*Latvijas jurn 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.

*Nicaragua.* — See introductory note.

*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 1,515 placings. The Order of the Ministry of Social Welfare of 26 March 1935 ensures the co-ordination of the whole system of placing, under the management of the Labour 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.* — Free employment-finding for seamen is a special branch of public employment-finding in general, and is therefore subject to essentially the same regulations. It thus falls within the competence of the general provincial councils or the communes, and it is carried out by the public employment offices under State direction and supervision. The employment offices have as a general rule set up special bodies to carry out their duties in this respect. Placing is free for seamen. All the employment offices which possess a placing service of any importance — there are 21 such offices — have appointed, from lists of candidates submitted by the competent organisations, a certain number

of delegates representing the shipowners and the seamen whose duty it is to help in studying important questions with regard to the working of the offices. In the four principal seaports—Stockholm, Göteborg, Malmö and Helsingborg—special employment offices for seamen have been set up, administered by ex-masters, who are assisted by retired marine engineers. In 17 ports placing is carried on by special officials, who are usually ex-masters or other persons who have served on board merchant ships. In eight ports, where the sea-going shipping is of little importance, placing is carried on by the ordinary public employment exchanges. The special offices and officials mentioned above carry on their work in the following ports: Ornsköldsvik, Härnösand, Sundsvall, Söderhamn, Gävle, Stockholm, Södertälje, Oxelösund, Norrköping, Oskarshamn, Kalmar, Visby, Åhus, Ystad, Malmö, Landskrona, Helsingborg, Halmstad, Göteborg, Lysekil, Uddevalla. For the period 1 October 1934-30 September 1935, there were 75,483 applications, 19,436 vacancies and 18,906 vacancies filled. Collaboration between the special bodies for placing seamen is ensured by the fact that all these placing services are obliged to submit reports on their activity, and also by the fact that they receive weekly the official list of vacancies (*Riksvakanslistan*), which is drawn up on the basis of these reports.

*Uruguay.* — See introductory note.

*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. Under the terms of § 9 (3) of the Order of 29 March 1935, the Minister of Social Politics and Public Health will, by regulation and in agreement with the Minister of Communications, lay down detailed provisions concerning the organisation and operation of public seamen's employment offices. The report for last year stated that 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.

*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. The Government adds that the regulations in question have not yet been issued.

*Latvia.* — § 7 of the Order of 15 January 1931 lays down that all organisations, institutions or persons engaged in the business of finding employment for seamen shall be subject to the inspection and supervision of the Seamen's Employment Exchange Committee in connection with such business. Under the Instruction of 10 September 1935, this Committee shall be composed of four members, two of whom shall be chosen by the Latvian Union of Shipowners, and the other two by the occupational organisation of Latvian seamen. Each of these organisations is entitled to an equal number of deputies on the Committee. The Ministry of Social Welfare must approve the members of the Committee and their substitutes, and the Committee is responsible for submitting to the Ministry of Social Welfare at fixed periods, and in the form prescribed by the Minister of Social Welfare, reports on its activities and on the activities of the employment exchanges for which it is responsible, and also accounts of the sums received and spent. If such reveals grounds for complaint the Ministry of Social Welfare may, if any members of the Committee are shown to have acted illegally, suspend the activities of these members for a certain time, or dismiss them, and, if necessary, take proceedings against them. See also above under ARTICLE 4.

*Nicaragua.* — 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 ship-owners. 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. See also introductory note.

*Uruguay.* — See introductory note.

*Yugoslavia.* — Under § 9 (3) of the Order of 29 March 1935, the Minister of Social Politics and Public Health will, by regula-

tion and in agreement with the Minister of Communications, lay down in detail provisions concerning the organisation and operation of public seamen's employment offices.

#### 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.

*Cuba.* — § 13 of Legislative Decree No. 660 reserves freedom of choice of ship to seamen and freedom of choice of crew to shipowners.

*Nicaragua.* — See introductory note.

*Poland.* — § 19 of the Order of the Ministry of Social Welfare of 26 March 1935 concerning employment exchanges attached to the Labour 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. The Order gives the employer the right to choose from among the candidates for a vacant post.

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

*Spain.* — According to § 18 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.

*Uruguay.* — See introductory note.

*Yugoslavia.* — Under § 9 of the Order of 29 March 1935, the seaman retains his freedom of choice of ship, and the shipowner or master his freedom of choice of crew.

#### ARTICLE 7.

The necessary guarantees for protecting all parties concerned shall be included in the contract of engagement or articles of agreement, and proper facilities shall be assured to seamen for examining such contract or articles before and after signing.

*In addition please describe the facilities assured for examining such contract or article before and after signing.*

*Colombia.* — See introductory note.

*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. § 8 provides that the articles shall be posted up on board the vessel. The report states that § 634 (2 and 3) of the Commercial Code also corresponds to this Article of the Convention.

*Nicaragua.* — 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.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 25 of the Order of 29 March 1935 gives a list of the points to be included in contracts of employment. Under § 26 (2) of the Order, the contract is to be signed before the port or consular authorities, who will not allow the seaman to sign unless assured that he is familiar with working and living conditions on board. If a contract is signed in circumstances which make it impossible to carry out these provisions, the master is required to read and explain its terms in the presence of two witnesses, and the contract will be submitted to the competent authority in the first port where the vessel puts in for more than 48 hours.

#### 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.

*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.

*Latvia.* — § 9 of the Order of 15 January 1931 provides that the seamen's employment exchanges shall be open to seamen and shipowners of States which have ratified the Convention. Further, under § 11 of the Instruction of 10 September 1935, the seamen's employment exchanges are open to any persons either seeking to engage workers or seeking work on board ships engaged in maritime navigation, including persons in command of or in charge of a vessel, pilots, and engineers, not only Latvian subjects but also nationals of all States which have ratified the Convention. The Seamen's Employment Exchange Committee is empowered to decide whether subjects of countries which have ratified the Convention shall or shall not be permitted to use the seamen's employment exchanges.

*Nicaragua.* — See introductory note.

*Poland.* — The employment exchanges are available for both national and foreign workers without any distinction, under the Order of the Ministry of Social Welfare of 26 March 1935.

*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.* — ... 231 foreign seamen applied to the Employment Service, and 50 of them were placed in employment, during the period covered by the report.

*Uruguay.* — See introductory note.

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

## 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.

*Cuba.* — See above under ARTICLE 1.

*Latvia.* — See above under ARTICLE 8.

*Nicaragua.* — 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.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 9 of the Order of 29 March 1935, which is quoted above, does not apply to deck officers, engineer officers, or general service officers.

## 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, see above under ARTICLE 4.

*Colombia.* — See introductory note.

*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. The Government adds that, as the regulations in pursuance of the Legislative Decree have not yet been issued, the exchanges in question have not actually been established.

*France.* — The report supplies statistical details of the activities of the joint employment exchanges for seamen during the year 1934, 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 . . .

*Germany.* — . . . See above under ARTICLE 4.

*Nicaragua.* — See introductory note.

*Rumania.* — § 3 of Ministerial Decision No. 244358/1933 lays down that the Employment Exchange and Migration Service of the Ministry of Labour shall communicate regularly to the International Labour Office all information, statistical or otherwise, concerning unemployment among seamen and concerning the work of the special Seamen's Section of the Employment Exchange at Braila.

*Spain.* — The report does not contain any information under this Article. See introductory note.

*Uruguay.* — See introductory note.

*Yugoslavia.* — Under § 9 (2) of the Order of 29 March 1935 all statistical and other information concerning unemployment among seamen will be communicated to the International Labour Office through the Ministry of Social Politics and Public Health.

### 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 application of the provisions of the

Convention to the colonies is provided for in a legislative measure concerning other questions which the Minister for the Colonies has already prepared. It is not possible to separate from the rest the provisions in question which, with the measure as a whole, will be promulgated as soon as possible.

*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 Government states in its report that the Convention is applied in all territories 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. In particular, please supply information on the organisation and working of inspection.*

*Colombia.* — See introductory note.

*Cuba.* — The Government states that the Ministry of Labour and the criminal court magistrates are responsible for enforcing Legislative Decree No. 660, and the magistrates impose the prescribed fines (see above, under ARTICLE 1). The labour inspectors who are attached to the Ministry of Labour are empowered to inform the magistrates of contraventions of the provisions of the Legislative Decree.

*Finland.* — The Labour Section of the Ministry of Social Affairs and, more particularly, the Section's legal adviser, is responsible for supervising the enforcement of the provisions in question contained in the Act, the Order and the Resolutions of the Council of Ministers. This legal adviser, under the Order of 16 January 1935 concerning the determination and modification of certain functions of the Ministry of Social Affairs, fulfils duties which, in accordance with the provisions of a Resolution of the Council of Ministers, dated 22 April 1926, concerning the inspection of placing, formerly belonged to the inspector of placing.

*Nicaragua.* — 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 Government stated in previous reports that the application of the relevant provisions was 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. See also introductory note.

*Uruguay.* — See introductory note.

*Yugoslavia.* — Supervision of the application of the Order of 29 March 1935 and of the Regulations and Orders implementing it lies, in as far as these concern the social welfare of seamen and their safety on board sea-going merchant vessels, with the Minister of Communications, acting through the organisation of the maritime department (§ 86).

## 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. See also under ARTICLE 4.

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

*Colombia.* — See introductory note.

*Cuba.* — The regulations in pursuance of Legislative Decree No. 660 have not yet been issued. Neither the employers' nor the workers' organisations concerned have submitted observations concerning the enforcement of the legislation applying the Convention.

*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 application of the national law which implements the Convention.

*Latvia.* — The report states that the Ministry of Social Welfare has not received any complaints from the employers' or workers' organisations concerned with regard to the practical application of the provisions of the Convention. See also under ARTICLE 4.

*Luxemburg.* — The report states that the question of employment-finding facilities for seamen has no practical application in the Grand Duchy, and that no cases of infringement have been reported. The Government has not received any obser-

vations from the employers' and workers' organisations concerned with regard to the practical application of the national legislation which implements the provisions of the Convention.

*Nicaragua.* — See introductory note.

*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 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.* — The report contains no information on this question. See 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.

*Uruguay.* — See introductory note.

*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 1935, and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Austria . . . . .	12. 6.1924	16.11.1935
Belgium . . . . .	13. 6.1928	24.10.1935
Bulgaria . . . . .	6. 3.1925	15.11.1935
Czechoslovakia . .	31. 8.1923	12. 2.1936
Dominican Republic	4. 2.1933	
Estonia . . . . .	8. 9.1922	19.10.1935
Hungary . . . . .	2. 2.1927	16.12.1935
Irish Free State . .	26. 5.1925	26.10.1935
Italy . . . . .	8. 9.1924	11.2.1936
Japan . . . . .	19.12.1923	29. 1.1936
Luxemburg . . . .	16. 4.1928	
Nicaragua. . . . .	12. 4.1934	5.12.1935
Poland . . . . .	21. 6.1924	28.11.1935
Rumania . . . . .	10.11.1930	23. 3.1936
Spain . . . . .	29. 8.1932	6. 3.1936
Sweden . . . . .	27.11.1923	5.11.1935
Uruguay . . . . .	6. 6.1933	16. 3.1936

The Government of *Austria* states in its report that during the period under review the Federal Act concerning the principles governing the employment of children in agriculture and forestry and the Federal Act concerning the employment of children and young persons other-

wise than in agriculture and forestry were passed. The former of these Acts lays down principles which take full account of the provisions of the Convention. But effect will not be given to these principles until the provinces issue their executive Acts, which, according to § II of the Federal Act, must be done within six months of the date on which it came into force (14 July 1935). It is prescribed by § 19 of the second Act mentioned above that, until these executive Acts are passed, the existing legislative provisions shall remain in force in agriculture and forestry. No executive Act had been passed up to 30 September 1935.

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

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

The Government of *Nicaragua* states in its report that § 42 of the draft Labour Code which was submitted to Congress on 29 January 1934 lays down that the employment of young persons under 14 but over 12 years of age may be permitted, provided they are not thereby prevented from attending compulsory elementary school. See also *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Uruguay* states in its report that § 223 of the Children's Code of 6 April 1924 prohibits the employment in public and private industrial establishments of children under 14 years of age. It further prohibits the employment of children under the age of 12 years in agriculture except during the school holidays. The report adds that the Public Education Act and the Administrative Regulations issued under that Act provide that, in all towns, boroughs and villages in the Republic, all children who live not more than four kilometers in the case of boys and two kilometers in the case of girls from any school run by public authorities, must go to school. In rural districts, the competent authorities may

decide according to circumstances within what area all school children living in the district shall be required to go to school. The rule covers all children of both sexes between 6 and 14 years of age. In order to facilitate the practical application of the stipulations mentioned above, each school run by public authorities keeps a register in which the names of all children of either sex between 6 and 14 years of age are entered. Parents, guardians and other persons entrusted with the care of children are liable to be fined for contraventions of these provisions. Owing to the considerable development of elementary education throughout the country during the last ten years, a large number of schools have been opened, so that there has been a marked increase in the area of compulsory school attendance. It may therefore be said that the provisions of the Convention are now strictly enforced. Nevertheless, the Government is at present considering what amendments should be made to national laws and regulations concerning the employment and education of children in order to bring such legislation into line with the Convention. Finally, the report states that under § 89 of the 1934 Constitution the necessary legislative measures must be taken to ensure that children and young persons shall not be physically, intellectually or morally abandoned by their parents and guardians, that they shall not be exploited and shall be protected from abuse.

# 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.

Federal Act of 13 July 1935 to determine the principles governing the employment of children in agriculture and forestry (L. S. 1935, Aus. 4 A).

See also introductory note.

## 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).

## Nicaragua.

See introductory note.

*Poland.*

Decree of 7 February 1919 concerning compulsory education, in force in the Central Provinces of Poland.

Constitution of the Republic of Poland of 23 March 1935.

Order of the Minister of Public Worship and Public Instruction of 4 May 1935 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.

*Uruguay.*

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.

Children under the age of fourteen years may not be employed or work in any public or private agricultural undertaking, or in any branch thereof, save outside the hours fixed for school attendance. If they are employed outside the hours of school attendance, the employment shall not be such as to prejudice their attendance at school.

*Austria.* — ... §1 of Article I of the Federal Act of 13 July 1935 to lay down general rules to govern the employment of children in agriculture and forestry provides that, in agriculture and forestry, children (i.e. boys and girls who have not attained the age of 14 years) shall not be employed (utilised for child labour) or caused to work in any other way, otherwise than in accordance with the provisions of the Federal Act and of the Acts issued for the administration thereof. Children who attain the age of 14 years before completing their compulsory school attendance shall be subject to the above provisions until the end of the school year in which their compulsory school attendance expires. Under §11 (1), the children of other persons shall not be employed for

more than two consecutive weeks without a special licence (work card) issued by the authority responsible for the administration of the Act. §5 (1) of Article I lays down that children shall not be employed or caused to work in the establishments specified in the list contained in the schedule to the Act, and shall not be caused to perform the operations specified in the said list, among which the following may be mentioned as relating to agriculture: minding power engines and all machines, transmission machinery, lifts and hoists, driven by mechanical power; employment in connection with chaff-cutting and fodder-cutting machines; processes involving the generation of dust or fumes; felling trees and woodcutting; threshing; reaping. §5 (2) of Article I provides that the laws for the administration of the Act may supplement this list and may lay down further-reaching restrictions upon employment and other work of children. Under §4, children may be employed or caused to work only in so far as their health is not endangered thereby, their physical and mental development and morals are not endangered, they are not hindered in the performance of their religious duties and are not hampered in their attendance at school or in respect of facilities for profiting by the instruction given at school. §8 prescribes that more detailed provision shall be laid down in the administrative laws, subject to the requirements of §4, respecting the nightly rest to be granted, employment on Sundays, on the statutory public holidays, and on the holidays observed by the denomination to which the child belongs. See also introductory note.

*Nicaragua.* — See introductory note.

*Poland.* — Under the Constitution of 23 March 1935, §118 of the Constitution of 17 March 1921 remains in force; the section in question makes primary education compulsory for all Polish citizens.

*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.

*Uruguay.* — See introductory note.

## ARTICLE 2.

For purposes of practical vocational instruction the periods and the hours of school attendance may be so arranged as to permit the employment of children on light agricultural work and in particular on light work connected with the harvest, provided that such employment shall not reduce the total annual period of school attendance to less than eight months.

*Please state whether any arrangements have been made under the provisions of this Article, and, if so, describe the nature and working of such arrangements.*

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

*Austria.* — ... § 2 (2) of Article I of the Federal Act of 13 July 1935 to lay down general rules to govern the employment of children in agriculture and forestry provides that the causing of children to work exclusively for purposes of education or upbringing, the causing of children to perform isolated services, and the causing of a person's own children to work at light (even if regular) tasks of short duration in the household or on the land shall not be deemed to constitute the employment of child labour. Under § 6 (1), children shall not be employed in agriculture until they have attained the age of 10 years. After they have attained the age of 10 years they may be employed on light work. The laws for the administration of the Act shall define "light work", and may also lay down, under § 10, that in cases meriting special consideration the authorities responsible for the administration of the Act, after consulting the local school board, may authorise exceptions to the provisions of § 6 (1), subject to the requirements of § 4. See also introductory note.

*Nicaragua.* — See introductory note.

*Poland.* — ... The school year for the whole of Poland is fixed by the Orders of 22 March 1933 and 4 May 1935, 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 1 September to 20 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.

*Uruguay.* — See introductory note.

### ARTICLE 3.

The provisions of Article 1 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

*Austria.* — ... The report adds that, as school attendance is compulsory until the age of fourteen, that is, until the end of the school year during which the child has reached the age of fourteen, the protection afforded to children by the law is not diminished by § 2 (2) of the Act of 19 December 1918, which provides that the work of children for an instructional or educational object shall not be considered as employment.

*Nicaragua.* — See introductory note.

*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.

*Uruguay.* — See introductory note.

### III.

*Article 8 of the Convention is as follows:*

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

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

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

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

*Japan.* — ... The report adds that under § 3 of the Ordinance concerning public elementary schools in *Taiwan*, the following are not applicable in *Taiwan*: § 27 of the Imperial Order concerning elementary schools, which lays down the maximum holidays allowed; and § 35, which forbids persons employing children between 6 and 14 years of age who have

not completed their elementary education to prevent their attendance at school.

*Spain.* — The Government points out that the Convention is at present applied only in the autonomous territory of *Morocco*.

#### IV.

*Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.*

*Austria.* — ... § 12 of Article I of the Federal Act of 13 July 1935 to lay down general rules to govern the employment of children in agriculture and forestry provides that the authorities responsible for the administration of the Act shall be responsible for supervision of the observance of the provisions respecting the employment of children. The juvenile welfare offices at present in existence shall be bound to assist the said authorities. The communal authorities and school managers shall be bound to give assistance within the scope of their statutory powers to all officials concerned in the carrying out of the laws for the administration of the Act. Teachers in public schools, in schools with the rights of public educational institutions and in private schools, medical practitioners and instructors in religion shall in particular be bound to inform the competent authorities and officials of contraventions of provisions respecting the employment of children; they shall be bound to supply information respecting the employment of children in general and respecting special instances of the employment of children if the authorities responsible for the administration of the Act request this. § 13 lays down that contraventions of the provisions of the Federal Act and of the Acts for the administration thereof which are issued in pursuance thereof shall be punished by a fine not exceeding 500 schillings or detention for not more than two months, imposed by the authorities responsible for the administration of the Act, unless they entail a heavier penalty under any other Act. In pursuance of the result of penal proceedings the authority responsible for the administration of the Act may by a special award prohibit the offender either for a specified period or permanently from employing children or other persons. The said authority may also prohibit such employment in the case of a person who has been sentenced by a law court for a punishable action constituting an offence against morality or for injuring or endangering minors or young persons, or by an authority responsible

for the administration of the Act for illegal employment or treatment of children. See also introductory note.

*Nicaragua.* — See introductory note.

*Spain.* — Under § 5 of the Decree of 25 September 1934, it is the duty of the Ministry of Instruction and Fine Arts (at present Ministry of Public Instruction) to give the necessary instructions to school authorities for giving effect to the Decree. The Government states that it is not aware whether these instructions have been given by the competent authorities; night courses in schools have, however, been notified. The report states that the Ministry of Public Instruction is responsible for supervision of the application of the Convention, in which the labour inspectors also take part. 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.

*Uruguay.* — See introductory note.

#### V.

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

The reports supplied do not mention any such decisions.

#### VI.

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

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

*Austria.* — The Government states that 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 1935 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 statistics are available giving the number of children employed under the conditions prescribed by the Convention. 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 1934, the inspection services did not report any cases of infringement of the legal provisions concerning the age for admission of children to employment in agriculture. The Government 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' organisations 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 35.5 % 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 0.3 % for children between 6 and 12 years of age and 0.8 % 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 Convention are not available. However, in view of the fact that 99.58 % of the children attend schools, the supervision of contraventions seems unnecessary... In addition, measures were taken under Instruction No. 18 of the Ministry of Education, dated 7 September 1932, to provide meals

at school. The expense incurred by such measures was to be defrayed by the National Treasury, and amounted for the year 1935 to 826,549 yen (513,333 yen for 1932 and 880,000 yen for 1933 and 1934.). 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.

*Nicaragua.* — See introductory note.

*Poland.* — The Government states that no statistics are available showing the number of children employed in accordance with the provisions of the Convention.

*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.

*Uruguay.* — See introductory note.

# **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 1935 and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934—30 September 1935 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria . . . . .	12. 6.1924	16.11.1935
Belgium . . . . .	19. 7.1926	24.10.1935
Bulgaria . . . . .	6. 3.1925	15.11.1935
Chile . . . . .	15. 9.1925	20.12.1935
China . . . . .	27. 4.1934	30. 1.1936
Colombia . . . . .	20. 6.1933	13. 1.1936
Czechoslovakia . .	31. 8.1923	12. 2.1936
Denmark . . . . .	20. 6.1930	12.11.1935
Estonia . . . . .	8. 9.1922	19.10.1935
Finland . . . . .	19. 6.1923	1.11.1935
France . . . . .	23. 3.1929	17. 1.1936
Germany . . . . .	6. 6.1925	26.10.1935
Great Britain . . .	6. 8.1923	11. 2.1936
India . . . . .	11. 5.1923	14.12.1935
Irish Free State . .	17. 6.1924	2.11.1935
Italy . . . . .	8. 9.1924	11. 2.1936
Latvia . . . . .	9. 9.1924	25. 1.1936
Luxemburg . . . . .	16. 4.1928	10. 2.1936
Netherlands . . . .	20. 8.1926	13.11.1935
Nicaragua . . . . .	12. 4.1934	5.12.1935
Norway . . . . .	11. 6.1929	15.10.1935
Poland . . . . .	21. 6.1924	28.11.1935
Rumania . . . . .	10.11.1930	23. 3.1936
Spain . . . . .	29. 8.1932	30. 1.1936
Sweden . . . . .	27.11.1923	5.11.1935
Uruguay . . . . .	6. 6.1933	16. 3.1936
Yugoslavia . . . . .	30. 9.1929	11.11.1935

The Government of *Bulgaria* states in its report that a special Act concerning the rights of association and combination of agricultural workers is at present being drafted.

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 *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* states that, in virtue of § 38 of the 1934 Constitution, any person may form an association with other persons, whatever may be the object in view, provided they do not form an illegal association within the meaning of the law. The Constitution further provides in § 56 that the organisation of trade unions shall be encouraged by legislative measures such as exemption from payment of duties and the promulgation of rules for the recognition of legal personality. Stress is laid in the report on the fact that, under this section, workers have the right to strike, while the exercise of this right and its effects are to be treated accordingly. The report adds that in Uruguay rights of association and coalition are exercised with complete freedom, and that the Government maintains an attitude of strict neutrality in labour disputes.

## 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.*

<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".

*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 15 November 1867 respecting the right of association.

Act of 15 November 1867 respecting the right of assembly.

Act of 7 April 1870 respecting freedom of combination.

Act of 26 January 1907 respecting freedom of assembly, amended by Act of 5 April 1930 respecting freedom of work and assembly.

Various Acts passed by the federated provinces.

### *Belgium.*

Belgian Constitution.

Act of 24 May 1921 to guarantee freedom of association (L. S. 1921, Bel. 2-3).

### *Bulgaria.*

Constitution of Bulgaria (§ 83).

See also introductory note.

### *Chile.*

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

### *China.*

Act of 30 December 1930 concerning the right of association in agriculture.

### *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.

*Luxemburg.*

Constitution of the Grand Duchy of Luxemburg of 17 October 1868.

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

*Netherlands.*

Constitution of the Netherlands (§ 9).

Act of 22 April 1855 regulating the exercise of the rights of association and combination.

*Nicaragua.*

Constitution of the Republic of Nicaragua (§ 48).

*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).

General Act of 1887 concerning associations.

*Sweden.*

See under ARTICLE 1.

*Uruguay.*

See introductory note.

*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 under-

takes 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 Government 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...

*Bulgaria.* — ... See also introductory note.

*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*<sup>1</sup> or a garden of more than three *mows*<sup>1</sup>; (3) students of agriculture who have graduated from middle schools or colleges; (4) persons 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. The report adds further that the Ministry of Industry took note of the observation made by the Committee on the application of Conventions of the Nineteenth Session of the International Labour Conference in 1935, that there appears to be a discrepancy between the above provisions and the terms of the Convention, which are "to secure to all those engaged in agriculture the same rights of association and combination as to industrial workers." The Ministry has already submitted the observation to the Executive Yuan, and the latter has referred the question to the Legislative Yuan, for action.

*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.

*Nicaragua.* — The Government states that § 48 of the Constitution, which guarantees the right to assemble without arms, and to associate, for any legal object, is in harmony with the provisions of this Article. The report adds there is no legislation establishing a distinction between the rights of industrial and those of agricultural workers.

*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. Under § 4 (2) of the Act, agricultural workers' occupational organisations may include, in addition to agricultural workers proper, small landowners or tenant farmers who receive not less than 100 days' wages a year as remuneration for their labour as employed persons.

*Uruguay.* — See introductory note.

<sup>1</sup> 1 acre = c. 40 mows.

## 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. The report adds that the laws of *Surinam* and of *Curaçao* contain no provisions restricting the rights of association and combination of agricultural workers.

*Spain.* — The report states that the Constitution of the Spanish Republic and the Act of 8 April 1932 concerning associations apply without distinction or impediment of any sort in the territory of the Spanish Protectorate of *Morocco* and its self-governing cities. Several occupational associations of various kinds have been established, and are in operation in the territories of *Ceuta* and *Mellila*.

## 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.*

*Bulgaria.* — See introductory note.

*China.* — § 30 of the Act of 30 December 1930 provides that the provincial agricultural association shall be under the control of the provincial Government, the county and municipal agricultural associations under that of the county and municipal Governments respectively. The highest

supervising authority is the Ministry of Industry. Before establishing an association, the members shall be required to submit the regulations to the competent governmental authority for approval. § 14 provides that any agricultural association which by its assembly resolution gravely violates the law, shall be liable to be dissolved by the supervising authority with the approval of the higher supervising authority or the Ministry of Industry. Under § 31, the accounts of the agricultural association shall be submitted annually to the supervising authority, and to the Ministry of Industry for registration.

*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. The report adds that the enforcement of social legislation, including the application of this Convention, is by statute entrusted to the General Labour Office of the Ministry of Industry and Labour.

*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.

*Nicaragua.* — The Government states that no authority has been appointed in this connection.

*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. The report adds that, under § 42, the judicial authority is the only authority competent to dissolve associations set up in conformity with the Act.

*Uruguay.* — 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.*

*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 introductory note and 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, Chile possesses only 10 agricultural trade unions with a total of 807 members. Seven of these unions are corporate bodies at civil law. The Government adds that the employers' organisations have stated that in their opinion the establishment of agricultural unions is unsuitable to the character of the Chilean peasantry and declared that an extensive propaganda of subversive ideas was going on in the rural districts. The Government considered that these representations were unfounded, and did not take them into account.

*China.* — Up to the end of 1934, there were 11,115 agricultural associations registered by the Ministry of Industry. The Chinese Government finds no difficulty in applying the Convention. See also under ARTICLE 1. The Government adds that there is nothing particular to report with regard to the application of the Convention. No observations have been received from the organisations of employers or workers concerned.

*Colombia.* — The Government states that the employers' and workers' organisations have submitted no fundamental objections concerning the application of the Convention, though the usual complaints, based on differences of view concerning the activities of occupational associations during labour disputes, have occurred.

*Czechoslovakia.* — The report refers to the report of the Labour Inspection Service for 1934, 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 report adds that the Government has not received any observations from the employers' or workers' organisations concerned with regard to the practical application of the 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.

*Luxemburg.* — 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.

*Nicaragua.* — No information.

*Norway.* — See introductory note. The Government states that it has not received any observations from the organisations of employers or workers with regard to the practical fulfilment of the conditions prescribed by the Convention or the application of the national 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 31,039 paying members in 828 branches; (2) Agricultural Workers' Union, affiliated to the Trade Union Federation of the Republic of Poland, with 16,838 paying members in 52 branches; (3) Agricultural and Forestry Workers' Union, affiliated to the Federation of Trade Unions in Poland, with about 27,534 paying members in 348 branches; (4) Christian Agricultural Workers' Unions of the Republic of Poland, with about 2,000 paying members (exact figures are not available). These statistics refer to the year 1934.

*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. Neither workers' nor employers' organisations have made any observations on the application of the Convention, or the national law implementing it.

*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.

*Uruguay.* — See introductory note.

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

## 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 1935, and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium . . . . .	26.10.1932	24.10.1935
Bulgaria . . . . .	6. 3.1925	15.11.1935
Chile . . . . .	15. 9.1925	20.12.1935
Colombia . . . . .	20. 6.1933	13. 1.1936
Denmark . . . . .	26. 2.1923	12.11.1935
Estonia . . . . .	8. 9.1922	19.10.1935
France . . . . .	4. 4.1928	15. 1.1936
Germany . . . . .	6. 6.1925	26.10.1935
Great Britain . . .	6. 8.1923	11. 2.1936
Irish Free State . .	17. 6.1924	2.11.1935
Italy . . . . .	1. 9.1930	11. 2.1936
Latvia . . . . .	29.11.1929	25. 1.1936
Luxemburg . . . . .	16. 4.1928	10. 2.1936
Netherlands . . . .	20. 8.1926	18.11.1935
Nicaragua . . . . .	12. 4.1934	5.12.1935
Poland . . . . .	21. 6.1924	28.11.1935
Spain . . . . .	1.10.1931	30. 1.1936
Sweden . . . . .	27.11.1923	5.11.1935
Uruguay . . . . .	6. 6.1933	18. 3.1936

The Government of *Colombia* states in its report that it has submitted to Congress a draft Labour Code embodying the fundamental principles of this Convention. The complex work of legislation, with the preparatory study involved, has however held up the discussion of these problems, and so far the Convention in question has not been put into force. The report adds that there is no doubt that this year's Congress will pass an Act extending to all persons employed in agriculture the benefit of the workmen's compensation legislation now enjoyed by industrial workers.

The Government of *Nicaragua* states in its report that Chapter I of Book III of the draft Labour Code, which the Ministry of Agriculture and Labour submitted to Congress on 29 January 1934,

relates to industrial accidents. § 185 of the Chapter runs as follows: "The liability of the employer, as prescribed in this Chapter, shall apply to all undertakings and operations, whatever their character, in which workers or apprentices are employed". The draft Code has not yet, however, been approved by Congress.

The *Polish* Government stated in its last report that the Act of 28 March 1933 provided that the insurance of agricultural workers against incapacity for work or death should be governed by a special Act and that the relevant Bill had been laid before the Diet. In the report for the period 1934-1935, the Government states that the situation remains unchanged. See also under Article 1.

The Government of *Uruguay* states in its report that the workmen's accident compensation scheme introduced by the Act of 26 November 1928 and amended by the Act of 11 January 1934 respecting the reorganisation and development of the workers' pension scheme, applies to all work in which power other than human effort is employed. It adds that, since machines or animals, that is, power other than human effort, are used in agriculture, all agricultural production is automatically covered by the workmen's compensation scheme. Under the Act of 11 January 1934, the administration of the workmen's compensation scheme was entrusted to the Industrial, Commercial and Public Services Pensions Fund. The report further states that in 1935 there were two occupational accidents in agriculture.

### 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).

Chapter III of Legislative Decree No. 379 of 18 March 1925 relating to industrial accidents (L. S. 1925, Chile 4).

Decree No. 238 of 31 March 1925 issuing Regulations in pursuance of the above Legislative Decree, amended by Decree No. 1239 of 22 July 1930.

Decree No. 217 of 30 April 1926 to approve the appended Regulations respecting industrial hygiene and safety (L. S. 1926, Chile 2).

Decree No. 581 of 21 April 1927 relating to occupational diseases (L. S. 1927, Chile 2).

Decree No. 903 of 8 June 1927 relating to unclassified partial incapacity.

*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, 1925-1931 (L. S. 1925, G. B. 3; 1926, G. B. 10 and 1931, G. B. 4).

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).

*Nicaragua.*

Act of 13 May 1930 respecting industrial accidents (L. S. 1930, Nic. 1).

See also introductory note.

*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).



*Spain.*

Legislative-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).

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

Decree of 31 January 1933 to approve Regulations in pursuance of the Decree of 8 October 1932.

*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).

*Uruguay.*

See introductory note.

## II.

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

## ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to extend to all agricultural wage-earners its laws and regulations which provide for the compensation of workers for personal injury by accident arising out of or in the course of their employment.

*If agricultural workers are covered by a special system of workmen's compensation or accident insurance, please state what differences exist between the general system and that special system especially as regards:*

- (a) *The manner in which the persons and undertakings covered are respectively determined;*
- (b) *The conditions under which benefits in cash and in kind are granted and the amount of such benefits.*

*Belgium.* — Under the consolidated Acts in operation since 1 January 1932, all agricultural undertakings are covered by the law 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.

*Nicaragua.* — § 3 of the Act of 13 May 1930 respecting industrial accidents provides that employees who meet with accidents in employment in agriculture or stock-raising shall not be deemed to be wage-earning employees for the purposes of the Act; in these cases the liability of the employer shall be restricted to the provision of and payment for first-aid and the transportation of the victim of the accident to his home or to the nearest hospital. In case of death, the employer shall pay the funeral expenses up to a maximum of 30 córdobas. See also introductory note.

*Poland.* — . . . The report states that the Act of 28 March 1933 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 Decree of 12 June 1931 and the provisions of its administrative Regulations. In accordance with these provisions, compensation for industrial accidents, except for cases of temporary incapacity, is payable in a lump sum (§§ 65-67 and 71 of the Regulations), which in case of permanent total incapacity for all work must be equivalent to two years' wages.

*Uruguay.* — 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, 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.* — In a letter dated 9 May 1935, the Government stated that the Convention had been made applicable to the *Belgian Congo* and the *Belgian Mandated Territories* as from 1 April 1935, and that Decrees were being drafted for

the purpose of bringing the legislation of the colony into agreement with the provisions of the Convention.

*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 Kwang-chow-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 provides that it will only be applicable as from the date fixed by an Order of the Governor-General and after the publication in the Official Journal of Indo-China of the various Orders of the Governor-General which are necessary for its execution, and that these Orders must be published at the latest within the year following the publication of the aforesaid Decree in the Official Journal of Indo-China. These provisions are at the present moment in process of being carried out, and the Ministry of the Colonies is doing its utmost to ensure that the new Regulations shall be put into force on 1 January 1936.

*Great Britain.* — ... In the *Straits Settlements*, Ordinance 9 of 1932 was amended by Resolution in the Legislative Council on 26 August 1935, so as to include in its provisions persons employed on any estate or plantation on which not less than 25 persons are employed on any

one day of the year. The provisions in force in the *Federated Malay States* (Enactment 17 of 1932) and *Johore* (Enactment 15 of 1934) apply to persons employed on any estate or plantation on which not less than 50 persons are employed on any one day of the year. In *Ceylon*, Ordinance 19 of 1934 includes persons employed otherwise than in a clerical capacity on any estate which is maintained for the purpose of growing certain specified crops and on which on any one day in the preceding 12 months ten or more persons have been so employed. In *Grenada*, Ordinance 19 of 1934 excludes agricultural workers from the scope of the Ordinance except in so far as their employment is in connection with any engine or machine worked by mechanical power. The Ordinance has not yet been brought into force. The legislation under consideration in *Kedak* has now been enacted (Enactment 1 of 1933). Further legislation has also been enacted in *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 was brought into force on 1 October 1935. In *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. In *Surinam*, which has a heterogeneous and very sparse population, the economic depression makes any thought of introducing accident insurance out of the question. In *Curaçao*, the Government introduced a draft Order in the Colonial Council at the beginning of 1935 "establishing the obligation of the employer to pay, and the right of the worker to claim, compensation for an industrial accident or disease occurring in the undertakings covered".

*Spain.* — The provisions of the Convention have not yet been applied in the Spanish colonies and protectorates owing to the practical difficulties in the way of applying insurance in those territories. In the territory of the Spanish Protectorate of *Morocco* the previous industrial accidents scheme approved by the Dahir of 26 May 1919 is still in force.

## 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 assured by the Ministry of Corporations by means of 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.

*Nicaragua.* — See introductory note and under ARTICLE 1.

*Spain.* — The relevant legislation is enforced: (a) By the administrative authority (labour delegation) on application by the worker or his dependants,

by means of a very rapid administrative procedure the object of which is to induce the responsible party to fulfil its obligations without recourse to judicial action ; (b) by the Factory Inspection Service *ex officio*, with a view to the prevention of accidents ; (c) by the Social Insurance Inspectorate, which requires conformity with the obligation to insure against industrial accidents and may impose penalties in case of failure to do so ; (d) If occasion arises, by the National Accident Insurance Fund, to protect the Guarantee Fund ; (e) by the special courts, on application to them by the workers or their dependants or the Guarantee Fund.

*Uruguay.* — See introductory note.

## V.

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

*Chile.* — The report refers to 17 awards granting wage-earning agricultural employees or their dependants the right to the compensation and allowances provided by Chilean legislation.

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 covered by the legislation in question is 853,808. No observations have been made by the employers' and workers' organisations concerned.

*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 1934 (published in *Amtliche Nachrichten für Reichsversicherung*, 1935, p. IV 125) and in the *Statistik der Sozialversicherung* for 1933, published as appendix No. 9 to *Amtliche Nachrichten für Reichsversicherung*, 1934. From these publications it appears that in 1934 there were 37 agricultural and forestry corporations for the purpose of applying com-

pulsory accident insurance. 4,605,300 undertakings, comprising 14,054,000 insured employees, were insured with these corporations in 1933. Indemnities paid for accidents in agriculture in 1934 amounted to 49,383,000 Reichsmark for a total of 283,249 reported accidents, 42,305 of which were compensated for the first time. Statistics for 1935 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. In 1934, the number of fatal accidents in agriculture was 17; the total compensation paid for these accidents amounted to £1,991 (an average of £117.2/- per case). The number of non-fatal cases compensated was 3,139 (250 of which were continued from previous years); the total amount of compensation paid for all these cases was £45,456 (an average of £14.10/- per case). 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 1934 amounted to the sum of 74,352,600 lira. The total number of accidents giving rise to compensation was 78,413, of which 1,586 were fatal cases, 21,157 resulted in permanent invalidity and 55,670 in temporary invalidity. The benefits paid or to be paid after verification for accidents which happened during or before the year 1934 amounted to a sum of 106,405,550.85 lira. These figures do not, however, include accidents in forestry and agricultural processes of an industrial character, such accidents being dependent on the system of industrial accident insurance. 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 11,931 accidents in agriculture during 1934. 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 1934, in the section relating to agriculture and forestry, gives detailed information respecting the causes of accidents and injuries caused thereby. It states that 2,516 accidents were notified and that compensation was paid in 2,044 cases. Death resulted in 15 cases. The number of permanent pensions at the end of 1934 was 802.

*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 1933. 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 in 1933 which terminated fatally was 31, and the number which resulted in permanent incapacity was 19. 17,526 accidents gave rise to temporary benefit. The total amount of wages paid to insured workers was 117,800,000 florins. 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.

*Nicaragua.* — See introductory note and under ARTICLE 1.

*Poland.* — No information. See also introductory note.

*Spain.* — The report of the National Industrial Accident Insurance Fund, which accompanies the Government's report, contains statistical data with regard to the Fund's activities during the year 1934.

*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.

*Uruguay.* — See introductory note.

### 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 1935, and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria . . . . .	12. 6.1924	16.11.1935
Belgium . . . . .	19. 7.1926	24.10.1935
Bulgaria . . . . .	6. 3.1925	15.11.1935
Chile . . . . .	15. 9.1925	20.12.1935
Colombia . . . . .	20. 6.1933	15. 1.1936
Cuba . . . . .	7. 7.1928	18.11.1935
Czechoslovakia . .	31. 8.1923	12. 2.1936
Estonia . . . . .	8. 9.1922	19.10.1935
Finland . . . . .	5. 4.1929	1.11.1935
France . . . . .	19. 2.1926	3. 1.1936
Greece . . . . .	22.12.1926	
Latvia . . . . .	9. 9.1924	25. 1.1936
Luxemburg . . . . .	16. 4.1928	10. 2.1936
Nicaragua . . . . .	12. 4.1934	5.12.1935
Norway . . . . .	11. 6.1929	12.10.1935
Poland . . . . .	21. 6.1924	28.11.1935
Rumania . . . . .	4.12.1925	28. 3.1936
Spain . . . . .	20. 6.1924	6. 3.1936
Sweden . . . . .	27.11.1923	5.11.1935
Uruguay . . . . .	6. 6.1933	16. 3.1936
Venezuela . . . . .	28. 4.1933	15.10.1935
Yugoslavia . . . . .	30. 9.1929	11.11.1935

The Government of *Chile* stated in its previous reports that § 246 of Legislative Decree No. 178 of 13 May 1931, promulgated on 28 May 1931, which came into force on 29 November 1931, contained the legal basis for regulations not yet enacted, in which the provisions of the Convention would be incorporated. § 246 is as follows: "The industries and processes specified in the regulations, which may be revised periodically by the President of the Republic, shall be deemed to be dangerous or unhealthy. The regulations shall specify the substances the use of which is prohibited, such as white lead, sulphate of lead, etc., the proportionate amounts thereof which may be permitted...

and other rules respecting dangerous or unhealthy industries." In its latest report, the Government states that the reason for the non-issue of these regulations is that they are in practice unnecessary, it having been found that white lead is only used in painting in exceptional circumstances and then only for work in which its use is permitted under the Convention. The legislative provisions in force at present will be found in the Decree of 30 April 1926 to approve the appended regulations respecting industrial hygiene and safety and in the Decree of 21 April 1927 to approve regulations concerning occupational diseases.

The Government of *Colombia* states in its report that there are no undertakings in Colombia engaged in the manufacture of pigments. The pigments used are imported; and the instructions given by the foreign importing firms are followed in the different operations in which the use of such pigments is required. It is known that such pigments are used without any admixture that would make them particularly dangerous. In any case the National Health Department, the body competent to issue decisions on all questions relating to public health, is aware of the Convention and will certainly issue the necessary order in application of its provisions.

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

*Latvia*. — The Government of *Latvia* states in its report that a draft Instruction in application of the provisions of the Convention has been prepared by the Labour Protection Department, in agreement with the Public Health Department. This Instruction will shortly be issued by the Ministry of Social Welfare.

The Government of *Nicaragua* states in its report that no Acts or regulations in application of the Articles of this Convention yet exist, and that probably none will be introduced, since the customs and practice of the country do not require them.

The Government of *Uruguay* refers in its report to the Acts of 21 July 1914 and 26 November 1920 concerning the prevention of occupational accidents. The scope of these Acts was extended, by an Act of 11 January 1934, to include occupational diseases. In virtue of these provisions employers are required to take the necessary measures for protecting the health of their workers engaged in unhealthy work such as may give rise to occupational diseases. In § 8, the Act of 11 January 1934 provides that the necessary measures of protection will be laid down in special regulations. In this connection the Act expressly mentions "lead poisoning" as

an occupational disease. Occupational diseases are covered by the legal provisions concerning occupational accidents. They are therefore treated as an occupational risk entitling victims to the compensation prescribed in the Act. The report adds that the legislative protection for which the Convention calls is based on § 8 of the Act of 11 January 1934. According to this section, measures of protection against occupational diseases are to be laid down in special regulations. The Uruguayan Government is at present considering the adoption of the measures laid down in the Convention. These measures will be introduced as soon as possible.

The Government of *Venezuela* states in its report that it considers that there is no need to introduce any amendments to the Labour Act of 23 July 1928 (L. S. 1928, Ven. 2), since the provisions of that Act are, generally speaking, in accordance with the Conventions ratified by *Venezuela*. Further, it is impossible to supply the detailed information required, since *Venezuela* is not a genuinely industrial country.

#### 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.

#### *Cuba.*

Legislative Decree No. 215 of 16 May 1934 to prohibit the use of white lead in painting (L. S. 1934, Cuba 13).

Legislative Decree No. 105 of 25 July 1935, amending the above (L. S. 1935, Cuba 8).

#### *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.

Ministerial Order of 27 September 1935 to supplement Ministerial Order of 12 April 1930 (L. S. 1935, Est. 8).

*Finland.*

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

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

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

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

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

*France.*

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

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

Decree of 21 March 1914 (B. B. 1915, Vol. X, p. 103), amended by the Decrees of 24 September 1926 (L. S. 1926, Fr. 10 A) and 8 August 1930 (L. S. 1930, Fr. 13 A) concerning dangerous work prohibited to children and women.

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

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

Decree of 26 November 1934 to amend the Decree of 8 August 1930 respecting the use of white lead and sulphate of lead in painting work (L. S. 1934, Fr. 9 E).

Order of 4 December 1934 to determine the text of the notice pointing out the dangers of lead poisoning and the precautions to be taken to avoid them, in pursuance of § 11 of the Decree of 8 August 1930.

Order of 4 December 1934 to determine the text of the recommendations laid down in § 9 bis of the Decree of 8 August 1930 as amended by the Decree of 26 November 1934 for the medical examinations made in pursuance of §§ 8 and 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).

See also introductory note.

*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).

*Nicaragua.*

See introductory note.

*Norway.*

Act of 24 May 1929 partially prohibiting the use of white lead, etc., in painting (L. S. 1929, Nor. 1).

Royal Decree of 6 December 1929 concerning the putting into force of the above Act.

Regulations concerning the use of white lead, etc., in painting, issued under § 6 of the Act of 24 May 1929.

*Poland.*

Order of 20 September 1920 concerning the notification of cases of poisoning by lead, zinc, phosphorus, arsenic and mercury in industrial undertakings, factories and workshops (L. S. 1920, Pol. 2).

Decree of the President of the Republic of 30 June 1927 concerning the manufacture, importation and use of white lead, sulphate of lead and all other lead compounds (L. S. 1927, Pol. 7), extended to the Province of Silesia by Act of 13 February 1931.

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

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

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

Ministerial Decree of 13 September 1930 concerning the health and safety measures which are obligatory in the preparation of 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.

Ministerial Decision No. 63,162 of 17 October 1935 for the prevention of lead-poisoning.



*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).

*Uruguay.*

See introductory note.

*Venezuela.*

See introductory note.

*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.

*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 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.

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

*Nicaragua.* — 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.

*Uruguay.* — See introductory note.

*Venezuela.* — See introductory note.

#### 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.

*Cuba.* — § 2 of Legislative Decree No. 215 of 16 May 1934 provides that artistic painting and fine lining shall be exempted from the prohibiting laid down in § 1.

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

*Nicaragua.* — 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.

*Uruguay.* — See introductory note.

*Venezuela.* — See introductory note.

#### 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.*

*Belgium.* — The Royal Order of 31 October 1928, issued after consultation with the organisations contemplated by the Act of 2 July 1899, prohibits the employment of young persons under 18 years and women in painting work involving the use of white lead and other white lead pigments. No exception is permitted under Belgian legislation for apprentices, who are covered by the Royal Order in question.

*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.

*Cuba.* — § 4 of Legislative Decree No. 215 of 16 May 1934 lays down that the employment of young persons under eighteen 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 1), 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 clours 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.

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

*Nicaragua.* — 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 certificate delivered by a Government doctor or by the medical officer of the respective social insurance institutions that they are healthy and sufficiently developed physically. The report adds that 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.

*Spain.* — . . . The report adds that no order has been issued permitting the employment of apprentices.

*Uruguay.* — See introductory note.

*Venezuela.* — See introductory note.

#### ARTICLE 4.

The prohibitions prescribed in Articles 1 and 8 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.

*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. The Government adds that the provisions of this Article were applied on Cuba when the Legislative Decree came into force.

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

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

*Venezuela.* — 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.

*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 ceiling 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 Labour, 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 Department of Labour 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.

*Estonia.* — ... I (b). The Order of 12 April 1930 has been supplemented by the Ministerial Order of 27 September 1935, which adds the following new § 11 : If the paint is applied in the form of spray, measures shall be taken to prevent the worker from being soiled by the paint. The worker must also wear a respirator during work, supplied by the employer and properly disinfected, in order to avoid breathing in particles of paint.

*France.* — The question is at present regulated in France by the Decree of 8 April 1930 concerning the use of white lead and sulphate of lead in painting, amended by the Decree of 26 November 1934. These Decrees have repealed and replaced the Decree of 1 October 1913 concerning the use of white lead in painting. ... II (a). § 5 of the Decree prescribes that cloakrooms and lavatories must be installed outside the premises in which lead containing dust or effluvia is produced. A sufficient number of taps must be provided, as well as a good supply of water, soap, and a towel for each worker which must be changed at least once a week. An additional section, 5 *bis*, added by the Decree of 26 November 1934, lays down that no food or drink may be brought into or consumed in the workrooms, nor shall smoking be permitted. § 11 provides that the workshop regulations shall impose on the workers the duty of making use of these facilities. II (b)... III (b). The Decree of 8 August 1930, amended by the Decree of 26 November 1934, provides for the institution of medical inspection for the painting of buildings in a form ana-

logous to that laid down by Decrees of 1 October 1913 for the lead industry and other industries . . .

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

*Nicaragua.* — 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 employers shall place, free of cost, at the disposal of the staff employed in the workshops covered by the Decree, special working places, cloakrooms, washrooms and shower baths. In certain branches of the industries covered, as well as in all sections and workshops to which lead vapours or gases are likely to spread, as well as in places indicated by the supervising authorities (§ 24 of the Decree), the employers shall make arrangements for painting operations to be carried out in separate rooms which are properly ventilated. They must also provide the workers with respiratory masks. According to § 10, the employers are responsible for the upkeep in proper condition and the frequent washing of the special working clothes of their employees. §§ 11, 12 and 13 lay down special health provisions regarding the food of the workers, who are also required to drink half a litre of milk each before commencing work. III. §§ 14, 15, 16, 17 and 18 of the Decree contain a certain number of detailed provisions which give effect to the requirements of paragraph 3 of Article 5 of the Convention. IV. According to § 20 of the Decree of 30 January 1933, the managers of undertakings covered by the Decree are required to post up in a conspicuous fashion an extract from the Decree in all workshops, as well as on the premises where the payment of wages takes place. They are also required to post up the name and address of the medical practitioner responsible for the medical supervision of the staff, as well as of the place, the day and the hour at which such medical practi-

tioner 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.

*Spain.* — . . . II (c). Workers shall not be allowed to eat, drink or smoke during working hours inside workshops and establishments. Under § 6 this prohibition shall be posted up in a legible form in a conspicuous place. All receptacles containing white lead or sulphate of lead shall be conspicuously labelled as containing poison (§ 12). III (a) and (b). Doctors who have been informed of cases of lead poisoning or suspected lead poisoning shall immediately inform the provincial health inspector, who shall appoint a doctor to verify the case. § 6 of the Royal Decree of 19 February 1926 lays down that cases of lead poisoning or suspected lead poisoning should be examined by a doctor chosen by the competent provincial director of public health, who is empowered to require the medical examination of workers when this is considered necessary. The provincial health inspection service shall prepare detailed statistics on cases of lead poisoning or suspected cases of lead poisoning and shall transmit them twice a year to the Director General of the Labour Department of the Ministry (§ 14). IV. The Labour Inspectorate shall circulate to all working painters instructions containing the precautions indicated in the regulations. These instructions shall point out the necessity for a moderate use of alcoholic drinks, the necessity of healthy and nutritious food, and the advisability of avoiding acid foods, and shall encourage workers to drink as much milk as possible and to observe strict cleanliness in order to offer the greatest possible resistance to poisonous substances which may lead to lead poisoning (§ 13 of the Decree of 28 May 1931, and § 7 of the Royal Decree of 19 February 1926).

*Uruguay.* — See introductory note.

*Venezuela.* — See introductory note.

*Colombia.* — See introductory note.

#### 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.

*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.

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

*Nicaragua.* — See introductory note.

*Rumania.* — See below under point VI.

*Spain.* — . . . See under ARTICLE 3.

*Uruguay.* — See introductory note.

*Venezuela.* — See introductory note.

#### 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.

*Cuba.* — § 14 of Legislative Decree No. 215 of 16 May 1934 lays down that the Department of Labour shall keep statistics of lead poisoning among working painters.

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

*Nicaragua.* — See introductory note.

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

*Spain.* — . . . The report adds that complete statistics have not been drawn up.

*Uruguay.* — See introductory note.

*Venezuela.* — 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 or possessions, the action taken for the application of the Convention.*

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

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

*Belgium.* — The Government states that the Convention is not applicable to the Colony; it is being examined by the Ministry of the Colonies and the Government in Africa with a view to determining the methods of its application to the *Belgian Congo* and *Ruanda-Urundi* should this be decided on. It should be noted that the provisions of the legislation of the Congo are to a certain extent in harmony with the provisions of this Convention: an Order of the Governor-General, dated 31 May 1929, includes painting among the dangerous, unhealthy and harmful industries for which a permit must be obtained beforehand, and which are subject to supervision by the authorities; the Decree of 16 March 1922 respecting the contract of employment makes the employer responsible for seeing that the conditions of work of the persons engaged are such as to ensure their safety and protect their health.

*France.* — The Government states that in *Algeria* the prohibition of the use of white lead in the painting of buildings was made applicable by a Decree of 21 March 1913 and in *Morocco* by an Order of the Sultan of 13 July 1926. By a Decree dated 1 July 1933 the provisions of the Convention have also been made applicable to the colonies of *Martinique*, *Guadeloupe* and *Reunion*.

*Spain.* — The Convention is not as yet applied in the Protectorate zone of *Morocco*, although the Government is aware of cases of payment of compensation on account of lead poisoning.

#### 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.

*Cuba.* — The Government states in its report that application of the Convention and of the legislation implementing it lies with the Department of Labour, and, for judicial questions, with the criminal court magistrates. The work is carried out by the occupational hygiene section of the social hygiene branch of the Department of Labour.

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

*Nicaragua.* — 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.

*Uruguay.* — See introductory note.

*Venezuela.* — See introductory note.

*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 infringements reported. With regard to the observations made by the factory inspectors in the course of their visits to undertakings in question, the Government refers to the report of the medical adviser of the Labour Inspectorate, which may be found on p. 121 of the report on the activities of the Inspectorate 1934, and to the information given on pp. 83 and 84 of that report. The statistics of cases of lead poisoning among working painters etc. for the period 1 October 1934 to 30 September 1935 show that 15 cases of actual illness were reported, including two attacks of lead poisoning in the case of one worker of 44 years of age, the interval between the two attacks being four months. With one exception, all the workers who fell ill were men, and practically all of them had been working for many years with pigments containing lead. Their ages were as follows: 22 (2 cases), 24, 30, 31 (3 cases), 33, 34, 36, 37, 43, 44 and 49 (2 attacks in one case, as indicated above) years. In seven cases the attack was the first, in three cases the second, in one the fifth, in two it was unspecified, and in one case the previous period of illness was given as 1929 to 1934. In the case of a second attack, the first had occurred five years earlier in two cases and eleven years earlier in one; in the case of the fifth attack, the first had occurred 18 years, and the most recent three years earlier. The information supplied with regard to the length of time the workers concerned had been in employment was as follows: 1 month, 2 months, 1, 2, 4, 9, 10, 11, 12, 13, 16 and in one case, over 18 years; in two cases no information was given. The material used was generally described simply as pigments containing lead or zinc, occasionally as white lead or white zinc, once as red lead. The various symptoms of disease reported were: lead pallor (7 cases), anaemia (8 cases), colic (9 cases), arthralgia (5 cases), encephalopathy (3 cases), blood changes (1 case), the Burtonian line (1 case), stippling of erythrocytes (2 cases), and 1 case each of diarrhoea, impetigo, lassitude, a metal taste in the mouth, muscular and articular rheumatism and constipation. The report adds that neither

the employers' nor the workers' organisation have submitted to the Federal Government any observations with regard 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 1934, records 97 declared cases of lead poisoning, 52 of which gave rise to compensation. Of this number 36 cases resulted in temporary invalidity, 6 in permanent invalidity and 6 ended fatally. The Government recalls the fact in its report that under the Act of 30 March 1925 the use of lead carbonate and other white pigments is only permitted for external painting work, and only in certain industries; these products may be obtained by purchase certificates supplied by the Minister. For purposes of comparison, and in order that the general trend of consumption of white lead may be realised, the Government supplies the following statistical table of permits granted since the coming into force of the Act:

Year	Number of permits granted	Quantities of lead	
		Powder Kg.	Paste Kg.
1926	983	610,050	2,179,897 ½
1927	2,689	266,470	1,413,052 ½
1928	2,539	343,915	1,471,775
1929	2,156	521,895	1,821,895
1930	2,375	568,770	1,996,382 ½
1931	2,903	615,860	1,737,432 ½
1932	2,686	469,175	1,615,945
1933	2,566	321,905	1,653,577 ½
1934	2,578	93,410	1,651,902 ½

The Government adds that from the above table it may be seen that the position has remained stationary since the putting into force of the Act in so far as concerns the needs of the painting industry (white lead in the form of paste). With regard to the consumption of white lead in the form of powder, for use in the following industries: ceramics, earthenware, manufacture of printing ink, manufacture of paints, coachwork, and certain other industries, the figures show the development of the economic crises, viz., an increase up to 1931, corresponding to the period of prosperity, and a rapid fall since that year, corresponding to the present crisis. 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 Government states in its report that no cases of lead poisoning among working painters have been reported and there are consequently no statistics on the question. The number



of persons employed in paint factories is only 200. No statistics exist showing the number of women employed in painting work. The employers' and workers' organisations concerned have not made any observations with regard to the legislative provisions which give effect to the Convention. See also introductory note.

*Colombia.* — See introductory note.

*Cuba.* — The Government states that the inspection service reports were not received in time for inclusion in this report. They will be sent with the next. No observations on the practical fulfilment of the conditions of the Convention have been put forward by employers' or workers' organisations.

*Czechoslovakia.* — The Government sends with its report the reports of the workers' accident insurance institutes of Bohemia and Moravia. Up to 30 November 1935, according to these reports, compensation had been paid in 88 cases of lead poisoning, including 7 fatal cases.

*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 Government states that the application of the Convention has continued under the same conditions as previously. Details concerning the cases of lead poisoning notified during the past year are contained in the report on the application during 1934 of the Act of 25 October 1919 respecting industrial diseases, as amended by the Act of 1 January 1931. The number of cases of lead poisoning notified in 1934 was 674 (against 704 in 1933) of which 27 cases (against 23 in 1933) were working painters (metal painters 19 cases; painters in the building trade 4 cases; vehicle painters 3 cases; basket-work painters one case). The use of white lead in painting work in the building industry, whether internal or external, is prohibited by law in France (§ 79 of Book II of the Labour Code), and

no exceptions have been made to this prohibition up to the present, consequently any case of lead poisoning which is reported which concerns a working painter in the building industry is made the subject of a special investigation by the Labour Inspection Service. As a result of the enquiries made into the four cases mentioned above, it was discovered that three were chronic cases of lead poisoning (for one of whom the new attack was said to have been caused by the use of red lead) and in the fourth case the painter was employed on maintenance work in a factory, and was said to have actually used white lead, though only in small quantities, on his own initiative. With regard to the three cases of attacks suffered by vehicle painters and the case of the attack suffered by a basket-work painter, these were attributed to the use of white lead, and therefore come within the scope of the Decree of 8 August 1930 concerning the use of white lead and sulphate of lead in painting work. The 19 cases which concern metal painting were due to the use of red lead and therefore do not concern the application of the Convention. In 1934, there were no cases of proceedings being taken for contravention of the prohibition of the use of lead compounds in the painting of buildings. Contraventions of the regulations with regard to the use of lead compounds in painting work where their use is not prohibited gave rise to 43 warnings, 1 summons and 4 prosecutions. 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 Government states in its report that, according to the competent service of the Ministry of Social Welfare, there were 15 cases of lead poisoning among working painters in 1934, and 17 cases in 1935. In general, application of the Convention is stated to be satisfactory, and no complaint on the subject has been put forward by the occupational organisations concerned.

*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 1934 indicates that three cases of occupational disease were reported; that two were refused, and that one is still unsettled. 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.

*Nicaragua.* — See introductory note.

*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 report of the head of the Medical Labour Inspection Service for the year 1934 states that there were 15 cases of lead poisoning during the year in question among working painters and varnishers, as against 11 in the preceding year. These cases of lead poisoning, however, were due to the use of red lead and not white lead.

*Rumania.* — The Government, in its report, states that, according to statistics supplied by the Rumanian Demographic Institute, the number of deaths caused by chronic poisoning by mineral substances was 18 in 1932, 6 in 1933, and 6 in 1934. Further, according to the last social insurance sickness figures, issued by the Central Social Insurance Fund for 1933, the number of cases of chronic poisoning (by alcohol and by organic and mineral substances) was 159, distributed as follows: surface mining, 3; underground mining, 38; electro-technical metallurgy, 19; woodworking, 4; building, 4; textiles and ready-made clothing, 17; skins and furs, 12; foodstuffs, 8; chemicals, 9; printing trades, 8; credit and insurance undertakings, 3; commercial undertakings, 14; transport, 1; miscellaneous, 7; unspecified, 12. No observations have been received from the employers' and workers' organisations with regard to the practical application of the provisions of the Convention.

*Spain.* — The Government states in its report that the labour inspectorate reported ten cases of infringement of the Decree of 28 May 1931 in 1934. These cases were distributed as follows: foodstuffs, 2; building, 4; water, gas, electricity, 1; commerce, 2.

*Sweden.* — The Government states that, no report has been made to the Labour Department with regard to § 5 of the Act to prohibit in certain cases the employment of workers in painting work in which lead colours are used, nor has the State Insurance Office received any request for compensation for cases of poisoning which might have been caused by any of the products covered by the Convention. 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.

*Uruguay.* — See introductory note.

*Venezuela.* — See introductory note.

*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 1935, and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium . . . . .	19. 7. 1926	24. 10. 1935
Bulgaria . . . . .	6. 3. 1925	15. 11. 1935
Canada . . . . .	21. 3. 1935	19. 10. 1935
Chile . . . . .	15. 9. 1925	20. 12. 1935
China . . . . .	17. 5. 1934	30. 1. 1936
Colombia . . . . .	20. 6. 1933	16. 1. 1936
Czechoslovakia . .	31. 8. 1923	12. 2. 1936
Estonia . . . . .	29. 11. 1923	19. 10. 1935
Finland . . . . .	19. 6. 1923	1. 11. 1935
France . . . . .	3. 9. 1926	3. 1. 1936
Greece . . . . .	11. 5. 1929	
India . . . . .	11. 5. 1923	14. 12. 1935
Irish Free State . .	22. 7. 1930	7. 10. 1935
Italy . . . . .	8. 9. 1924	11. 2. 1936
Latvia . . . . .	9. 9. 1924	25. 1. 1936
Lithuania . . . . .	19. 6. 1931	9. 3. 1936
Luxemburg . . . . .	16. 4. 1928	10. 2. 1936
Nicaragua . . . . .	12. 4. 1934	5. 12. 1935
Poland . . . . .	21. 6. 1924	28. 11. 1935
Portugal . . . . .	3. 7. 1928	16. 1. 1936
Rumania . . . . .	18. 8. 1923	23. 3. 1936
Spain . . . . .	20. 6. 1924	6. 3. 1936
Sweden . . . . .	22. 12. 1931	5. 11. 1935
Switzerland . . . .	16. 1. 1935	1. 11. 1935
Uruguay . . . . .	6. 6. 1933	16. 3. 1936
Yugoslavia . . . . .	1. 4. 1927	11. 11. 1935

The Government of *Canada* states in its report that the regulations to be issued

under the Act of 4 April 1935 to provide for a weekly rest in industrial undertakings, which came into effect on 4 July 1935, are in course of preparation but have not as yet been completed. They will be sent to the International Labour Office in due course.

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 Saorstat* that the act of ratification may be regarded as the reaffirmation of a recognised principle.

The Government of *Nicaragua* states in its report that Chapter XV (Book II) of the draft Labour Code, which the Ministry of Agriculture and Labour of the Republic submitted to Congress on 29 January 1934, lays down in § 122 that the proprietors, managers and administrative heads of all commercial and industrial undertakings shall allow to every worker and salaried employee working under their authority a day's rest in each week. The day's rest shall be on Sunday. Under § 126, the following exemptions are permitted: operations for the repair of damage caused by *force majeure* or chance, provided such repairs cannot be postponed: operations which must be continuous, owing either to the nature of the needs which they satisfy, or to technical reasons, or to reasons based on the desirability of avoiding great loss to the public or to the undertaking; work which, by its nature, can only be done in certain seasons and depends on the vagaries of the weather; operations which cannot be postponed or are necessary for the satisfactory working of the establishment. § 127 provides that the persons exempted in the above cases shall receive at least one day's rest in every fortnight. The draft Code also prescribes penalties in case of infringement. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

The report of the Government of *Uruguay* states that legislation providing for a compulsory weekly rest in all occupations was introduced by the Acts of 26 November and 10 December 1920, supplemented later

by the Act of 22 October 1931, which made provision for a Saturday afternoon rest. In industrial undertakings provision is made for a weekly rest by the Act of 10 December 1920, which applies to all the occupations mentioned in Article 1 of the Convention. Under this Act a rest day after every six days' work or a rest day every six days is compulsory for every employer, director, manager or acting manager, employee and worker in any industrial or commercial establishment or annex thereof, irrespective of the nature of the establishment, whether public or private, lay or religious, and even if such establishment exists for vocational training or philanthropic purposes. The rest is to last not less than 24 consecutive hours. As a general rule all persons employed in the undertaking have their weekly rest on Sunday. Nevertheless, in industries where work is necessarily continuous, in undertakings where it can be proved that, in cases of emergency, work, on a reduced scale, must be done on Sunday, in industries or trades supplying foodstuffs which are daily and absolute necessities, and in general in all cases in which it is proved that a general rest on Sunday for the whole staff of an establishment may be prejudicial to the public interest or to the normal working of the establishment, the weekly rest may be granted on some other day of the week or in two half-days starting at midday, or from 1 p.m. on Sunday till 1 p.m. on Monday, or on Sunday afternoon with a compensating rest of one day per fortnight in rotation. Whenever it is desired that work shall be done on Sunday in other cases than those mentioned above, the undertaking concerned must allow staff one day's rest for every five days of work. The report adds that in the light of the above information Uruguayan legislation concerning the weekly rest in industry would appear to cover all the undertakings and occupations mentioned in the Convention and to afford a wider measure of protection than that stipulated in the latter. The Act of 1920 applies to all industrial establishments and their annexes irrespective of the nature of the undertaking, whether public or private, lay or religious, and even if such establishment exists for vocational instruction or philanthropic purposes. The Act makes the weekly rest compulsory for the employer and manager and further applies to industrial establishments in which only members of the same family are employed, though such establishments are exempted under Article 3 of the Convention. Further, it provides that one day's rest shall be granted for every five days' work in undertakings which are not covered by an exception to the principle that the weekly rest shall be taken on Sunday and where it is desired that work shall be done on that day. The report states that the same measures are taken to ensure the application of the Convention as to super-

wise hours of work (see *Convention No. 1 (Hours of work, industry)*, introductory note) and that fines are inflicted for contraventions. Further, the 1934 Constitution provides in § 53 that all wage-earning or salaried employees in employment or service shall be entitled by law to a weekly rest. Finally, under the Legislative Decree of 7 April 1933, a Superior Labour Council was set up, the membership of which includes representatives of employers' and workers' organisations. Representation on the Superior Labour Council enables workers to take a direct part in securing the application of the Acts and Decrees regulating conditions of work, pensions and social insurance. It also affords them an opportunity of proposing such measures as they consider likely to improve social legislation.

### I.

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

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

#### 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).

#### Canada.

Act of 4 April 1935 concerning the weekly rest in industrial undertakings (L. S. 1935, Can. 8).

See also introductory note.

#### Chile.

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

#### 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).

Order of the Minister of Industry of 1 November 1934.

#### 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 19 December 1934 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 19 December 1934 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 1934 (L. S. 1934, Ind. 2) as subsequently amended.

Indian Mines Act of 1923 (L. S. 1923, Ind. 3) as subsequently amended (L. S. 1928, Ind. 1 and 1935, Ind. 4).

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 (L. S. 1933, I. F. S. 4).

See also introductory note.

*Italy.*

Act of 22 February 1934 concerning Sunday and weekly rest (L. S. 1934, It. 3).

Ministerial Decree of 22 June 1935 concerning the regulation of rest periods granted in rotation to certain classes of workers.

Royal Legislative Decree of 22 July 1923 issuing service regulations for the staff of the State railways (L. S. 1923, It. 8).

Royal Legislative Decree of 19 October 1923 containing regulations concerning the drawing up of working lists and shift time-tables for the staff employed in public transport services worked under a concession (L. S. 1923, It. 8), as amended by the Royal Legislative Decree of 2 December 1923 (L. S. 1923, It. 8).

Royal Decree of 24 December 1924 and regulations for the administration of the Royal Decree of 31 December 1924 respecting conditions of service and wages of wage-earning employees in State Departments.

*Latvia.*

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

*Lithuania.*

Act of 30 November 1919 respecting hours of work (L. S. 1920, Lith. 2), amended by Acts of 24 November 1925 (L. S. 1925, Lith. 1) and 2 April 1931 (L. S. 1931, Lith. 2).

Act of 14 May 1930 concerning public holidays and days of rest (L. S. 1930, Lith. 1).

*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).

*Nicaragua.*

See introductory note.

*Poland.*

Act of 18 December 1919 relating to hours of work in industry and commerce (L. S. 1920, Pol. 1), text as in the Notification of the Minister of Social Welfare of 25 October 1933 (L. S. 1933, 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).

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.

Decree of the Minister of Social Welfare of 27 December 1933, made in agreement with the Minister of Industry and Commerce, respecting the hours of work of tramway workers.

*Portugal.*

- Legislative Decree of 8 March 1911 concerning the weekly rest (B.B. Vol. VI, 1911, p. 189.)
- Decree No. 22,500 of 10 May 1933 concerning hours of work in transport undertakings (L.S. 1933, Por. 2).
- Legislative Decree No. 23,048 of 23 September 1933 to promulgate the National Labour Statute (L.S. 1933, Por. 5).
- Legislative Decree No. 24,402 of 24 August 1934 regulating 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).

*Switzerland.*

- Federal Act of 26 September 1931 respecting weekly rest (L. S. 1931, Switz. 9).
- Regulations and Orders in pursuance of the above Act :
- Administrative Regulations of the Federal Council of 11 June 1934.
  - Order of the Federal Department of Public Economy of 14 January 1935 concerning the weekly rest of the staff of cinematographs.
  - Order of the aforesaid Department of 3 August 1935 concerning the weekly rest of workers employed by gardeners.
  - Order of the aforesaid Department of 3 August 1935 concerning the weekly rest of workers employed by dairy contractors and in dairies.
- Federal Factory Act of 18 June 1914/27 June 1919 (B.B. 1914, Vol. IX, p. 259 and L.S. 1919, Switz. 3).
- Order promulgated by the Federal Council on 3 October 1919/7 September 1923, in pursuance of the above Act (L. S. 1919, Switz. 4 and 1923, Switz. 3).
- Federal Act of 6 March 1920 regulating the hours of labour of persons employed on railways and in other services connected with transport and communications (L.S. 1920, Switz. 1).
- Administrative Orders Nos. I and II of the Federal Council of 12 August 1921.
- Federal Act of 15 March 1932 concerning the circulation of motor vehicles and cycles.
- Order of the Federal Council of 4 December 1933 regulating the hours of work and rest of professional drivers of motor vehicles (L. S., 1933, Switz. 8).
- Various Federal Circulars, Instructions drawn up by the Federal Office of Industry, Arts and Crafts, and Labour, and measures taken by the Cantons, which are in the first instance responsible for the application of the Federal Acts, with the exception of the Act of 6 March 1920. These measures are of an essentially administrative character.

*Uruguay.*

See introductory note.

*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.*

*Canada.* — Under the Act of 4 April 1935 concerning the weekly rest in industrial undertakings, the term "industrial undertaking" includes those enumerated in paragraphs (a), (b) and (c) of this Article of the Convention, and also the transport of passengers or goods by road or rail including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

*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. The Order of 1 November 1934 provides that, before the promulgation of the Mines Act, all the provisions of the Factory Act of 30 December 1932 and the Regulations governing its enforcement shall provisionally apply to all mines conforming to the conditions laid down by § 1 of the aforesaid Factory Act.

*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.

*India.* — ... § 71 B of the Indian Railways Act, 1890, as amended by the Railways (Amendment) Act, 1930, lays down that the latter Act, which embodies the provisions of this Convention, applies to such railway servants or classes of railway servants as the Governor General in Council may by rules made under § 71 E prescribe. These rules, made by the Governor General in Council, are the "Railway Servants Hours of Employment Rules, 1931". The statutory provisions made by these rules came into force on two of the State-managed railways, viz. North Western Railway and East Indian Railway, from 1 April 1931, and on two others, viz. Great Indian Peninsula Railway and Eastern Bengal Railway from 1 April 1932. During the period under review the Rules were extended to the Bombay Baroda and Central India Railway and the Madras and Southern Mahratta Railway, and the extension became effective from 1 November 1935. The report states that in actual practice the weekly rest day is already observed by railway administrations for practically all classes of employees except train staff, certain men working in stations and yards, those engaged in light intermittent duties such as gatemen and men employed on maintenance of way and bridges, but in all these cases periods of rest are arranged which, although not strictly in accordance with Article 2 of the Convention, approximate to the principle involved. No decisions have been taken in regard to the line of division which separates industry from commerce and agriculture, as the question does not arise in the case of India; see under *Convention No. 1 (Hours of work, industry)*, ARTICLE 10, the provisions of

which are applicable to this Convention also.

*Irish Free State.* — ... The Act of 29 June 1933 concerning road traffic applies to drivers and conductors of large public service vehicles, i.e. public service vehicles having seating accommodation for more than six persons exclusive of the driver.

*Italy.* — § 1 of Act No. 370 of 22 February 1934 lays down that the Act shall apply to all persons working on account of another person; the following are excepted: (1) persons devoted to domestic work which is necessary for family life; ... (3) out-workers; (4) persons charged with the technical or administrative control of an undertaking and directly responsible for the satisfactory functioning of the various departments; (5) navigating staff; (6) persons engaged in migratory stock-breeding; (7) persons working on a profit-sharing basis, including metayers and settlers. Account will be taken of the predominating methods of payment in the case of persons working for wages and on a profit-sharing basis; (8) persons engaged in cultivation of rice who are subject to special provisions; (9) staff who are directly connected with public railway and tramway undertakings; (10) the staff of the public services directly managed by the State, the provinces and the municipalities, and the staff of industrial undertakings directly administered by the Government; (11) the staff of Government, provincial and municipal offices and the staff of the offices and departments of public institutions for relief or welfare; (12) the staff of the royal educational and training institutions, even when these institutions are bodies corporate and administered autonomously, and the staff of educational and training institutions managed directly by the provinces and municipalities; (13) the staff of other public institutions which are administered under special legislative provisions; (14) subject to the provisions of §§ 4 and 5 (3), the staff engaged in industries working with raw materials subject to rapid deterioration the work on which does not exceed three months in the year. The staff of the State railways and of public transport services working under a concession, and the salaried employees in Government departments are subject to the provisions of the Decrees of 22 July and 19 October 1923 and 24 December 1924. The report states that no decision has been taken with regard to the line of division which separates industry from commerce, since the provisions concerning the compulsory weekly rest cover both industrial and commercial undertakings. As regards agriculture, § 8 of Act No. 370 of 22 February 1934 lays down that, with the exception of the agricultural processes covered by § 1 (6, 7 and 8) the

weekly rest for agricultural workers shall be regulated by collective agreements.

*Nicaragua.* — See introductory note.

*Poland.* — The Act of 18 December 1919 relating to hours of work in industry and commerce, text of the Notification of 25 October 1933, covers all persons employed under a contract of work in industrial and commercial establishments, mines, communication and transport undertakings and any other industrial establishments of whatever kind, whether public or private, even those not carried on for purposes of gain . . .

*Portugal.* — The report states that the weekly rest applies to the whole active population, whatever its occupation. § 26 of Legislative Decree No. 23,048 to promulgate the National Labour Code lays down the principle of weekly rest for workers in agriculture, industry and commerce. Legislative Decree No. 24,402 of 24 August 1934 regulating hours of work in industrial and commercial undertakings applies to all offices, shops, warehouses, workshops, factories, businesses, urban public transport services, and other premises where commercial or industrial operations are carried on (§ 1(1)). Decree No. 22,500 of 10 May 1933 applies to undertakings for the 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 (§ 1). Inland navigation and similar undertakings are covered by the Legislative Decree of 8 March 1911.

*Switzerland.* — The four Acts and the relevant Administrative Orders define their scope as follows: *Act respecting weekly rest* (§ 1(1)): (a) commerce; (b) handicrafts and industry in so far as the provisions of the Factory Act are not applicable; (c) transport and communications, in so far as the provisions of the Act regulating hours of work in transport undertakings, of the rules for Federal officials, and of the Order of 4 December 1933 are not applicable; (d) allied branches of industry; *Factory Act* (§ 1(1)): industrial undertakings of the nature of factories; *Act regulating hours of work in transport undertakings* (§ 1(3)): (a) the Swiss Federal Railways; (b) the Postal Services; (c) the telegraph and telephone services; (d) transport and communications undertakings licensed by the State; *Act concerning the circulation of motor cars and Order of 4 December 1933* (§ 1 (1) and (2)): professional drivers of motor vehicles. With regard to the line of demarcation, the report gives detailed information from which it appears that it is fixed differently according to the Act in question. The decision to apply one of the above Acts and Orders to an undertaking is taken

either by the Federal Office of Industry, Arts and Crafts, and Labour, or by the Federal Council. An appeal against any such decision may be laid before the Federal Court. During the period under review, the Court has given judgment on six appeals of this kind; two other appeals are pending.

*Uruguay.* — See introductory note.

## ARTICLE 2.

The whole of the staff employed in any industrial undertaking, public or private, or in any branch thereof shall, except as otherwise provided for by the following Articles, enjoy in every period of seven days a period of rest comprising at least twenty-four consecutive hours.

This period of rest shall, wherever possible, be granted simultaneously to the whole of the staff of each undertaking.

It shall, wherever possible, be fixed so as to coincide with the traditions or customs of the country or district.

*Canada.* — § 3 of the Act of 4 April 1935 lays down that the whole of the staff employed in any industrial undertaking, public or private, or in any branch thereof, shall except as otherwise provided for in §§ 4 and 5 be granted by the employer 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. This period of rest shall wherever possible be the Lord's Day as defined in the Lord's Day Act.

*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. The Order of 1 November 1934 declares that, before the promulgation of the Mines Act, all the provisions of the Factory Act of 30 December 1932 and the Regulations governing its enforcement shall provisionally apply to all the mines conforming to the conditions laid down by § 1 of the aforesaid Factory Act.

*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. § 1 of the Decree of 23 July 1931 contains a similar provision. § 2 of the Decree lays down that every employer, head of an undertaking or person engaged in commerce who



as a rule employs more than two wage-earning or salaried employees shall keep his establishment closed to the public on Sunday. For this purpose "wage-earning or salaried employee" shall mean any person who works regularly for the occupier of the establishment or who helps regularly in the management thereof, even if he is a member of the family of the occupier and if it is alleged that he is not in receipt of special remuneration for his services. § 13 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.

*India.* — § 35 of the *Factories Act* provides that "no adult worker shall be allowed to work in a factory on a Sunday unless (a) he has had, or will have, a holiday for a whole day on one of the three days immediately before or after Sunday, and (b) the manager of the factory has, before that Sunday or the substituted day, whichever is earlier, (i) delivered a notice to the office of the inspector of his intention to require the worker to work on the Sunday and of the day which is to be substituted, and (ii) displayed a notice to that effect in the factory. Provided that no substitution shall be made which will result in any person working for more than ten days consecutively without a holiday for a whole day. § 54 (4) lays down that the provisions of § 35 shall apply also to child workers, but no exemption from the provisions of that section may be granted in respect of any child. For mines, . . .

*Irish Free State.* — . . . Under § 122 of the Act of 29 June 1933 concerning road traffic, every person employed as driver or as conductor of a large public service vehicle shall have a weekly period of rest of not less than twenty-four consecutive hours in every period of seven days.

*Italy.* — §§ 1 and 3 of Act No. 370 of 22 February 1934 provide for a weekly rest period of twenty-four consecutive hours, which must normally be granted on Sunday . . .

*Nicaragua.* — See introductory note.

*Poland.* — § 10 of the Act of 18 December 1919, text of the Notification of 25

October 1933, prohibits work on Sundays and statutory public holidays in establishments to which the Act applies, except in the cases specified in § 11 (see under ARTICLE 6).

*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. § 8 of Decree No. 22,500 of 10 May 1933 lays down that the transport workers covered by the Decree are entitled to 52 rest days in the year; these may be fixed at the rate of one day a week, or a fraction of the above-mentioned number may be fixed periodically, and the balance of the 52 days may be granted in groups or separately, according to the convenience of the undertakings and the employees concerned. If the rest is not given weekly, the interval between two consecutive periodical rest periods shall not exceed a fortnight. The Legislative Decree of 8 March 1911 provides that the weekly rest must be given on Sunday (§ 2). Owing to the special nature of work in inland navigation, however, the rest of the employees in such undertakings will be fixed by special regulations.

*Switzerland.* — *The Act respecting weekly rest* lays down in § 5 (1) that employees shall be granted every week a rest period of not less than twenty-four consecutive hours. § 6 provides that the rest period shall be granted on Sunday to all employees alike, except when employment on Sunday is allowed by law. The *Factory Act* does not expressly provide for a rest given weekly. The report adds, however, that such a rest period, granted uniformly on Sunday to all workers, results from the fact that no work may be done on Sunday without a permit. Under § 9 (1) of the *Act regulating hours of work in transport undertakings*, every official, employee or worker is entitled to 56 days of rest in each calendar year, suitably distributed, and not less than twenty of these days must be Sundays or public holidays. A day of rest must cover twenty-four hours.

§ 5 of the *Order of 4 December 1933 (motor drivers)* provides that every professional driver shall be entitled to 52 days of rest of twenty-four hours each during the calendar year, and, if possible, these days shall be given once a week. This weekly day of rest must be given on Sunday or on a public holiday, unless work is legally permitted on Sunday.

*Uruguay.* — See introductory note.

### ARTICLE 3.

Each Member may except from the application of the provisions of Article 2 persons employed in industrial undertakings in which only the members of one single family are employed.

*Canada.* — The Act of 4 April 1935 contains no provision of this kind.

*China.* — Chinese legislation contains no provision of this kind.

*Colombia.* — The legislation in question contains no provision of this kind. See under ARTICLE 2.

*Italy.* — § 1 of Act No. 370 of 22 February 1934 lays down that the provisions with regard to the weekly rest shall not apply to the wife of an employer, to his parents, or to his relations up to the third degree, if they live with him and are supported by him.

*Nicaragua.* — See introductory note.

*Poland.* — The Act of 18 December 1919, text of the Notification of 25 October 1938, and the other laws and orders concerned do not provide exceptions in the case of undertakings in which only members of the same family are employed.

*Portugal.* — The legislation in question contains no provision of this kind.

*Switzerland.* — § 2 of the *Act respecting weekly rest* excepts the members of the family of the occupier of the undertaking. The Administrative Order under the *Factory Act* excepts the members of the family of the occupier who are permanently employed in his undertaking without the co-operation of other persons. With regard to the *Act regulating hours of work in transport undertakings* and the *Order of 4 December 1933 (motor drivers)*, no use has been made of the exception allowed by this Article of the Convention.

*Uruguay.* — See introductory note.

### 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.*

*Canada.* — § 3 (4) of the Act of 4 April 1935 lays down that the provisions of this section shall not apply in the case of persons holding positions of supervision or management, nor to persons employed in a confidential capacity. Under § 4 (1), the Governor in Council may make regulations authorising total or partial exceptions under conditions similar to those prescribed by this Article of the Convention. On this question, see introductory note.

*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. The Order of 1 November 1934 lays down that these provisions shall also apply to mines until the promulgation of the Mines Act.

*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.

*India.* — With regard to *factories*, the exceptions to § 35 concerning weekly rest

may be found in §§ 43 and 44 of the Factories Act. Under § 43, the Local Government may except persons who hold positions of supervision or management or are employed in a confidential position; it may also make rules for the exemption, under such conditions as may be prescribed in such rules, of adult workers (i.e. workers of more than 17 years of age) who are engaged on urgent repairs, preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory, work which for technical reasons must be carried on continuously throughout the day, making or supplying articles of prime necessity which must be made or supplied every day, manufacturing processes which cannot be carried on except during fixed seasons, manufacturing processes which cannot be carried on except at times dependent on the irregular action of natural forces, and work in engine rooms or boiler houses. Under § 44, the Local Government, or subject to the control of the Local Government the Chief Inspector, may, by written order, exempt, on such conditions as it or he may deem expedient, any or all of the adult workers in any factory or group or class of factories from any or all of the provisions of § 35, on the ground that the exemption is required to enable the factory or factories to deal with an exceptional press of work. The duration of the exemption may not be for a longer period than two months. With regard to *mines*, . . .

*Italy.* — The report states that the recent Act and the Decrees at present in force regulate with exactitude the exceptions to the compulsory weekly rest; these exceptions are made for economic and technical reasons, and the measures which establish them are adopted after consultation with the occupational organisations concerned and after examination by the Corporative Inspection Department. See also under ARTICLE 6.

*Nicaragua.* — See introductory note.

*Poland.* — Provision has been made for the exceptions permitted by this Article in the Act of 18 December 1919, text of the Notification of 25 October 1933. See also under ARTICLE 6.

*Portugal.* — § 26 of Legislative Decree No. 23,048 of 23 September 1933 to promulgate the National Labour Code establishes the principle that the weekly rest day shall be Sunday, save in exceptional cases and for sufficient reasons. § 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. For the provisions of Decree No. 22,500 of 10 May 1933, see above, under ARTICLE 2. Under § 1 (2) of the Decree of 8 March 1911 the work of cleaning or repairing machinery may be permitted in factories on the day assigned for the weekly rest, but only up to midday under arrangement between the masters and their employees. § 1 (4) provides that in industrial establishments in which any interruption of work may entail the destruction of the materials used or of the manufactured products, or may cause in any other manner the paralysis of an industry, continuous work shall be permitted, one day of rest in each week being granted in turn to each person employed in such establishments, the Sunday being reckoned in this case as a working day.

*Switzerland.* — § 2 of the *Act respecting weekly rest* excepts the manager of the undertaking and the members of his family from the provisions concerning the weekly rest. It also lays down the following exceptions: § 8: the weekly rest period may be temporarily reduced or omitted altogether if this is necessary to avoid or remedy serious disturbances in the undertaking, prevent the spoiling of materials or goods, meet any other emergency or deal with exceptional pressure of work. § 9: the rest period may be reduced or arranged otherwise in the case of the sick, in cases where it is necessary for the operation, supervision or maintenance of the undertaking, the food supply, the care of animals or plants or for other urgent reasons. § 10: the provisions of §§ 17-21 may be declared applicable in specified tourist resorts to undertakings which are liable to seasonal variations and are exclusively engaged in satisfying the requirements of visitors. The *Factory Act* provides exceptions in the following cases: § 54 (5) authorises undertakings working continuously: (a) to grant the day of rest of not less than 24 hours otherwise than once every seven days; (b) to reduce to 20 hours a certain number of the 52 days of rest granted every year. § 178(1) of the Administrative Order defines certain accessory processes (preparatory and supplementary processes) which may be carried on without a special permit and without being limited to certain days or to certain hours of the day. If such processes have to be carried out on several Sundays in succession, § 180 (g) lays down that the same worker may not be employed on them more often than every other Sunday. When the accessory processes are carried on during a certain number of hours on Sunday morning or Sunday afternoon, or when a temporary or permanent permit is granted for Sunday work for not more than five hours, either wholly in the morning or wholly in the afternoon, a compensatory day of rest is not obligatory and the rest period of 24 hours may be reduced. Under § 9 of the

*Act concerning hours of work in transport undertakings*, the 56 days of rest must be suitably distributed, and not less than 20 of these days shall be Sundays or public holidays. § 20 of the Administrative Order No. 1 provides that, as far as possible, longer periods than two weeks between any two days of rest and five weeks between any two Sunday rests should be avoided. These intervals may, however, be extended for the staff of subsidiary railways, shipping undertakings and accessory services in the following cases: (a) in case of heavy traffic; (b) when the staff is reduced owing to illness, military service or for some other urgent reason; (c) if the staff agrees. Nevertheless, 56 days of rest must be given in every calendar year. § 5 of the *Order of 4 December 1933 (motor drivers)* provides that the 52 days of rest shall be given, if possible at the rate of one day a week. It is therefore possible that a week might not contain a day of rest. The length of the rest period is 24 hours, but it may be reduced to 20 hours on not more than 17 rest days in the year. Hours of rest lost on one day must be compensated within the three following weeks. The report states that all the Acts and Orders in question were already in existence when Switzerland ratified the Convention. The second paragraph of Article 4 of the Convention thus applies in so far as the consultation of employers' and workers' associations is concerned. These associations were in fact fully in a position to emphasise their point of view when the Acts and Orders in question were being drafted. With regard to the Act respecting weekly rest, the Federal Department of Public Economy is obliged, when regulating the enforcement of § 9 of the Act (reduction or other arrangement of the weekly rest period) to consult the occupational associations for those branches of industry which affect several cantons or the country as a whole. This provision has been observed in all cases. Under certain conditions, arrangements concluded between groups of employers and workers may be substituted for this consultation. Within the field covered by the Factory Act, the workers directly concerned can express their opinion to a certain extent as regards permanent authorisations for Sunday work; the time-tables which fix the hours of work and periods of rest must be submitted to them and their opinion must be communicated to the authority which is responsible for granting the permit. The Factory Act and the Act concerning hours of work in transport undertakings have both set up consultative committees whose business it is to give their opinions on questions of principle with regard to the enforcement of the Acts; these committees include an equal number of representatives of employers and workers, appointed by the Federal Council on the proposals of the groups concerned.

*Uruguay.* — See introductory note.

#### 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.*

*Canada.* — § 4 (2) of the Act of 4 April 1935 lays down that the regulations to be made by the Governor in Council under § 4 (1) shall provide that as far as possible there shall be compensatory periods of rest for the suspensions or diminutions made, except in cases where agreements or customs already provide for such periods. The regulations must be communicated to the International Labour Office (§ 4 (8)). See also introductory note.

*China.* — The report states that at present no such provision is considered necessary.

*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.

*India.* — § 35 of the Factories Act provides for compensatory rest periods in cases where the weekly rest day is not given on Sunday ...

*Italy.* — The report states that compensatory rest in cases where suspensions or diminutions of the weekly rest period have been made is usually provided for, in accordance with this Article of the Convention. See also under ARTICLE 6.

*Nicaragua.* — See introductory note.

*Poland.* — ... § 13 of the Act of 22 March 1933, text of the Notification of 25 October 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. In continuous process undertakings working an average of 56 hours a week, hours of work must be so arranged as to ensure that every worker has a rest period of not less than 24 hours at least twice every three weeks.

*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 laid down in § 28 of Legislative Decree No. 23,048 of 23 September 1933 to promulgate the National Labour Code, viz. that in every undertaking the permanent employees shall be granted annual leave with pay. 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. For the provisions of Decree No. 22,500 of 10 May 1933 and of Legislative Decree of 8 March 1911 see above, under ARTICLE 2 and 4.

*Switzerland.* — § 8 (3) of the *Act respecting weekly rest* and § 13 (2) (a) and (b) of the Administrative Regulations lay down that in cases where a rest period has been cancelled or reduced a corresponding compensatory rest period shall in all cases be granted at some other time. § 54 (2) of the Factory Act lays down that every worker shall be entitled to a day's holiday by way of compensation in the week preceding or following the Sunday on which he has worked. See also under ARTICLE 4. The *Act concerning hours of work in transport undertakings* prescribes 56 days of rest in every year. The *Order of 4 December 1933* lays down in § 5 that hours of rest lost owing to the permission to reduce hours of rest to 20 on not more than 17 days during the year must be compensated within the three following weeks. The report adds that, in practice, the way in which the compensating hours of rest are regulated in each of the spheres concerned corresponds in general to the legal requirements. In certain cases, thanks to an agreement between parties or to an act of grace on the part of the employer, the compensatory rest is greater than that required by law. It is not possible to discover what local customs exist on this point. For example, in the printing associations the rest granted as compensation for Sunday work is regulated by means of an agreement.

*Uruguay.* — See introductory note.

#### ARTICLE 6.

Each Member will draw up a list of the exceptions made under Articles 3 and 4 of this Convention and will communicate it to the International Labour Office, and thereafter in every second year any modifications of this list which shall have been made.

The International Labour Office will present a report on this subject to the General Conference of the International Labour Organisation.

*In communicating the list required by this Article, please indicate separately (a) the total exceptions, (b) the partial exceptions, distinguishing in the latter case suspensions and diminutions and giving as full information as possible regarding such suspensions and diminutions.*

*Canada.* — For the rules determining the exceptions, see introductory note and under ARTICLES 3, 4 and 5.

*China.* — The report states that no exception has been made during the period under review.

*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 indis-

pensable 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 and on 10 September 1935, 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.

(16) *Artificial horn industry:* treating with formalin, drying, rectification and the production of steam and power in connection with these processes.

*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 19 December 1934.

*India.* — For exemptions in the case of factories, authorised under §§ 43 and 44 of the Factories Act, in respect of mines, under §§ 24 and 25 of the Mines Act, and, in respect of railways, under § 71 D of the Indian Railways Act as amended, see under ARTICLE 4.

*Italy.* — The Decree of 22 June 1935 issued in pursuance of § 5 of Act No. 370 of 22 February 1934 gives the following list of exceptions:

I. *Industrial undertakings in which the system of rest periods in rotation may be adopted under the terms of § 5 (1) and (2) of the Act of 22 February 1934.*

Industrial operations making use of internal combustion or electric furnaces for processes in which continuous firing is an essential feature and operations connected therewith. Industrial operations in which the processes are wholly or partially continuous.

Industries and operations in which exceptions are allowed: (1) All industries: persons employed in supervising refrigerating plant the operation of which cannot be interrupted without damaging the product, drying plant and gas generators. (2) Industries using electric furnaces for production purposes: persons employed in operating and maintenance of electric furnaces used for production, including persons employed in work which, in the opinion of the corporative inspectors, is related therewith. (3) Industries using electrolytic processes: persons employed in these processes except where the corporative inspectors consider continuous working unnecessary. (4) Mines, quarries and similar industries, road making, water works, compressed air tunnelling and construction of foundations: persons employed in operating and maintenance of (a) continuous



furnaces for the treatment of excavated material and operations which, in the opinion of the corporative inspectors, are related therewith; (b) pumps for pumping out water or for feeding reservoirs and dry docks and subsidiary machinery; (c) ventilating plant for underground workings; (d) pressure maintenance machinery used in compressed air construction of foundations: persons engaged in mines, quarries and other works where, in the opinion of the corporative inspectors, continuous working is essential; persons engaged in the construction of mine levels in all cases where the corporative inspectors consider that special geological or other conditions demand continuous work, in order to ensure the safety of the workers and the satisfactory carrying out of the work. (5) Timber preserving: persons engaged in filling and emptying kiers and impregnation beds and in work which, in the opinion of the corporative inspectors, is related therewith. (6) Straw plaiting: persons engaged in bleaching processes. (7) Manufacture of Italian paste (macaroni, etc.): persons engaging in drying processes. (8) Manufacture of liquorice: persons employed in continuous condensation processes and in supervising drying plant. (9) Preparation of salt meat and stuffed meats; cheese ripening: persons employed in finishing, and in ripening rooms. (10) Tanneries: persons engaged in hairing, tanning and stock hanging. (11) Paper and cellulose manufacture: persons engaged (a) in the manufacture of chemical cellulose, mechanical wood pulp, and straw and hemp wood pulp; (b) in machine minding in as far as necessary to feed the continuous process machines; (c) on reel-winding, crimping and gathering machines in cases where, in the opinion of the corporative inspectors, the work of these machines is related to that of continuous process machinery; (d) in supervising paper or cardboard drying machinery. (12) Iron and cast-iron enamelling: persons engaged in processes which, in the opinion of the corporative inspectors, are necessarily continuous. (13) Ferro-metallurgical industries: persons engaged (a) in supervising and maintenance of furnaces in the production of cast iron, iron, steel and iron alloys; (b) in the supervising and maintenance of furnaces for forge-heating, rolling and thermal processes; (c) in any other work which, in the opinion of the corporative inspectors, is related therewith. (14) Metallurgy and metal working: persons engaged in smelting ores and in the successive stages of refining and in supervising and maintenance of annealing and forge-heating furnaces for the purpose of keeping up the required temperature. (15) Steel, pig and other metal foundries: persons engaged in supervising blast furnaces, supervising furnaces and stoves for drying cores and moulds. (16) Art brass foundries: persons engaged in stoving wax moulds and in operating smelting furnaces in processes which are closed down on Saturday. (17) Mineral pigment quarrying: persons engaged in operating kilns. (18) Manufacture of cement, lime, plaster and bricks, fireclay, stoneware, earthenware, pottery, porcelain and glassware: persons engaged in operating and maintenance of continuous furnaces; persons employed in glass works on work which the corporative inspectors class as related therewith; persons employed in potteries in drying and removing goods from moulds. (19) Building and other work in concrete, waterlime and cement: manufacture of cement blocks, etc.: persons engaged in steeping the moulds. (20) Artificial silk industry: processes which, in the opinion of the corporative inspectors, are necessarily continuous. (21) Silk waste combing and flax and hemp retting: persons employed in connection with retting tanks and dryers. (22) Dyeing and bleaching of yarn and cloth, and cloth printing: persons engaged in mixing in indigo tubs, in supervising oxidation chambers and in bleaching processes which, in the opinion of the corporative inspectors, cannot be deferred till Monday. (23) Chemical and pharmaceutical industries: persons employed (a) in connection with oxidation, reducing and calcining furnaces; (b) in processes of fermentation, distillation, refining, condensation, diffusion and crystal-

lisation, if, in the opinion of the corporative inspectors, these operations cannot be postponed without detriment to the product; (c) on plant, the operation of which, in the opinion of the corporative inspectors, is related to that of the plant concerned in the processes mentioned above. (24) Sulphur refineries: persons employed in connection with refining furnaces. (25) Carbon disulphide manufacture: persons engaged in operating and maintenance of furnaces and retorts and in purifying processes. (26) Sulphuric acid manufacture: persons engaged in operating and maintenance of (a) acid chambers; (b) condensation chambers; and (c) plant for the production of oleum by catalytic process. (27) Boric acid manufacture: persons engaged in operating pumps and condensing machinery, and supervising crystallisation processes and blowers. (28) Production of coke and its bye-products: persons engaged in operating and maintenance of distilling ovens and in the operations of washing, distillation, and condensation. (29) Production of glucose, dextrine, starch, etc.: persons engaged in operating and maintenance of drying ovens and ovens for activation of animal charcoal. (30) Extraction and refining of petroleum, benzine and other fuel oils: persons engaged on machines and other plant for producing petroleum, in operating plant for continuous distillation, redistillation and refining, and on operations recognised by the corporative inspectors as related therewith. (31) Breweries: persons engaged on all production processes, bottling, dispatch and delivery. (32) Tanning extract manufacture: persons engaged in operating and maintenance of distillation machinery, and processes recognised by the corporative inspectors as related therewith. (33) Manufacture of beet sugar: persons engaged in loading, unloading and transportation of beet, in the manufacture and refining of raw sugar and in working up molasses, but not in packing. (34) Extraction of fats from olives, bones and other waste by means of benzine, carbon disulphide or other solvents: persons engaged in operating and maintenance of plant for draining off and recovery of carbon-free and other solvents. (35) Manufacture of alcohol, gelatine and chemical and bone manures: persons engaged (a) in operating and maintenance of continuous process plant for the extraction of gelatine from bones; (b) in operating ventilating plant. (36) Manufacture of soap and candles: persons engaged in soap drying, and in the extraction or purifying of water from glycerine, except in cases where the corporative inspectors do not consider continuous processing necessary. (37) Manufacture of oxygen by liquid air process: persons employed on oxygen producing machinery and in filling cylinders.

## II. *Seasonal industries: exceptions allowed for urgent reasons connected with use or deterioration of raw materials or goods.*

Industries and operations in which exceptions are allowed: (1) Salt works: persons employed in getting salt. (2) Mines and quarries at high altitudes: persons engaged in extraction of ore in all cases where, in the opinion of the corporative inspectors, this cannot be done during the winter months. (3) Handling of fish: persons engaged in any operation connected with the preparation and despatch of fresh fish or preserving it in oil, brine, pickle, etc. (4) Handling and preserving of poultry and game: persons employed in all operations, including despatch. (5) Cheese industry: persons engaged in all operations, including despatch. (6) Handling of fresh fruit, vegetables, flowers and foliage: persons engaged in receiving, handling, packing and despatch. (7) Handling of citrus fruits, etc.: persons engaged in transportation, loading and unloading, in preparing and packing for export, in the extraction of essences, the preparation of cooked or pickled fruits, and the manufacture of citric acid. (8) Manufacture of wine: persons employed in the transportation and treading of grapes, in racking, must fermentation and wine pressing. (9) Manufacture of fresh olive oil: persons engaged in receiving and pressing the olives and in filtering and clarifying the



oil. (10) Manufacture of cells for silk worm cocoons : all persons engaged in this industry during the six weeks before breeding. (11) Silk worm breeding: all employees during the period in which the moths emerge from the cocoons. (12) Operation of threshing machines for corn and seed, and machines for picking maize from the cob : all persons employed in connection with these machines. (13) Manufacture of preserves : persons engaged in receiving and handling the raw material, to the extent necessary to prevent deterioration. (14) Manufacture of candied fruits and of mustard : persons employed in receiving, cleaning and preliminary cooking of the raw material. (15) Manufacture of chocolate, gingerbread, nougat and sweet biscuits : persons engaged in manufacture, packing and despatch during the three weeks before Easter and Christmas. (16) Manufacture of artificial mineral waters and similar products : persons engaged in manufacture, bottling, despatch and delivery, from May to October. (17) Manufacture of ice : all operations. (18) Heating industry : persons employed in operating and maintenance of heating systems. (19) Industries using perishable material : during the seasons and for the operations necessary, in the opinion of the corporate inspectors, to prevent deterioration of raw materials. (20) Repair work on agricultural machinery and on containers for wine and oil : persons engaged in urgent repairs during the months July to October. (21) Mechanical engineering : the strict minimum necessary to complete in time machinery, motors, etc., earmarked for exhibitions and races, and for public tender.

III. *Other heads under which Sunday work may be necessary for technical reasons or in the public interest.*

Industries and operations in which exceptions are allowed : (1) Milk pasteurisation : persons engaged in receiving, treating, bottling and delivering the milk. (2) Slaughter houses : persons employed in connection with refrigerating and disinfecting plant, and those engaged in slaughtering and the destruction of animals suffering from infectious or other diseases dangerous to the public health. (3) Farriery : all employees. (4) Lifts : persons engaged in repair work essential for the working of the lifts. (5) Shipyards and docks : persons employed in launching operations, and in repair work on ships in commission. (6) Production and supply of drinking water : persons employed in pumping operations and on water mains and pipes in all cases where urgent repairs are required, and in supervising water-works. (7) Reclamation works : water supply for irrigation and power purposes : persons engaged in operating and maintenance of water-works, stations, and canals, and in supply services. (8) Manufacture and delivery of artificial ice ; cold storage ; storage of natural and artificial ice : persons employed in connection with ice-making machinery, for delivery of ice to the consumer, and in the operating and maintenance of cold storage chambers, etc. (9) Production and supply of electricity for lighting and power : persons engaged in supervising and operating water in-take plant and distributing pipe-lines, in operating power plant, and subsidiary steam or gas power plants, and in supervising lines, transformers, etc. (10) Production and supply of gas for lighting : persons engaged in operating, supervising and maintenance of distillation furnaces, and subsequent operations ; fillers ; persons engaged in the upkeep and repair of gas pipes, where repairs are of an urgent nature. (11) Printing, publishing and binding works : persons engaged as compositors or printers in the publication of documents required by legislative chambers or public authorities ; obituary notices ; and notices of public performances ; persons engaged in the issue, binding and delivery of school text books during the months of August and September. (12) Passenger transport by land, water and air ; hire of means of transport ; break-down services : all employees. (13) Urgent repairs to taximeters on public hire vehicles : persons employed solely for repair and renewal of taximeters. (14) Distribution and sale of fuel and lubricants for motor

cars, motor bicycles and aircraft : all employees. (15) Loading, unloading and transportation of goods, and lumbering : all employees. (16) Telephone ; telegraph ; and wireless telegraph : delivery of telegrams and express letters : all employees. (17) . . . (27) Bill-sticking and advertising by electric signs : all employees. (28) . . . (31) Street cleaning : persons employed in the clearing, transportation and disposal of litter and refuse, and in road watering. (32) Window, floor and office cleaning : persons engaged in work which cannot be done on working days without detriment to the regular working of the concern. (33) Drain clearing : all employees. (34) Watch service, day and night : persons employed as watchmen.

*Nicaragua.* — See introductory note.

*Poland.* — The question of providing information regarding exceptions under Article 3 does not arise. As regards Article 4, the report furnishes information of which the following is a summary :

Work is permitted on Sundays and public holidays in the following cases in virtue of § 11 of the Eight-Hour Day Act of 18 December 1919, text of the Notification of 25 October 1933 : (a) For public utility services and services necessary for the satisfaction of the daily needs of the population, in particular for the maintenance of the water supply, lighting, cleaning, work on means of communication (in such cases the employer must notify the competent labour inspection office in advance if it is proposed to employ workers more than three hours). (b) In establishments working continuously for the performance of work which cannot be suspended on account of the technical nature of the processes ; in such cases, the work must be so arranged as to ensure that every worker has a rest period of not less than 24 hours at least twice every three weeks. (c) In the cases provided for in §§ 8 (a) and (d) of the Act, i.e. : (1) in the event of actual or imminent disaster or accident which necessitates work on Sundays and holidays in order to maintain the safety of workers, to ensure the establishment against damage and to keep up its normal working, as well as to prevent loss of materials or destruction of machinery (in such cases the labour inspection office must be notified afterwards) ; (2) in case of national or economic necessity the hours of work may be extended by an order based on the decision of the Council of Ministers and in appropriate cases on advice tendered by trade associations of workers and employers ; such extension may take place on any day of the week, including Sunday, in certain establishments or classes of establishment, but in no cases for a period exceeding twelve months (in such cases the provisions of § 13 relating to compensatory rest apply). A Decree of the Minister of Labour and Social Welfare respecting work at night and on Sundays and holidays in preparatory processes in the bakery trade, dated 10 December 1921, authorises the employment on Sundays and holidays of persons required for the preparation of leaven and yeast of all kinds. A Decree of 27 December 1933 respecting the hours of work of tramway workers replaces the provisions of the Act of 18 December 1919 as regards these workers by a system whereby they work a maximum of 184 hours over a period of four weeks, or an average of 46 hours a week. No worker may however in any case work more than ten and a half hours a day. The Decree of 13 December 1933 concerning the hours of work of transport workers permits Sunday work and work on public holidays for the drivers, drivers' assistants and conductors of motor buses which guarantee a regular service, etc. The Decree of 10 August 1932 lays down that Sunday work and work on public holidays is permitted in printing works and allied undertakings for those workers who are necessary for publishing and

issuing daily newspapers and Government publications, the issue of which within a fixed period is to the public interest.

*Portugal.* — § 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. For the provisions of Decree No. 22,500 of 10 May 1933 and of the Legislative Decree of 8 March 1911, see above, under Articles 2 and 4.

*Sweden.* — In accordance with the exceptions mentioned in § 1, § 5 (b) 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.

*Switzerland.* — The report gives the following information :

#### A. Total exceptions :

The *Act respecting weekly rest* does not provide expressly for such exceptions, but under § 9 they are possible if permission is obtained beforehand. The *Factory Act* does not make a compensatory rest period compulsory in the case of temporary or permanent Sunday work authorised for five hours at most, either entirely in the morning or entirely in the afternoon. One complete day's rest must, however, be given every other Sunday. In the case of accessory processes carried out on Sunday, it is possible that no compensatory rest may be given. § 178 of the Administrative Order lays down that the following processes are recognised as accessory processes which do not need

a permit in each individual case : for all factories, without limitation to certain days or to certain hours of the day : 1. The work of maintenance of all installations which supply the undertaking with air, water, light, heat, cold, steam and power ; 2. Repair of transmissions, machinery and furnaces of all kinds, in order to avoid disturbance in the work of the undertaking next day ; 3. Maintenance of the means of mechanical transport in the factory ; 4. Urgent repairs to be made to the premises ; 5. Important cleaning and maintenance work carried out in the working premises once a week or at longer intervals ; 6. Work of the staff supervising of watchmen, porters and messengers. In cases where these accessory processes are carried on several Sundays in succession, however, the same worker may only be employed on them every other Sunday. The *Act concerning hours of work in transport undertakings* and the *Order of 4 December 1933 (motor drivers)* do not provide for total exceptions.

#### B. Partial exceptions :

I. *Suspensions.* — § 8 of the *Act respecting weekly rest* provides that the weekly rest period may be omitted altogether if this is necessary to avoid or remedy serious disturbances in the undertaking, prevent the spoiling of materials or goods, meet any other emergency or deal with exceptional pressure of work. A corresponding compensatory rest period shall in all cases be granted. Under § 9, the rest period may be arranged otherwise, if a permit from the canton is obtained in advance, if this is necessary for the regular operation, supervision or maintenance of the undertaking, the food supply, the care of animals or plants, or for other urgent reasons. § 14 of the Administrative Regulations includes among urgent reasons : work on processes which by their nature must be carried on continuously ; the work of staff whose duties consist to a large extent of a mere act of presence (supervisors, messengers, watchmen, porters and similar workers) ; the working and maintenance of the installations which supply the undertaking with air, water, light, heat, cold, steam and power ; the work carried out in undertakings in relation to food products in order to prevent the deterioration of raw material or merchandise easily liable to alteration ; work in transport and communications undertakings ; work in undertakings connected with fine arts, science, engineering, education, schooling and hospitals. § 54(5) of the *Factory Act* allows the prescribed 52 days of rest to be arranged in another way for continuous process undertakings. Under the *Act concerning hours of work in transport undertakings* intervals longer than two weeks between any two days of rest should as far as possible be avoided, but in certain cases the interval may be prolonged by a week. Days of rest which have been cancelled must be compensated. Under the *Order of 4 December 1933 (motor drivers)*, if a week passes without a day of rest being given, it must be carried over and made up later.

II. *Reductions.* — As far as the *Act respecting weekly rest* is concerned, in the cases given above under B I the hours may be not only suspended but reduced. § 54 (5) of the *Factory Act* allows a reduction to 20 hours instead of 24 on a certain number of the 52 days of rest prescribed for continuous process undertakings. § 9 (6) of the *Act concerning hours of work in transport undertakings* provides that if an employee is on duty until not later than 12 noon on a Sunday or public holiday the remainder of the day shall be reckoned as half a day of rest, provided that the shift worked shall not exceed 5 hours and the period of rest intervening between it and the next work-shift shall not be less than 18 hours. The *Order of 4 December 1933 (motor drivers)* provides that the rest period may be reduced to 20 hours on not more than 17 days of rest in the year, if the observance of the rule requiring 24 hours' rest entails serious difficulties. A compensatory rest period must be granted within the three following weeks.

*Uruguay.* — See introductory note.

## 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.*

*Canada.* — § 5 of the Act of 4 April 1935 provides that where the weekly rest given does not coincide with the Lord's Day as defined in the Lord's Day Act, the employer shall make known the days and hours of rest by means of notices posted conspicuously in the establishment or any other convenient place, or in any other manner determined by the Governor in Council by regulation. See also introductory note.

*Chile.* — ... The report adds that there are no special models for notices and rosters, but that the factory inspectors devote themselves to securing strict conformity with § 328 of the Legislative Decree of 13 May 1931.

*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. Under the Order of 1 November 1934, the provisions also apply to mines until the promulgation of the Mines Act.

*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.

*India.* — § 39 of the Factories Act provides that notices shall be displayed in every factory. Under § 76 these notices must be drafted in English and in the vernacular of the majority of the workers, and must be displayed in some conspicuous place, in order that no worker employed by the factory shall work in the factory in contravention to the provisions which regulate weekly days of rest. The Local Government shall prescribe the form which the notices shall take. A copy of this notice is sent to the inspector, who is also informed of any changes. By § 28 of the Mines Act, in every mine there must be kept in the prescribed form and plan a register of all persons employed in the mine showing, *inter alia*, their days of rest. As regards railways, the provisions of the present Article are applied by the Railway Servants Hours of Employment Rules, 1931. Specimen copies of notices etc. prescribed by the Local Governments will be supplied to the International Labour Office later. Specimen copies of rosters which indicate the incidence of the weekly rest enjoyed by continuous workers have already been forwarded to the Office.

*Italy.* — ... The report adds that the provisions of the Administrative Regulations of the Act of 7 July 1907 are remaining in force until the publication of the new provisions, which are already included in Regulations at present in course of adoption.

*Nicaragua.* — See introductory note.

*Portugal.* — § 20 of Legislative Decree No. 24,402 of 24 August 1934 provides that commercial and industrial undertakings shall draw up a time-table for their staff which shall conform to the provisions of the Decree or of the collective agreements approved by the higher authority, and shall post it up in a conspicuous place. This time-table must show the weekly day of rest. When this is not the same for the whole staff, the time-table must give the names of the persons who are under a different system from the staff as a whole, and also the names of the persons who are not subject to any given provision of the time-table. Decree No. 22,500 of 10 May 1933 provides in § 17 that the time-tables for persons employed in transport undertakings shall be affixed in a conspicuous place in the offices of the undertaking and also in the vehicles themselves.

*Spain.* — The report states that there are no official specimen copies of the notices and rosters prescribed by law.

*Switzerland.* — The Administrative Regulations of the Act respecting weekly rest

lay down in § 10 that a worker must be given sufficient notice beforehand of the beginning of his rest period or compensatory rest period. Further, the head of the undertaking must provide some means of verifying the way in which he gives rest periods to different workers, in so far as this differs from the usual rule. These means may consist of a table, a register, a notice, regulations or some similar document which must be submitted to the authority on request. The cantonal authorities must take the appropriate measures for giving effect to this principle. The Administrative Orders of the cantons carry these provisions further, the cantons having partly maintained the system of supervision which were introduced by their own legislation. Some specimens of the methods in use in the cantons are attached to the report. § 44 of the *Factory Act* provides that the time-table shall be posted up in the factory and communicated in writing to the local authorities. If the work is carried out under special rules, the necessary authorisation must be posted up in the undertaking. A specimen of the table of days of rest prescribed by the *Act concerning hours of work in transport undertakings* is attached to the report. Drivers of motor vehicles covered by those provisions of the *Order of 4 December 1933 (motor drivers)*, which regulate their hours of work must possess a notebook for inspection purposes of (§ 7 (2)). A specimen is attached to the report.

*Uruguay.* — 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 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.*

*Canada.* — The report does not refer to this point. § 7 of the Act of 4 April 1935 lays down that every employer who violates, or fails or omits to comply with any provision of the Act shall be liable to a fine not exceeding one hundred dollars and not less than twenty dollars in addition to any other penalty prescribed by law for the same offence.

*Chile.* — . . . The present administration of the General Inspectorate of Labour is regulated by Decree No. 875 of 15 November 1933 as amended by Decree No. 996 of 21 November 1934. The enforcement of the legislation in question, from a juridical point of view, is the business of the labour courts which are defined by Book IV, Part I of the Legislative Decree of 13 May 1931 . . .

*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. Under the Order of 1 November 1934, these provisions also apply to mines, until the promulgation of the Mines Act.

*Colombia.* — The General Labour Office, which is under the direction of the Ministry of Industry and Labour, is responsible for the enforcement of the legislation concerning weekly rest. The national labour inspectors are responsible for supervision or, failing them, the mayors. The Decree of 23 July 1931 determines the powers of the inspectors and the methods of procedure to be followed by them and also the penalties to be inflicted in cases of infringement.

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

*Nicaragua.* — See introductory note.

*Portugal.* — The Decrees which implement the Convention provide penalties and sanctions to be inflicted in cases of infringement. The supervision of the enforcement of these provisions is en-

trusted to the administrative authorities and to the National Institute of Labour and Welfare, set up by Decree No. 24,402 of 24 August 1934. The Decree also provides for a re-organisation of the labour courts and labour magistracy.

*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.

*Switzerland.* — The cantons are responsible for administering the Act respecting weekly rest, the Factory Act and the Order relating to motor drivers; the higher supervision is exercised by the Federal Council, which is directly responsible for administering the Act concerning hours of work in transport undertakings; the cantons do not concern themselves with the latter Act. The Federal Council exercises higher supervision with regard to the execution of the Act respecting weekly rest, the Factory Act and the Order concerning motor drivers through the Department of Public Economy and the Federal Office of Industry, Arts and Crafts and Labour. The Federal Council also administers the Act concerning hours of work in transport undertakings by means of the Department of Railways, acting through the Federal Transport Office. The administration of the Act respecting weekly rest, the Factory Act and the Order concerning motor drivers is carried out in different ways according to the organisation of the cantons themselves. As a general rule the police force and the municipal or district authorities co-operate for this purpose. A federal inspection service exists only for the application of the Factory Act, but some of the cantons have set up on their own account a more or less highly developed inspection service for factories, and for the protection of women and handicraft workers.

*Uruguay.* — See introductory note.

## 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 concerning weekly rest. All these decisions relate, however, to the enforcement of the weekly rest in commercial undertakings.

*Colombia.* — Up to the present only a small number of actions have been heard by the legal authorities on the subject of the enforcement of the weekly rest. No definite judgments have so far been pronounced.

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

*Switzerland.* — During the period under review the federal authorities have received 21 judgments which had been pronounced on the subject of infringements of the provisions of the Federal Act respecting weekly rest. In one case the judgment was an acquittal, in another merely a reprimand; in nineteen other cases the penalty inflicted was a fine. The Federal Office of Industry, Arts and Crafts, and Labour appealed against the acquittal. The heaviest fine inflicted was 150 francs, but on the appeal of the defendant the Higher Court reduced this to 80 francs. The federal authorities are not aware of any judgments concerning the other legislative measures on this subject.

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.* — During the period under review the enforcement of the Convention has not given rise to any special difficulties. No statistics exist showing the number of workers covered by the regulations

concerning the weekly rest in industry. During the period covered by the report the labour inspection services have initiated proceedings in 141 cases of infringement of the national legislation concerning Sunday rest. No observations have been received from the employers' or workers' organisations concerned with respect to the practical application of the Convention or of the relevant legislation.

*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 1,171,800, only 279,374 of whom are employed in industrial undertakings. The number of visits made by inspectors in industrial and commercial undertakings was 12,395. The number of cases of infringement notified in commercial undertakings was 1,482. On 24 June 1935 the Labour Inspection Department, having been informed that the Sunday rest was not being observed in the district of Salamanca, ordered the police to enforce the legal provisions on this question. At the end of 1934, the Inspection Department convened a meeting of the commercial and industrial employers of Illapel and urged them to observe the Sunday rest. As a result of these two interventions the legislation in question has been strictly observed.

*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 they 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.

*Colombia.* — The employers' and workers' organisations have not raised any fundamental objections in regard to the application of the legislation in question.

*Czechoslovakia.* — The report states that information concerning the supervision of the application of the Convention during 1933 will be found in the labour inspection report for 1934, which will be transmitted

in due course to the International Labour Office.

*Estonia.* — In 1934 the number of workers protected by the Act was 50,260. During that year the factory inspectors received 6 complaints of non-observance of the Act. In their reports they noted 89 cases of contravention of the legal provisions, of which 72 were the subject of a warning and 17 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 1933-1934 are as follows: 1933: 2,450 contraventions notified; 1934: 3,322 contraventions notified. The classification of 322,442 industrial undertakings the weekly rest systems of which are known to the labour inspection service was as follows in 1934: normal system: collective rest on Sundays: 309,319 undertakings. Exceptions: collective rest on a day other than Sunday: 2,559 undertakings; collective rest from Sunday noon to Monday noon: 390 undertakings; collective rest from Sunday afternoon with compensatory rest: 797 undertakings; rest by rotation: 8,730 undertakings; special rest in continuous process undertakings (Decree of 31 August 1910): 647 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 1934, 50,211 undertakings (42,569 of which were industrial, 7,448 commercial and 194 agricultural), employing in all 1,070,097 workers (1,031,695 employed in different industries, 28,633 in commerce and 9,769 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 10,719 undertakings. A total of 910 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 number of persons working in undertakings which employ not less than two paid workers was as follows: industry, 11,813 men, 6,583 women; arts and crafts, 2,835 men, 452 women. The Convention is, however, applied to all industrial undertakings without exception. No disputes have arisen in regard to the application of the Convention and no contraventions of its provisions have been reported.

*Luxemburg.* — 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.

*Nicaragua.* — See introductory note.

*Poland.* — The report supplies certain details which are contained in the Annual Report on Labour Inspection in Poland in 1934, and according to which the number of workers protected by the legislation on

1 January 1935 was 876,065 persons, employed in 33,866 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: 668,567 men, 184,006 women, 18,777 boys, and 4,715 girls.

*Portugal.* — 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 application of Portuguese legislation on the weekly rest has not given rise to any complaints from the parties concerned.

*Rumania.* — According to the statements of the labour inspectors, the provisions of the Act are enforced in all industrial undertakings. The rare cases of infringement which are met with in small handicraft workshops, especially in villages, are punished in accordance with the law. More frequent cases of infringement are met with in commercial undertakings, but, thanks to the supervision exercised by the labour inspectorates, the police, and the chairmen and secretaries of the chambers of labour, they are invariably discovered and punished. The labour inspectors instituted 3,056 proceedings during the year 1934 and 1,815 proceedings during the first half of the year 1935 against breaches of the Act concerning weekly rest and public holidays. During 1934, the number of exemptions from the provisions of the Act which were authorised by the labour inspectors was 101 in industry and 655 in commerce. The corresponding figures for the first half of the year 1935 were 13 for industry and 198 for commerce.

*Spain.* — The Labour Inspection Department reported 3,332 cases of infringement of the weekly rest, the following of which concerned industrial undertakings covered by the Convention: salting industries 1; agriculture, 350; food industries, 430; extractive industries, 12; iron works, 3; small metal industries, 36; electrical equipment, 3; chemical works, 63; building industry, 84; wood industry, 25; textile industry, 21; clothing and hat-making industry, 75; graphic arts, 27; railway transport, 206; other transport, 76; maritime transport, 26; water, gas, and electricity, 101; communications, 8; miscellaneous industries, 27; Government, provincial and municipal services, 37; industries managed by the State, provinces or municipalities, 13.

*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. In November 1934 the Department of Labour and Social Welfare ordered an enquiry to be made into the application of the provisions in force concerning weekly rest. This enquiry, the materials for which were collected by the labour inspectors, covered about 5,000 workplaces employing not less than 10 workers and consequently directly subject to the supervision of the labour inspectors. These workplaces employed a total of 542,252 workers, that is to say, the majority of the workers in industry and the other occupational branches included in the Convention in question. Out of this total 522,459 workers (96.35 per cent.) were enjoying a weekly rest which was arranged in a satisfactory way. The remaining 19,793 workers (3.65 per cent.) were not receiving a rest period of 24 hours in each period of seven days, but received in certain cases, as compensation, longer annual leave or some other advantage. The weekly rest is naturally regulated in a different way according to the different occupational groups. It may be stated that it is regulated in an entirely satisfactory way in the case of foresters and workers in the wood, leather, hair and rubber, and building industries. These classes of industry employ a total of 221,106 workers. The worst position from the point of view of weekly rest is found in food industry and in the industrial group which includes factories for producing power and lighting, and hydraulic factories. In these groups 7,201 workers out of a total staff of 64,953 workers do not receive a regular weekly rest. Sunday work in these two groups appears, however, to be of short duration and comparatively light. The workers who do not receive a regular rest period of 24 hours are mainly employed on work which, for technical reasons, must be carried on continuously. Work by a shift system, however, often makes it possible for the workers to enjoy longer or shorter pauses in their work, although these pauses are not regular. Repairers in large industrial undertakings often have to work on Sunday since certain repairs cannot be carried out while the work is going on. In cases where the work is not continuous all the year round, but is more or less seasonal, a regular weekly rest seems less essential. When the statistical enquiry which is at present being carried out is completed, the Labour Department intends to consider appropriate measures for ensuring the strict enforcement of the provisions concerning weekly rest within the whole sphere of social legislation.

*Switzerland.* — The Factory Act and the Act concerning hours of work in transport undertakings have been in existence for many years. Their provisions,

especially those which relate to weekly rest, have become a well-established part of national custom. No cases have been recorded in relation to either Act in which the days of rest were not regularly given. The Act respecting weekly rest and the Order of 4 December 1933 (motor drivers) only came into force last year, and it is therefore natural that the country is not yet completely used to them. It must be added that, since the cantons have been absorbed by the tasks which have resulted from the economic depression, some of them have yet been able to take all the necessary measures to enforce the new system, but it may be hoped that the final difficulties will soon be surmounted. Statistics with regard to the number of persons covered by the legislative provisions in question are only available as regards the Factory Act. According to the reports of the federal factory inspectors for the year 1934 and the cantonal reports for the years 1933 and 1934, the total number of workers covered by this Act was 319,537. The reports in question also give a certain amount of information with regard to the carrying out of the provisions concerning Sunday work which are contained in the Factory Act. It may be stated in general that the observance of these provisions has become a matter of habit and does not occupy the authorities to any extent. The report of the Federal Council to the Chambers on its work in 1934 includes a general statement on the carrying out of the provisions which ensure the application of the Convention in Switzerland. During the period covered by the report, the federal authorities received both observations and suggestions from various groups and also from individuals in regard to the provisions of the Act respecting the weekly rest and the Order concerning motor drivers. This is quite natural, since the Act and Order in question have only been in force for a short period and there are consequently initial difficulties with regard to them. The requests and memoranda which have been received mostly concern the application of the provisions in question to specific undertakings or districts, and they mostly come from circles belonging to the hotel, restaurant and drink industry, which is regulated by the Act respecting weekly rest, but not by the Convention.

*Uruguay.* — See introductory note.

*Yugoslavia.* — The report states that, according to the report of the central labour inspectorate, the labour inspectors visited 5,264 undertakings during 1934. The number of workers employed in these undertakings was 127,107. The number of contraventions noted (under §§ 12 and 14 of the Workers' Protection Act) was 135, and the aggregate of fines inflicted amounted to 23,510 dinars.



**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 1935, and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934 - 30 September 1935 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Australia . . . . .	28. 6.1935	9.12.1935
Belgium . . . . .	19. 7.1926	28.10.1935
Bulgaria . . . . .	6. 3.1925	15.11.1935
Canada . . . . .	31. 3.1926	19.10.1935
Colombia . . . . .	20. 6.1933	13. 1.1936
Cuba . . . . .	7. 7.1928	18.11.1935
Denmark . . . . .	12. 5.1924	12.11.1935
Estonia . . . . .	8. 9.1922	19.10.1935
Finland . . . . .	10.10.1925	1.11.1935
France . . . . .	16. 1.1928	23.12.1935
Germany . . . . .	11. 6.1929	26.10.1935
Great Britain . . .	8. 3.1926	8.11.1935
Greece . . . . .	14. 6.1930	
Hungary . . . . .	1. 3.1928	5. 2.1936
India . . . . .	20.11.1922	14.12.1935
Irish Free State . .	5. 7.1930	20.11.1935
Italy . . . . .	8. 9.1924	11. 2.1936
Japan . . . . .	4.12.1930	29. 1.1936
Latvia . . . . .	9. 9.1924	25. 1.1936
Luxemburg . . . . .	16. 4.1928	10. 2.1936
Netherlands . . . .	17. 6.1931	13.11.1935
Nicaragua . . . . .	12. 4.1934	5.12.1935
Norway . . . . .	7.10.1927	15.10.1935
Poland . . . . .	21. 6.1924	28.11.1935
Rumania . . . . .	18. 8.1923	23. 3.1936
Spain . . . . .	20. 6.1924	30. 1.1936
Sweden . . . . .	14. 7.1925	5.11.1935
Uruguay . . . . .	6. 6.1933	16. 3.1936
Yugoslavia . . . . .	1. 4.1927	11.11.1935

The Government of *Colombia* states in its report that Congress, taking its stand on the text of the Convention, has issued Acts

No. 48 of 29 November 1924 and No. 56 of 10 November 1927, which determine the minimum age for admission of children to industrial employment of any sort.

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 Government of *Nicaragua* states in its report that the provisions of this Convention do not yet apply in practice to Nicaragua, which has no ships or boats engaged in maritime navigation; consequently regulations to ensure adequate enforcement of the provisions of the Convention are not required.

The Government of *Poland* states in its report that a new Order of the Minister of Social Welfare, dated 3 October 1935, concerning the prohibition to employ young persons and women in certain occupations, issued in agreement with the other Ministers concerned, was published on 26 October 1935, and will come into force six months after its promulgation. The Order, which, as from the date of its coming into force, will supersede the Order of 29 July 1925, includes in the list of occupations prohibited to young persons their employment as trimmers or stokers.

The report of the Government of *Uruguay* states that § 226 of the Children's Code, promulgated on 6 April 1934, gives the Children's Council power to issue Decrees protecting trimmers and stokers under 18 years of age. This section prohibits the employment of young persons under the age of 18 years in any work which is prejudicial to their health, life or morals or which is excessively tiring or beyond their strength. It further provides that the Children's Council shall specify the employments which are unhealthy or dangerous with respect to the physical and moral development of children. In pursuance of this provision the Uruguayan Government will introduce the protection for which the Convention calls. The report adds that, owing to the very difficult problems with which the Children's Council has had to deal, the latter has been unable as yet to issue the necessary regulations. Considerable progress has, however, been made in the drafting of these, and accordingly the stipulations of the Convention will before long be fully enforced.

## 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 (Maritime Conventions) Act, 1934 (L. S. 1934, Austral. 10).

*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.*

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

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

See also introductory note.

*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 the admission of young persons to employment as trimmers or stokers (L. S. 1934, Cuba 9)].

*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 F, 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).

*Nicaragua.*

See introductory note.

*Norway.*

Seamen's Act of 16 February 1928 (L. S. 1928, 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 (L. S. 1931, Pd. 2 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. 2 C).

Order of the Minister of Labour and Social Welfare of 29 July 1925 enumerating the occupations in which young persons and women may not be employed (L. S. 1925, Pol. 2).

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

Act of 28 May 1920 concerning Polish merchant vessels.

Order of the President of 24 November 1930 concerning the security of shipping.

Instruction of the Ministry of Industry and Commerce of 11 April 1932, to the Maritime Office at Gdynia.

*Rumania.*

Act of 9 April 1928 relating to the employment of young persons and women and the regulation of hours of work (L. S. 1928, Rum. 1) as amended by the Act of 10 October 1932 (L. S. 1932, Rum. 6 A).

Regulations of 30 January 1929 issued under the above Act (L. S. 1929, Rum. 1), amended on 19 December 1932 (L. S. 1932, Rum. 6 B).

Act of 1907 respecting the organisation of the mercantile marine.

*Spain.*

Labour Code of 23 August 1926 (L. S. 1926, Sp. 5).

Rules of 26 August 1935 concerning contracts of employment in maritime transport.

*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.

*Uruguay.*

See introductory note.

*Yugoslavia.*

Order of 29 March 1935 to regulate conditions of work on board Yugoslav vessels engaged in maritime navigation (L. S. 1935, Yug. 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 "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

*Australia.* — Under the Navigation Act, 1912-1934, "vessel" means any ship engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war. "Ship" includes every vessel used in navigation not ordinarily propelled by oars only. The Act does not apply to ships belonging to the King's Navy or the Navy of the Commonwealth or of any British possession, or to the Navy of any foreign Government.

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

*Cuba.* — § III 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.

*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.

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

*Yugoslavia.* — Under the Order of 29 March 1935, the term "vessel" signifies all floating machines, of any nature whatsoever, whether publicly or privately owned, with the exception of ships of war.

#### ARTICLE 2.

Young persons under the age of eighteen years shall not be employed or work on vessels as trimmers or stokers.

*Australia.* — Under § 40 A (2) of the Navigation Act, 1912-1934, a person shall not engage another person for service at sea in the stokehold of a steamship, in the capacity of fireman or trimmer, unless the superintendent is satisfied that that other person has attained the age of eighteen years.

*Colombia.* — § 4 of the Act of 29 November 1924 prohibits the employment of children under 14 years of age in work which may endanger life or health. See also introductory note.

*Cuba.* — § XII of Legislative Decree No. 592 prohibits the employment of young persons under the age of eighteen years on board ship as trimmers or stokers.

*Hungary.* — § 3 (1) of the Order No. 32043 of 1933 reproduces the text of the Convention.

*Irish Free State.* — § 2 (1) of the Act provides that subject to the provisions of the section no young person shall be employed on work as a trimmer or stoker in any ship. According to § 5 of the Act, the expression "young person" means a person who is under the age of eighteen years.

*Nicaragua.* — See introductory note.

*Spain.* — ... The text of this Article is reproduced in § 14 of the Rules of 26 August 1935.

*Uruguay.* — See introductory note.

*Yugoslavia.* — Under § 4 (2) of the Order of 29 March 1935, young persons under the age of eighteen years may not be employed on board ship as trimmers or stokers.

#### 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.

*Australia.* — The prohibition laid down by the Navigation Act, 1912-1934, given above under ARTICLE 2, which only refers to steamships, does not apply to service in any training ship approved by the Director of Navigation.

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

*Cuba.* — § XIII of Legislative Decree No. 592 exempts from the prohibition laid down in § XII the work of young persons on school-ships or 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.

*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.

*Nicaragua.* — See introductory note.

*Spain.* — ... The provisions of this Article are reproduced in § 14 of the Rules of 26 August 1935. The report adds that paragraph (c) has not been applied in Spain.

*Uruguay.* — See introductory note.

*Yugoslavia.* — Under § 4 (2) of the Order of 29 March 1935, the prohibition contained in the section in question, and quoted above under ARTICLE 2, does not apply to the work done by young persons on school-ships, provided that such work is approved and supervised by public authority, nor to their employment on vessels mainly propelled by other means than steam.

#### 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.

*Australia.* — The Government states in its report that it has not been thought necessary or desirable, under local conditions of employment, to provide for the emergency engagement of trimmers or stokers under eighteen years of age. As the omission of provision in this respect secures even greater protection for young persons than the Convention provides, it is thought that no objection will be taken to such omission.

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

*Cuba.* — § XIV of Legislative Decree No. 592 provides that if it is necessary to engage a trimmer or stoker in a port and 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. § XV adds that the young persons may only be employed temporarily and must be replaced as soon as possible.

*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.

*Nicaragua.* — See introductory note.

*Spain.* — ... The terms of this provision are reproduced in § 14 of the Rules of 26 August 1935.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 4 (2) of the Order of 29 March 1935, which contains the prohibition required by ARTICLE 2 of the Convention adds that in exceptional circumstances, in a port where only trimmers or stokers of less than eighteen years of age are available, such young persons, if they are over sixteen years of age, may be engaged for this work, but in that case it shall be necessary to engage two young persons in place of the trimmer or stoker required.

#### 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.*

*Australia.* — Provision has been made for inserting the Register in the master's agreement with the crew. Gummed slips are being inserted in copies of agreements already printed, but future issues will have the register printed as part of the agreement. A copy of the gummed slip in use is attached to the report.

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

*Cuba.* — § XVI of Legislative Decree No. 592 provides that every master or skipper 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.

*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.

*India.* — The Government reports that the object of this Article is served by four Lascar forms of agreement. Three of these forms have already been prepared and brought into use, and a copy of each of these is enclosed with the report. The fourth form, concerning home-trade running agreements, is at present in preparation. In the case of vessels where there is no agreement with the crew, a form of register of young persons, giving particulars of the dates of their births and of the dates on which they became or ceased to be members of the crew, has been prescribed under §§ 37 E and J of the Act.

*Irish Free State.* — § 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.

*Nicaragua.* — See introductory note.

*Spain.* — ... This Article is applied by § 8 of the Rules of 26 August 1935.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 27 of the Order of 29 March 1935 provides that the articles of agreement shall be inscribed in the muster-roll or annexed to it.

#### ARTICLE 6.

Articles of agreement shall contain a brief summary of the provisions of this Convention.

*Australia.* — A brief summary of the provisions of the Convention is included in the gummed slip referred to under ARTICLE 5.

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

*Cuba.* — Legislative Decree No. 592 contains no provision on this question.

*Hungary.* — § 8 of the Order No. 32048 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.

*Nicaragua.* — See introductory note.

*Spain.* — ... This Article is applied by § 8 of the Rules of 26 August 1935.

*Uruguay.* — See introductory note.

*Yugoslavia.* — This provision is satisfied by § 25 (1) (11) of the Order of 29 March 1935.

### 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.*

*Australia.* — The Government states that the Convention has not been applied to the Territories of *Papua* and *Norfolk Island*, nor to the Mandated Territories of *New Guinea* and *Nauru*, since owing to local conditions it is inapplicable.

*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 application of the Convention to the colonies is provided for in a measure concern-

ing other questions which the Ministry for the Colonies has already prepared. The relevant proposals cannot be separated from the rest, but will be issued, with the measure as a whole, as soon as possible.

*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 employment of children dealt with in this Convention does not occur either in *Surinam* or *Curaçao*.

#### IV.

*Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.*

*Australia.* — The Government states that the administration of the above-mentioned legislation and regulations is entrusted to the Superintendents of Mercantile Marine Offices, under the control and direction of the Director of Navigation, through his Deputy-Directors of Navigation in each State. These officers are permanent officials of the Commonwealth public service. They receive detailed instructions as to their work, and are subject to inspection at any time, from the office of the Director of Navigation and the public service inspectors.

*Colombia.* — § 4 of the Act of 29 November 1924 provides that owners of undertakings guilty of contravening this provision shall be liable to a fine of from 10 to 50 pesos, to be imposed by the competent chief of police. See also introductory note.

*Cuba.* — Enforcement of the above-mentioned Legislative Decree lies with the customs authorities, port authorities and criminal magistrates, without prejudice to the competence of the Ministry of Labour to enforce all social legislation.

For this purpose, the Ministry has a General Labour Inspection Section, to which a large number of inspectors are attached; these receive instructions from the head of the Section concerning the workplaces to be inspected, and send in a numbered report for each visit carried out. The methods used to supervise conformity with the Legislative Decree are the same as in the case of the other legislation relating to shipping and maritime trade, namely: the clearing of the vessel by the customs authorities, previous submission by the master of all the papers required under the Commercial Code and customs regulations, and submission to the port authority of the list of crew; the vessel may not sail until these formalities have been completed.

*Hungary.* — The application of the Act and the Order is entrusted to the Royal Hungarian Maritime Navigation Office. Supervision is exercised directly by visits and examination by the 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.

*Nicaragua.* — See introductory note.

*Rumania.* — The port authorities and the navigation and harbour inspectorate of the Ministry of Communications are responsible for supervision of the application of the Convention. 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.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 86 of the Order of 29 March 1935 lays down that the Minister

of Communications, acting through the maritime administrative bodies, shall be responsible for the supervision and carrying out of the Order in question and the Regulations and Orders issued under it, in so far as they concern the social welfare of seamen and the protection of their lives on board merchant ships.

## 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.*

*Australia.* — The Government states in its report that the passing of the legislation necessary to implement this Convention made no practical difference to conditions in the Commonwealth, as there have been few, if any, young persons under eighteen years employed as trimmers or stokers on ships registered in Australia. No observations on the Convention have been received from employers or employees. It has, however, been in force for three months only.

*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 1934 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 practical application of the Convention.

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

*Canada.* — The provisions of the Convention, which are embodied in the Canada Shipping Act, are observed by owners, masters and seamen of Canadian vessels engaged in maritime navigation, 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, and that no observations or representations have been received by the Department from organisations of employers or workers regarding the fulfilment of the conditions of the Convention or the application of the national law relating thereto.

*Colombia.* — The Government states, in its report, that young persons under 18 years of age are not employed on board ship as trimmers or stokers. This is because employers, both public and private, have always aimed at conformity with the minimum age provisions referred to above, and they have raised the minimum age for trimmers and stokers to 18 years, bearing in mind the type of work which such employment involves, and the need for a degree of efficiency which is beyond the powers of young persons. In order to give partial effect to the Convention, it has been decided that, when a shipping undertaking submits its rules of employment to the General Labour Office for approval, as all undertakings are bound to do, approval will be refused, unless the rules require conformity with the provisions of the Convention. See also introductory note.

*Cuba.* — Neither the employers' nor the workers' organisations have made any observations with regard to the Convention or the Legislative Decree which implements it.

*Denmark.* — The superintendents of mercantile marine draw up reports only in cases of infringement; up till now no infringements have been reported. The report adds that the organisations of employers or workers concerned have not made any special observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention.

*Estonia.* — The report states that no infringements of the relevant legislation have been recorded. The Ministry has not received any observations from the employers' or workers' organisations con-



cerned 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. 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 1935, as follows: ordinary seamen, 5,458; ship's boys, 4,860. 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, according to the report of the Royal Hungarian Maritime Navigation Office, during the period 1 October 1934-30 September 1935 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 observa-

tions 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.

*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 matter number 26 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 or workers concerned.

*Latvia.* — The report states that no contravention has been reported during the period under review.

*Luxemburg.* — See introductory note.

*Netherlands.* — The Government states that the application of the relevant legislation does not call for any observations. No particulars are available concerning infractions. No observations by employers' or workers' organisations were brought to the notice of the Government.

*Nicaragua.* — See introductory note.

*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 regarding the practical application of the provisions of the Convention or of the national legislation which implements it.

*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 everywhere enforced; Rumanian vessels do not employ young persons under the age of 18 years as trimmers or stokers. The previous report showed that the General Inspectorate of Navigation and Harbours of the Ministry of Communication had 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. No complaints on the application of the Convention have been received from employers or workers.

*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.

*Uruguay.* See introductory note. —

*Yugoslavia.* — The Government states that the Ministry of Communications has not reported any case of infringement of the legislative provisions in question.

#### 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 1935, and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Australia . . . . .	28. 6.1935	9.12.1935
Belgium . . . . .	19. 7.1926	28.10.1935
Bulgaria . . . . .	6. 3.1925	15.11.1935
Canada . . . . .	31. 3.1926	19.10.1935
Colombia . . . . .	20. 6.1933	13. 1.1936
Cuba . . . . .	7. 7.1928	18.11.1935
Estonia . . . . .	8. 9.1922	19.10.1935
Finland . . . . .	10.10.1925	1.11.1935
France . . . . .	22. 3.1928	23.12.1935
Germany . . . . .	11. 6.1929	26.10.1935
Great Britain . . .	8. 3.1926	8.11.1935
Greece . . . . .	28. 6.1930	
Hungary . . . . .	1. 3.1928	5. 2.1936
India . . . . .	20.11.1922	14.12.1935
Irish Free State . .	5. 7.1930	10.12.1935
Italy . . . . .	8. 9.1924	11. 2.1936
Japan . . . . .	7. 6.1924	29. 1.1936
Latvia . . . . .	9. 9.1924	25. 1.1936
Luxemburg . . . .	16. 4.1928	7. 2.1936
Netherlands . . . .	9. 3.1928	13.11.1935
Nicaragua . . . . .	12. 4.1934	5.12.1935
Poland . . . . .	21. 6.1924	28.11.1935
Rumania . . . . .	18. 8.1923	28. 3.1936
Spain . . . . .	20. 6.1924	30. 1.1936
Sweden . . . . .	14. 7.1925	5.11.1935
Uruguay . . . . .	6. 6.1933	16. 3.1936
Yugoslavia . . . . .	1. 4.1927	11.11.1935

The Government of *Colombia* states in its report that, in adhering to this Convention, its object was solely to facilitate international solidarity in the study and solution of labour problems, and to have a doctrinal basis in this field on which, if occasion arose, it might build up positive legislation. The economic structure of the shipping industry in this country is such that there are no undertakings, properly speaking, engaged in maritime transport, Colombian shipping being for the most part engaged in river transport. Shipping undertakings are required by the General Labour Office of the Ministry of Industry and Labour to have rules of employment embodying all the appropriate labour protection measures, from the eight-hour day to health services, compulsory collective insurance, etc.

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 Government of *Nicaragua* states in its report that the provisions of this Convention do not yet apply in practice to Nicaragua, which has no ships or boats engaged in maritime navigation; consequently regulations to ensure adequate enforcement of the provisions of the Convention are not required.

The report of the Government of *Uruguay* states that §§ 227 and 228 of the Children's Code, promulgated on 6 April 1934, fully afford the protection stipulated in the Convention. In § 227, which also applies to work on board ship, it is provided that "a young person under the age of 18 years shall not be admitted to employment unless he holds a certificate of his physical fitness issued free of charge by a medical officer appointed by the Children's Council. If the person legally responsible for the minor is dissatisfied with such examination, he may, at his request, cause the minor to be re-examined". In § 228 it is added that "all young persons under the age of 18 years who are employed in industrial or commercial establishments shall be medically examined every year in order to ascertain whether the work which they perform is beyond their physical powers. If this is found to be the case, they shall be bound to leave such work for other more suitable work. The person responsible for the minor may challenge the results of the examination and request that another examination be made". The report states further that the work of children and young persons on board ship is covered by the constitutional guarantees which apply generally to this class of work.

#### 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 (Maritime Conventions) Act, 1934 (L. S. 1934, Austral. 10).

The Navigation (Health) Regulations (Amendment, S. R. 1935, No. 76).

#### *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.

#### *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 the admission of young persons to employment as trimmers or stokers] (L. S. 1934, Cuba 9).

#### *Estonia.*

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

#### *Finland.*

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

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

Order of 19 September 1925 bringing the Convention into force.

#### *France.*

Act of 13 December 1926 to issue a Seamen's Code (L. S. 1926, Fr. 13).

Legislative Decree of 19 March 1852 concerning the list of crew and the particulars regarding sea-going vessels and craft.

#### *Germany.*

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

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

Order No. 2 of 8 May 1929 concerning the examination of seamen respecting their fitness for employment on board ship (L. S. 1929, Ger. 8 B).

#### *Great Britain.*

Merchant Shipping Act, 1894.

Merchant Shipping (International Labour Conventions) Act, 1925 (L. S. 1925, G. B. 5).

*Hungary.*

Act No. XVIII of 1928, ratifying the Convention.

Order of the Minister of Commerce, No. 32,043 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.

*Nicaragua.*

See introductory note.

*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 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).

Seamen's Code of 2 June 1902 (French text in B.B. Vol. I, 1902, p. 357).

Order of 1 July 1905 relating to the examination of the fitness of sailors for employment.

*Rumania.*

Act of 9 April 1928 relating to the employment of young persons and women and the regulation of hours of work (L. S. 1928, Rum. 1), as amended by the Act of 10 October 1932 (L. S. 1932, Rum. 6 A).

Regulations of 30 January 1929 issued under the above Act (L. S. 1929, Rum. 1), amended on 19 December 1932 (L. S. 1932, Rum. 6 B).

Act of 1907 respecting the organisation of the mercantile marine.

*Spain.*

Labour Code of 23 August 1926 (L. S. 1926, Sp. 5).

Royal Order of 15 January 1930 promulgating rules for the medical examination of seamen of the mercantile marine.

Rules of 26 August 1935 concerning contracts of employment in maritime transport.

*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.

*Uruguay.*

See introductory note.

*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.

*Australia.* — Under the Navigation Act, 1912-1934, the term "vessel" means any

ship engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war. The term "ship" includes every vessel used in navigation not ordinarily propelled by oars only. The Act does not apply to ships belonging to the King's Navy or the Navy of the Commonwealth or of any British possession, or to the Navy of any foreign Government.

*Colombia.* — See introductory note.

*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.

*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.

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

## 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.

*Australia.* — § 40 B (1) of the Navigation Act, 1912-1934, lays down that a person shall not engage or re-engage any person under the age of eighteen years for service at sea in any capacity unless the person under the age of eighteen years produces to the superintendent a certificate signed by a medical inspector of seamen, or, at a port at which there is no medical inspector of seamen, by a duly qualified medical practitioner, that he is physically fit for service at sea in that capacity: Provided that this provision shall not apply to service in ships where only members of the same family are employed. The navigation (Health) Regulations (Amendment, S. R. 1935, No. 76)

determine the form of the certificate in question.

*Colombia.* — See introductory note.

*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 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.

*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.

*Nicaragua.* — See introductory note.

*Spain.* — ... § 13 of the Rules of 26 August 1935 also implements this Article.

*Uruguay.* — See introductory note.

### 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.

*Australia.* — § 40 B (2) of the Navigation Act, 1912-1934, provides that a certificate of fitness granted under the preceding paragraph of the same section (see above, under ARTICLE 2) shall have force for a period of one year, but may be renewed from year to year by endorsement by a medical inspector of seamen, or, at a port at which there is no medical inspector of seamen, by a duly qualified medical practitioner, after medical examination of the holder thereof.

*Colombia.* — See introductory note.

*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.

*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 8 March 1934, of the Ministry of Communications.

*Nicaragua.* — See introductory note.

*Spain.* — ... § 13 of the Rules of 26 August 1935 also implements this Article.

*Uruguay.* — See introductory note.

### 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.

*Australia.* — The Government states in its report that no special provision has been made for the engagement, in an emergency, of a young person without medical examination, but, in practice, such will be permitted, subject to the examination being made at the first opportunity.

*Colombia.* — See introductory note.

*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.

*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.

*Nicaragua.* — See introductory note.

*Spain.* — . . . § 13 of the Rules of 26 August 1935 also implements this Article.

*Uruguay.* — 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, 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.*

*Australia.* — The Government states that the Convention has not been applied to the Territories of *Papua* and *Norfolk Island*, nor to the Mandated Territories of *New Guinea* and *Nauru*, since owing to local conditions it is inapplicable.

*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 Government states in its report that the application of the Convention to the colonies is provided for in a legislative measure concerning other questions which has already been prepared by the Ministry for the Colonies. The relevant provisions cannot be separated from the rest, but will, with the measure as a whole, be promulgated as soon as possible.

*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.

*Netherlands.* — . . . The employment of children dealt with in this Convention does not occur either in *Surinam* or *Curaçao*.

*Spain.* — The Government states that the Convention is applicable to the cities of *Morocco* which are 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. In particular, please supply information on the organisation and working of inspection.*

*Australia.* — The Government states that the administration of the relevant legislation and regulations is entrusted to the Superintendents of Mercantile Marine Offices, under the control and direction of the Director of Navigation, through his Deputy Directors of Navigation in each State. These officers are permanent officials of the Commonwealth public service. They receive detailed instructions as to their work, and are subject to inspection at any time, from the office of the Director of Navigation and the public service inspectors. The medical inspectors who, at the request of the Superintendent will make the examinations, are also, at the principal ports, permanent officials of the public service, attached to the Commonwealth Department of Health.

*Colombia.* — See introductory note.

*Cuba.* — Enforcement of the above-mentioned Legislative Decree lies with the customs authorities, port authorities and communal magistrates, without prejudice to the competence of the Ministry of Labour to enforce all social legislation. For this purpose, the Ministry has a General Labour Inspection Section, to which a large number of inspectors are attached; these receive instructions from the head of the Section concerning the workplaces to be inspected, and send in a

numbered report for each visit carried out. The methods used to supervise conformity with the Legislative Decree are the same as in the case of the other legislation relating to shipping and maritime trade, namely: the clearing of the vessel by the customs authorities, previous submission by the master of all the papers required under the Commercial Code and customs regulations, and submission to the port authority of the list of crew; the vessel may not sail until these formalities have been completed.

*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.

*Nicaragua.* — See introductory note.

*Rumania.* — Supervision of the application of the relevant legislation is entrusted to the port authorities and to the general inspectorate of navigation and harbours.

*Uruguay.* — 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 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.*

*Australia.* — The Government states that, owing to the short time in which the Convention has been in force in the Commonwealth, it is too early to give an appreciation, in this first report, of its effect. No observations on the matter have been received from employers or employees.

*Belgium.* — The Government states that it is the rule to submit all seamen to a medical examination before the conclusion of their articles of agreement. In 1934, 9,845 seamen submitted to this examination, which is extremely severe in the case of young persons. No observations regarding the practical application of the Convention were made during 1934 by employers' or workers' organisations.

*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. No observations or representations have been received by the Department from organisations of employers or workers regarding the fulfilment of the conditions of the Convention or the application of the national law relating thereto.

*Colombia.* — See introductory note.

*Cuba.* — Neither the employers' nor the workers' organisations have submitted observations concerning either the Convention or the Legislative Decree applying it.

*Estonia.* — The Government states in its report that no infractions of the relevant legislation have been 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 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 1935, the number of ordinary seamen under eighteen years of age protected by the legislation in question was 5,458 and the number of ship's boys (*mousses*) under sixteen years of age similarly protected was 4,860. 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.* — The Government states in its report that no relevant statistics are compiled, and no reports of inspection or registration services are available. The Government is satisfied that the measures taken to enforce the Convention are effective. 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 1934 to 30 September 1935 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 the Convention has been working satisfactorily in India. At the port of Bombay, 41 young persons were medically examined, none of whom were rejected as unfit for employment at sea. At the port of Aden, one young person was medically examined and found physically fit for employment. The organisations of employers and workers have not offered any observations regarding the practical fulfilment of the conditions prescribed by the national law implementing the Convention. The Government of India has no observations to offer.

*Irish Free State.* — The report states that very few young persons are employed on Irish Free State ships and that no difficulty in the working of the Act 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 26 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 1934, 949 young persons of 14 to 18 years of age who had been engaged for employment at sea were medically examined by the 28 doctors charged with this duty. Of this number, 14 were rejected as unfit for employment at sea. Proceedings were taken in 6 cases of absence of medical certificate, and in 2 cases a compromise was reached. 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.

*Nicaragua.* — See introductory note.

*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 previous report stated that the General Inspectorate of Navigation and Harbours of the Ministry of Communications had 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 Government states in its report that no complaints on the application of the Convention have been received from employers or workers.

*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.

*Uruguay.* — See introductory note.

*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 1935 and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium . . . . .	3.10.1927	24.10.1935
Bulgaria . . . . .	5. 9.1929	15.11.1935
Chile . . . . .	8.10.1931	20.12.1935
Colombia . . . . .	20. 6.1933	13. 1.1936
Cuba . . . . .	6. 8.1928	18.11.1935
Hungary . . . . .	19. 4.1928	10. 1.1936
Latvia . . . . .	29. 5.1928	25. 1.1936
Luxemburg . . . . .	16. 4.1928	10. 2.1936
Mexico . . . . .	12. 5.1934	28. 3.1936
Netherlands . . . . .	13. 9.1927	18.11.1935
Nicaragua . . . . .	12. 4.1934	5.12.1935
Portugal . . . . .	27. 3.1929	16. 1.1936
Spain . . . . .	22. 2.1929	30. 1.1936
Sweden . . . . .	8. 9.1926	5.11.1935
Uruguay . . . . .	6. 6.1933	
Yugoslavia . . . . .	1. 4.1927	11.11.1935

The Government of *Colombia* states in its report that a Bill concerning workmen's compensation for accidents, and fuller than existing legislation on the subject, has been laid before the Legislative Chambers.

The Government of *Mexico* states in its report that the existing system of work-

men's compensation for accidents in Mexico differs from that laid down in the Convention, in that compensation is paid in a lump sum. The Government is, however, aware of the advantages of the periodical payment system and, in the new Labour Code, is proposing its adoption. The draft Code, which has been carefully studied, will possibly be submitted to the Legislative Chambers in the next congressional period.

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), amended and supplemented by the Acts of 2 February 1929 (L. S. 1929, Bulg. 1), 9 April 1931 (L. S. 1931, Bulg. 2), 25 June 1932 (L. S. 1932, Bulg. 4), 28 June 1933 (L. S. 1933, Bulg. 3), and the Legislative Decrees of 11 August 1934 (L. S. 1934, Bulg. 3 B) and 5 January 1935 (L. S. 1935, Bulg. 1).

*Chile.*

Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L. S. 1931, Chile 1).  
Chapter III of Legislative Decree No. 379 of 18 March 1925 concerning accident compensation (L. S. 1925, Chile 4).

Decree No. 238 of 31 March 1925 issuing regulations under the preceding Legislative Decree, amended by Decree No. 1239 of 22 July 1930.

Decree No. 217 of 30 April 1926 to approve the amended regulations respecting industrial hygiene and safety (L. S. 1926, Chile 2).

Decree No. 903 of 8 June 1927 concerning unclassified partial incapacity.

*Colombia.*

Act No. 57 of 15 November 1915 concerning workmen's compensation for accidents, supplemented and amended by Act No. 32 of 17 June 1922 (L. S. 1929, Col. 2 B) and Act No. 133 of 9 December 1931 (L. S. 1931, Col. 3).

*Cuba.*

Decree No. 2687 of 15 November 1933 to repeal and replace the Act of 12 June 1916 (L. S. 1933, Cuba 3 A), amended by Decrees Nos. 3156 and 3341 of 16 and 30 December 1933 respectively (L. S. 1933, Cuba 3 B and C).

Presidential Decree No. 223 of 31 January 1935 issuing Regulations under the Act concerning industrial accidents.

*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) 6000 of 1933 (L. S. 1933, Hung. 4) and 6500 of 1935 (L. S. 1935, Hung. 2).

Act No. XXIX of 1928 to embody the Convention in Hungarian legislation.

Act No. LXV of 1912 respecting pensions for State employees and their 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).

*Mexico.*

Political Constitution, 1917, of the United States of Mexico.

Federal Labour Act of 18 August 1931 (L. S. 1931, Mex. 1).

The Government states that ratification of the Convention and its promulgation by the President of the Republic have the legal effect of converting its provisions into a constitutional Act, in accordance with the provisions of § 133 of the Political Constitution. See also introductory note.

*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).

*Nicaragua.*

Act of 13 May 1930 respecting industrial accidents (L. S. 1930, Nic. 1).

*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.

Decree of 22 February 1933, approving the Regulations of the National Industrial Accident Insurance Fund.

Orders of 11 March and 30 July 1933 approving the scales of premiums of the National Industrial Accident Insurance Fund.

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, 16 March 1934 and 28 June 1935.

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.

*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.* — Under § 10 of Act No. 57 of 1915, public lighting and water supply undertakings, railways, tramways, liquor and phosphorous factories, building undertakings employing more than 15 workers, mines, quarries, shipping concerns, industrial establishments using power driven machinery, and public works undertaken by the State, are liable for workmen's compensation for accidents. Under § 11, employers whose capital is less than 1,000 gold pesos, shall be bound to provide, in compensation for industrial accidents, only the medical attendance required by the Act. § 5 of Act No. 32 of 1922 provides that, for the purposes of the Workmen's Compensation Act, "wage-earning employee" (*obrero*) shall mean a person whose wages do not exceed 3 pesos a day and who performs work on account of an employer. See also introductory note.

*Cuba.* — The Workmen's Compensation Act (text of Decree No. 2687 of 15 November 1933), applies to workers employed in the undertakings and industries enumerated 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.

*Luxembourg.* — Under § 85 (1) of the Act of 17 December 1925 all industrial, agri-

## 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.*

cultural 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 . . .

*Mexico.* — The system of compensation for occupational injury (accident and disease) laid down in Part VI of the Federal Labour Act covers all workers, including apprentices. No advantage has been taken of the exceptions specified in the second paragraph of this Article except that under § 211 the provisions of the Act do not apply to family undertakings where only the immediate relatives or wards of the employer are employed. Small scale undertakings, i.e., those employing not more than ten persons if power driven machinery is used, or not more than twenty if power is not used, although subject to the Federal Labour Act of 18 August 1931, receive special consideration in the matter of liability for occupational injuries. Under § 209 of the Act, the conciliation and arbitration board to which the claim for compensation is submitted may, having regard to the situation of the small scale undertaking, reduce the amount of compensation, provided that this may not fall below 20 per cent of the amount prescribed for other cases. See also introductory note.

*Nicaragua.* — Under §§ 2, 5 and 10 of the Act of 13 May 1930, workmen's compensation for industrial accidents ap-

plies in general to wage-earning employees and apprentices employed in public and private undertakings of all kinds, on condition that the undertaking is employing more than fifteen wage-earning employees at the moment when the accident occurs and that the declared capital of the undertaking is not less than 25,000 córdobas. Under § 1 of the Act, a "wage-earning employee" means any person who performs any manual work, whether of a permanent or a temporary nature, elsewhere than in his own home, for fixed remuneration. In addition, for the purposes of the Act, any person who supervises the work of another under the conditions specified above is deemed to be a wage-earning employee, even if he does not actually take part in the performance of the work, provided that his fixed daily wage does not exceed 2 córdobas and that his contract is for a period of not less than thirty days.

*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. § 3 of the Regulations extends this general definition of the term "worker" to include the following: persons who carry out, by order of the employer or his representative, work which is not habitually theirs; apprentices; foremen, overseers, managers, agents, etc., whose basic remuneration for determination of benefit is limited to 15 pesetas a day; persons contracting for the employment of groups; the crews of vessels; the manual staff of theatres, and the artistic and administrative staff if their remuneration does not exceed 15 pesetas a day; clerks, shop staff, and representatives of commercial establishments; the paid staff of welfare establishments; office employees whose remuneration is less than 5,000 pesetas a year; public employees; road-men; convicts; and staffs of hotels and inns. The report states that the Act does not exclude, but on the contrary includes, casual work. Home workers and those in domestic service are excluded. There is no provision in Spanish legislation for excluding workers because they belong to the employer's family.

*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.*

*Chile.* — The report states that the national legislation relating to compensation for industrial accidents covers seamen and fishermen. The only employees to which a special scheme applies are the staff of the State railways.

*Colombia.* — (1) Shipping concerns are, as regards larger craft, liable under the Workmen's Compensation Act. (2) The report does not refer to the question of persons covered by some special scheme.

*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.

*Mexico.* — (1) The Federal Labour Act, which gives effect to the principle of compensation for occupational injuries, covers seamen and those employed on navigable waterways. (2) The only persons excluded from the scope of this Act are public employees of the Federation who are covered by the General Retiring Pensions Act, which provides an old-age, invalidity, and widows' and orphans' insurance system.

*Nicaragua.* — The Act of 13 May 1930 respecting industrial accidents applies to seamen and fishermen.

*Spain.* — (1) Seamen have been included in the general scheme, and therefore in the operation of the Convention, since the Decree of 25 July 1935 came into force. (2) The report states that under § 4 of the Act the scheme does not apply to public employees who receive assistance equivalent to that prescribed in the scheme itself. Under the rules concerning retirement, approved by Legislative Decree of 22 October 1926, persons disabled by industrial accidents receive pensions equivalent to between 80 and 100 per cent. of their remuneration.

## 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.* — Colombia has ratified the Convention concerning workmen's compensation in agriculture.

*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.

*Mexico.* — Agricultural workers are included in the system of compensation for occupational accidents. Mexico has not ratified the Convention concerning workmen's compensation in agriculture.

*Nicaragua.* — The Act of 13 May 1930 inspecting industrial accidents does not reclude in its scope employees who meet with accidents in employment in agriculture or stock-raising. As Nicaragua has, however, ratified the Convention concerning workmen's compensation in agriculture, new legislation is in course of preparation.

*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.*

*Bulgaria.* — ... Under § 12 of the Act of 6 March 1924 respecting social insurance, as amended, if the victim of an accident dies, his successors shall be paid survivor's pensions, the total amount of which may not exceed 65 per cent. of the annual

income of the deceased person. §§ 11(e) and 11(f) provide that if the loss of working capacity is less than 40 per cent. the Social Insurance Fund may, if the injured workman so requests, pay him a lump sum in place of the pension, on condition that this lump sum shall be used for the establishment or improvement of a gainful undertaking or establishment. If the loss of working capacity amounts to 10 to 20 per cent, the injured person shall receive, instead of a pension, a lump sum equal to the amount for three years of the pension due to him, according to his loss of working capacity.

*Colombia.* — Under the present system, a capital sum is paid in compensation for fatal accidents, or those which give rise to permanent disablement. Under § 6 of Act No. 57 of 1915, as amended by Act No. 133 of 1931, compensation, in cases of permanent partial disability, is assessed on a scale ranging from two month's to one year's wages. In case of total disablement, compensation is equivalent to two years' wages; and in case of death, to one year's wages. Under § 5 of Act No. 133 of 1931, the obligation to effect life insurance shall be prolonged for three months after the wage-earning or salaried employee has left the undertaking concerned, as the result of an accident. See also introductory note.

*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.

*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.

*Mexico.* — § 298 of the Federal Labour Act provides that, in the case of death, compensation equivalent to 612 days' pay shall be paid to the worker's heirs, without deduction in respect of any compensation paid before death to the worker himself. Under §§ 301 and 302, compensation in cases of permanent total disablement shall be equivalent to 918 days' pay. In cases of permanent partial disablement, compensation shall be proportionate to the loss of earning power, as laid down in the table of degrees of disablement included in the Act. Under § 306, payment in the form of a life, or temporary, pension may be agreed between employer and worker provided the former can furnish guarantees of solvency which in the opinion of the conciliation and arbitration board are sufficient. The report states that the Act is only concerned with seeing to it that a proper use is made of such pensions in the case of minors, and within the general provisions of the Civil Code. See also introductory note.

*Nicaragua.* — § 11 of the Act of 13 May 1930 respecting industrial accidents lays down that if the accident causes the death or permanent incapacity of the injured worker, the employer shall pay to the worker or his family a sum equal to half the sum which the worker received by way of wages during the period of his employment in the undertaking up to a maximum of one thousand days, provided that the said compensation shall not exceed 1,500 córdobas and shall not be less than the wages which would be due to the injured person for a period of six months' employment. In case of partial and permanent incapacity the compensation shall be equal to one thousand times the amount by which the daily wage of the injured person is diminished owing to the accident.

*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.*

*Bulgaria.* — § 10 of the Act of 6 March 1924 concerning social insurance, as amended, provides that during the period of medical attendance, an injured worker shall be paid for each working day lost a daily pecuniary benefit fixed in relation to the wages which he was earning at the date of the accident. Under §§ 11 and 11(a), if on the conclusion of the medical attendance the injured worker is recognised as suffering from a permanent loss of working capacity exceeding 20 per cent., he shall be granted an individual pension as from the day when the daily pecuniary benefit ceased to be payable. The Social Insurance Fund is responsible for the payment of the daily pecuniary benefit and the pension.

*Colombia.* — § 6 of Act No. 57 of 1915 provides that temporary disablement as the result of an accident entitles the employee to compensation at the rate of two-thirds of his wages for the whole period of incapacity for work. § 7 of the Act provides that compensation shall be paid by the employer, or by means of insurance taken out by the employer's interest.

*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 § 75 of the Regulations issued under the Act.

*Mexico.* — Under § 303 of the Federal Labour Act, the amount of compensation in the case of temporary disablement due to occupational injury shall be equal to 75 % of the wages of which the employee is deprived during incapacity for work. This payment is due as from the first day of incapacity for work. In no case is it payable for more than one year ; any disablement continuing beyond this period is considered to be permanent. Liability for payment falls on the employer ; but, under § 305 of the Act, he may discharge this liability by insuring at his own expense the employee who is entitled to receive compensation, provided that the amount insured for shall not be less than the compensation. If, on account of the fault of the employer, the amount insured for is not paid, liability to pay the statutory compensation shall remain in force.

*Nicaragua.* — § 11 (7) of the Act of 13 May 1930 provides that if an accident causes temporary incapacity for work, the compensation shall be equal to one-half of the average daily wage from the date of the accident to the date on which the injured person is able to resume work. § 8 (2) of the Act provides that compensation shall not be payable for injuries entailing the incapacity of the injured person to earn his full wages or salary for a period not exceeding a fortnight ; but if the incapacity continues for more than a fortnight, compensation shall be payable as from the date of the accident.

*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.* — The legislation of Colombia does not appear to include any provisions of this nature. See also introductory note.

*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.

*Mexico.* — The Federal Labour Act of 18 August 1931 includes no provision of this nature. See also introductory note.

*Nicaragua.* — The legislation in force does not appear to contain any provisions of this nature.

*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.). In case of disagreement between the parties, the amount of the supplement is fixed by the Superior Joint Board of Review for Social Welfare.

#### 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.* — The legislation in force contains no provisions dealing with supervision or review of compensation, which is paid in a lump sum. See also introductory note.

*Cuba.* — § 71 of the Regulations issued under the Act lays down that 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 contain any provisions with regard to review of compensation.

*Mexico.* — § 307 of the Federal Labour Act provides that, within one year of the date on which compensation has been assured by agreement or award, the party concerned may apply for the revision of this agreement or award if after the date thereof proof is forthcoming that the disablement caused by the injury has been aggravated or diminished. The report points out that, within the period laid down, repeated revisions may be claimed; and that, to give the agreement legal effect, it must be approved by the conciliation and arbitration board in accordance with § 516 of the Act.

*Nicaragua.* — Since compensation is paid in the form of a lump sum, the legislation in question does not contain any provisions with regard to supervision or review of compensation.

*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. In the case of a fatal accident, the period is reduced to two years. The number of times at which review may take place within these periods is unlimited. Requests for revision must be made to the National Industrial Accident Insurance Fund; and appeal against its decisions may be made to the Superior Joint Board of Review for Social Welfare.

#### 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.* — Under §§ 6 and 8 of Act No. 57 of 1915 the employer is obliged to provide medical attendance and pharmaceutical requirements for the injured person.

*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 §§ 44-50 of the Regulations issued under the Act contain provisions with regard to the nature and duration of the medical aid and the person responsible for it.

*Mexico.* — Under § 295 of the Federal Labour Act, workers are entitled in the event of occupational injury to receive medical attendance, medicaments and curative requisites. The report states that, since the Act fixes no time-limit, the liability to supply medical attendance and medicaments must be taken to continue until the worker is cured, or has died. The report adds that this liability falls upon the employer, in accordance with paragraph XIV of § 123 of the Constitution and § 291 of the Federal Labour Act. §§ 308 and 309 of the Act define the methods of supplying such attendance and medicaments.

*Nicaragua.* — § 33 of the Act of 13 May 1930 provides that in every case of accident the employer shall be bound to supply first aid for the injured person and medical attendance and medicaments. Under § 28 the injured person shall be entitled to choose the medical practitioner and pharmacist whom he desires to attend him during the illness caused by the accident; but if he does so, the head of the undertaking or establishment in question shall not be liable for the expenses of medical attendance and medicaments until the local judge has fixed the fees of the medical practitioner and countersigned the account of the pharmacist, without further formality and without right of appeal.

*Spain.* — § 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. § 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. Under § 27 of the Regulations, the maximum duration of such aid is one year, after which temporary incapacity, if it has not ceased, is deemed to be permanent.

#### 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.* — The legislation in force does not appear to contain any provisions concerning the supply or renewal of artificial limbs and surgical appliances. See also introductory note.

*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 pay-

ment 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.

*Mexico.* — The report states that Mexican legislation contains no provisions similar to those of this Article. The Government has, however, included equivalent provisions in the draft Labour Code which will shortly be submitted to the Federal Congress.

*Nicaragua.* — The legislation in force does not appear to contain provisions similar to those contained in this Article of the Convention.

*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.*

*Bulgaria.* — Under § 35 of the Act of 6 March 1924 respecting social insurance, as amended, accident insurance is maintained by contributions from the employers. These contributions are fixed by the Directorate of Labour and Social Insurance in accordance with the daily wages and salaries paid and the occupational risks in the various industrial

groups. The statutory benefits are provided by the Social Insurance Fund, which is managed by the aforesaid Directorate, which is dependent upon the Ministry of National Economy.

*Colombia.* — § 7 of the Workmen's Compensation Act provides that employers may transfer to insurance companies the obligation to pay the compensation required by the Act. Insurance is compulsory, however, only in the case of death risk in certain classes of undertaking. The Acts concerning compulsory collective life insurance (Act No. 37 of 1921, amended by Act No. 32 of 1922 and Act No. 44 of 1929) require that every undertaking of a permanent nature, with a pay-roll of 1,000 pesos or more, shall effect a collective life insurance of its wage-earning and salaried employees, at its own expense, for a sum equal to the wages and salaries up to 2,400 pesos per annum, of each employee for one year. Employees in receipt of annual remuneration exceeding 2,400 pesos but not exceeding 4,200 pesos a year shall be entitled to be insured for the sum of 2,500 pesos.

*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.

*Mexico.* — The report states that there are at present no provisions of this kind, apart from those ordinarily included in insurance legislation, but that the Government has carefully studied the question of including them in the new legislation.

*Nicaragua.* — § 34 of the Act of 13 May 1930 provides that as soon as companies have been established in Nicaragua for the purpose, every wage-earning employee working in an undertaking or establishment covered by the Act shall be insured at the expense of his employer. Under § 39, insurance companies are subject to inspection and supervision by the State. § 49 lays down that heads of establishments or undertakings of a permanent character may obtain exemption from the obligation to insure their wage-earning employees by assuming all the liabilities covered by the Act with respect to compensation, subject to the previous authorisation of the President of the Republic. In order to obtain the authorisation in question, the employer shall be bound to prove his

solvency by means of a certificate issued by the Secretary of Development and Public Works. § 23 provides that if occupiers of undertakings who are liable fail to pay in proper time the compensation due from them on account of accidents, the persons concerned shall be entitled to avail themselves not only of the guarantees offered by insurance companies with respect to compensation, but also of the right to attach or seize judicially the property of the undertaking or establishment and the private property of the employer responsible for the accident. Such attachments usually take precedence over any other debts, irrespective of their nature.

*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.*

*Belgium.* — By letter dated 9 May 1935, the Government announced that the Convention had been made applicable to the Belgian Congo and to the Mandated Territories as from 1 April 1935, and that Decrees were being drafted with a view to bringing the legislation of the colony into

agreement with the provisions of the Convention.

*Netherlands.* — . . . For the present there can be no thought of introducing accident insurance in *Surinam* — a poor territory with a heterogeneous and very sparse population — in view of its economic distress. As regards *Curaçao*, it may be mentioned that at the beginning of 1935 the Government introduced a draft Order in the Colonial Council "establishing the obligation of the employer to pay, and the right of the worker to claim, compensation for an industrial accident or disease occurring in the undertakings covered".

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

*Spain.* — See under *Convention No. 12 (Workmen's compensation, agriculture)*, point III.

### 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 enforcement of the legislation giving effect to this Convention lies with the General Labour Office of the Ministry of Industry and Labour. A medical inspector is attached to the General Labour Office, and is required to study all complaints respecting compensation for industrial accidents and the decisions of the court medical officers. The assessment of compensation in districts where there is no medical factory inspector lies in cases of permanent partial disability with the court medical officers. The judicial authorities are competent to decide in case of dispute.

*Cuba.* — Enforcement of the legislation applying the Convention lies with the following authorities: administrative enforcement, the Ministry of Labour acting through its Section for the prevention of industrial accidents and its corps of inspectors; judicial enforcement, the municipal magistrates and magistrates of first instance in civil cases, with the normal right of appeal to the provincial courts of appeal and Supreme Court, and the criminal court and examining magistrates in criminal cases, with appeals as above.

*Mexico.* — The Federal Labour Department, the Department for the Federal District, the Federal and local conciliation and arbitration boards, the Federal

and local labour inspectors, and the municipal presidents are responsible for administering labour legislation. The labour inspectors act under the supervision of the authorities and in accordance with §§ 402 to 406 of the Federal Labour Act. Further, to assist the workers to protect their interests, Cap. VIII of the Eighth Part of the Act sets up, under the Labour Department, a Solicitor's Office for the Protection of Labour, which works in accordance with the regulations issued by the Federal Executive, the Governors of the States and territories, and the head of the Department for the Federal District in the areas under their jurisdiction.

*Nicaragua.* — The enforcement of the existing legislation on this question is entrusted to the municipal judicial authorities and, in particular, the local and district judges.

*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 enforcement of the most important part of the present Act is entrusted to the National Industrial Accident Insurance Fund, which, besides acting as insurer in competition with the mutual insurance societies and insurance companies, is the official body with exclusive competence to pay compensation pensions. This it does on receipt of the capital requisite to constitute the pensions, provided by the Fund itself when it has assumed the risk, or by the insuring body, or by the employer if he is not insured, or by the Guarantee Fund in case of insolvency. Further, the Act is enforced : (a) by the administrative authority (labour delegation) on application by the worker or his dependants, by means of a very rapid administrative procedure the object of which is to induce the responsible body to fulfil its obligations without recourse to judicial action ; (b) by the Factory Inspection Service *ex*

*officio*, with a view to the prevention of accidents ; (c) by the Social Insurance Inspectorate, which requires conformity with the obligation to insure against industrial accidents and may impose penalties in case of failure to do so ; (d) if occasion arises, by the National Fund, to stop infringement of the legislation concerning the payment of pensions for permanent incapacity or death and to prevent arrangements which prejudice the workers' rights ; (e) by the special courts on application by the workers, their dependants, or the Guarantee Fund ; (f) by the joint social welfare boards, which, after incapacity has been established or the pension determined, are the only bodies competent to settle any question arising out of the application of the Act. The report adds that the work of the Social Insurance Inspectorate is governed by the Decree of 28 June 1935.

## 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 twenty decisions given by the labour courts and five administrative decisions taken by the labour inspectors are attached as appendices to the report.

*Colombia.* — The report states that the municipal justices and justices on circuit have issued a number of judgments concerning the payment of compensation for industrial accidents. Copies of these judgments will be obtained as soon as possible for dispatch to the International Labour Office.

*Cuba.* — The report states that since 1916, when the first Industrial Accidents Act came into force, the Supreme Court has issued hundreds of judgments on this subject, which have been compiled and annotated in special handbooks prepared by Cuban legal experts.

*Spain.* — The report states that certain decisions have been issued by the Supreme Court and by the Superior Joint Board of Review for Social Welfare relating to the payment of pensions, commutation, and the award of supplements for serious disablement. A collection of legal decisions of this kind has been sent to the International Labour Office.

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 938,095; the staff of the State railways, for whom special provisions are in force, number 16,248. (2) (a) Benefits in cash amounted to 5,695,778.16 pesos, and the capitalised value of pensions granted to 3,870,017.79 pesos. (b) The average expenditure per injured worker was 1,579.09 pesos. (3) No data are available as to benefits in kind. (4) The number of accidents reported was 36,070. (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.* — The report states that Act No. 57 of 1915 is enforced in the whole of the Colombian territory, and effect is thus given to the Convention within the scope of the Act's provisions. The report adds that no special observations on the subject of the application of the Convention have been received from employers' or workers' organisations.

*Cuba.* — The report states that, during the first six months of 1935, the number of industrial accidents reported was 24,296.

*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 1934 the number of paid workers covered by the legislation concerning workmen's compensation for accidents was 842,922, of which 142,460 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 1934; benefits in cash: 7,167,109 pengő (12.90 per insured person); benefits in kind: 848,011 pengő (1.54 per insured person). The number of accidents notified to the National Insurance Institute was 27,221, of which 195 were fatal; 762 involved permanent diminution in earning capacity; 4,351 involved temporary consequences. Of the 762 accidents involving permanent diminution in earning capacity 21 were granted full invalidity pensions and 741 were treated as involving a partial diminution in earning capacity. In 1933, the expenses involved in instituting proceedings and the expenses of administration amounted to 1,266,749 pengő. Of this amount, 335,368 pengő 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 states that no statistics are yet available for the period under review.

*Luxemburg.* — According to the report of the Accident Insurance Association for 1934 the total number of accidents notified during the year was 10,727, 10,211 of which were compensated. The number of wage earners in regular employment was 37,227 and the number of accidents compensated was 274 per thousand insured persons. The number of fatal accidents was 27. The amount paid in pensions was 15,234,589.26 francs; the amount spent on curative treatment was 2,272,474.64 francs; and the cost of administration was 1,944,901.18 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 (429) 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.

*Mexico.* — The report points out the the available statistics are appended, together with a booklet containing instructions to inspectors recently issued by the Secretary General of the Labour Department.

*Netherlands.* — The report of the State Insurance Bank (*Rijksverzekeringsbank*) for 1933 contains the following information: 1. The number of full time workers (i.e. those working 300 days a year) in 1933 was 1,182,873. The number of undertakings covered by compulsory insurance on 31 December 1933 was 181,514. 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 15,242,889.26 florins. This includes, *inter alia*, the cost of medical benefit, including benefits in kind (2,355,231.26 florins), the cost of temporary compensation (3,488,221.61 florins), provisional pensions (1,936,859.72 florins), pensions definitely fixed (4,953,356.20 florins), funeral benefit (34,788.90 florins), survivors' benefit (2,405,207.84 florins), etc. 3. The number of accidents was 148,066. Temporary pensions were granted in 8,690

cases, and temporary grants or medical benefit in 92,618 cases. § 40 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 (4,065,687 florins) paid by non-affiliated employers amounted to 2,471,518 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.

*Nicaragua.* — The report contains no information on this point.

*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. The Government states that a Bill concerning accident insurance has been submitted to the National Assembly, for the purpose of giving accident insurance a definitely corporative character and of widening its scope and increasing the pensions.

*Spain.* — The Government has sent to the International Labour Office the report of the National Industrial Accident Insurance Fund for the year 1934.

*Sweden.* — In 1932, 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 1,530,362, including 130,186 State employees. The State Insurance Office, which includes the majority of insured persons — the remainder being insured with various mutual insurance companies



— spent 10,514,368 crowns during the period covered by the report on benefits in kind. During the year 1932 the cost of benefits in kind was 10.91 crowns per full-time worker. The cost of medical benefit for the period covered by the report was 2,714,994 crowns. During the year 1932 this cost represented 2.85 crowns per full-time worker. It should be noted that these amounts do not include benefits paid by the State or by employers who themselves assume the risks of insurance as regards industrial accidents for their employees. During the year 1 October 1934-30 September 1935, the State Insurance Office registered 146,834 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 1,874,153 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 1934, the total number of insured persons was 543,559. 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 1934 was 15,332. 832 persons received medical treatment at a cost of 13,218 *dinars* a day. The number of pensions awarded was as follows: 1,095 men, at a total value of 2,865,238 *dinars*, and 78 women, at a total value of 132,672 *dinars*. The number of family pensions was as follows: 114 widows, at a total annual cost of 294,171 *dinars*; 292 children, at a total annual cost of 428,499 *dinars*; 11 parents and grandparents, at a total annual cost of 20,703 *dinars*. The expenses of the Accident Insurance Section for 1934 were as follows: benefits in cash, 43,379,213 *dinars* (79.80 per insured person); benefits in kind, 4,390,689 *dinars* (8.08); cost of enquiries and legal proceedings, 1,073,187 *dinars* (1.97); endowment of capital for pensions, 21,095,727 *dinars* (38.81). The expenses of insurance were met by the following receipts: payments by employers 60,942,749 *dinars* (112.12 per insured person); other receipts, 17,266,374 *dinars* (31.78).

### 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 1935 and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria . . . . .	29. 9.1928	23. 1.1936
Belgium . . . . .	3.10.1927	24.10.1935
Bulgaria . . . . .	5. 9.1929	15.11.1935
Chile . . . . .	31. 5.1933	20.12.1935
Colombia . . . . .	20. 6.1933	13. 1.1936
Cuba . . . . .	6. 8.1928	18.11.1935
Czechoslovakia . .	19. 9.1932	12. 2.1936
Denmark . . . . .	18. 6.1934	12.11.1935
Finland . . . . .	17. 9.1927	1.11.1935
France . . . . .	13. 8.1931	22. 1.1936
Germany . . . . .	18. 9.1928	26.10.1935
Great Britain . . .	6.10.1926	11. 2.1936
Hungary . . . . .	19. 4.1928	10. 1.1936
India . . . . .	30. 9.1927	14.12.1935
Irish Free State . .	15.11.1927	22.10.1935
Italy . . . . .	22. 1.1934	11. 2.1936
Japan . . . . .	8.10.1928	29. 1.1936
Latvia . . . . .	29.11.1929	25. 1.1936
Luxemburg . . . . .	16. 4.1928	10. 2.1936
Netherlands . . . .	1.11.1928	13.11.1935
Nicaragua . . . . .	12. 4.1934	5.12.1935
Norway . . . . .	11. 6.1929	15.10.1935
Portugal . . . . .	27. 3.1929	16. 1.1936
Spain . . . . .	29. 9.1932	
Sweden . . . . .	15.10.1929	5.11.1935
Switzerland . . . .	16.11.1927	1.11.1935
Uruguay . . . . .	6. 6.1933	16. 3.1936
Yugoslavia . . . . .	1. 4.1927	11.11.1935

The *Austrian* Government states in its report that existing legislation on compensation for occupational accidents and disease covering wage-earning and salaried employees in industry and commerce has been amended by a Federal Social Insurance (Industry) Act which came

into force on 1 April 1935. As regards other categories of workers, previous legislation remains provisionally in force, pending the promulgation of a Social Insurance (Agriculture) Act, and another dealing with the employees of public railways. As regards the period 1 October 1934 to 31 March 1935, the Government refers to previous reports, and deals, in the present report, only with the slightly modified conditions obtaining under the new legislation. The summaries given below are, therefore, concerned only with the second half of the period covered by the report.

The Government of *Colombia* states in its report that a Bill concerning compensation for industrial accidents and occupational diseases is now before Congress. This Bill is based not only on the provisions of the Convention, but also on Colombian conditions and particularly the tropical nature of the country. There is no doubt that the Bill will become law this year.

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

The Government of *Uruguay* states in its report that under the Workmen's Compensation (Accidents) Act of 26 November 1920, as modified by the Act of 11 January 1934, occupational diseases as dealt with in the Convention are covered by the same legal provisions as industrial accidents. The Act specifically mentions, as occupational diseases, lead poisoning and mercury poisoning; anthrax infection, on the other hand, which has always been included under the heading of industrial accidents, is not specifically mentioned. These diseases are recognised as occupational risks and give the right to the compensation fixed under the Act in the case of industrial accidents, i.e., medical benefit, pharmaceutical requirements, temporary allowances in the case of temporary incapacity, and pensions in the case of permanent total or partial disablement.

#### 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 Act of 30 March 1935 concerning social insurance in industry (L. S. 1935, Aus. 2) and Regulation No. II issued in application of the Act on 28 June 1935.

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 and amended by the Act of 6 March 1935) together with the Orders issued in application of the Act on 3 September 1928 (L. S. 1928, Aus. 4) and 21 January 1930.

#### *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. 1A).

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. 1B).

Ministerial Decree of 10 August 1928 defining the categories of workers or assimilated employees who are exposed to the risk of poisoning by mercury or infection by anthrax (L. S. 1928, Bel. 1 C).

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), amended and supplemented, *inter alia*, by Legislative Decree of 5 January 1935 (L. S. 1935, 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.

*Cuba.*

Decree No. 2687 of 15 November 1933 to repeal and replace the Act of 12 June 1916 (L. S. 1933, Cuba 3 A), amended by Decrees Nos. 3156 and 3341 of 16 and 30 December 1933 respectively (L. S. 1933, Cuba 3 B and C).  
Presidential Decree No. 223 of 31 January 1935 issuing Regulations under the Act concerning industrial accidents.

*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).

*Denmark.*

Act of 20 May 1933 concerning insurance against the consequences of accidents (L. S. 1933, Den. 5).

*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, as amended by Order of 13 March 1926.  
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 B).  
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.

*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), No. 6000 of 2 June 1933, (L. S. 1933, Hung. 4), and No. 6500 of 1935 (L. S. 1935, Hung. 2).  
Decree No. 74302 of 19 August 1926 respecting the occupational diseases of workers insured with the National Agricultural Workers' Fund supplemented by Decree No. 88888 of 20 December 1930.

*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 1933 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), 27 March 1929 (L. S. 1929, Jap. 1 A), and by Act No. 19 of 30 March 1935 (L. S. 1935, Jap. 3).

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) and by Act No. 24 of 30 March 1935 (L. S. 1935, Jap. 4).

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. 1).

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), amended by Act No. 18 of 30 March 1935 (L. S. 1935, Jap. 2).

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. 2).

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).

*Luxemburg.*

Act of 17 December 1925 respecting the Social Insurance Code (L. S. 1925, Lux. 2), as amended by Act of 6 September 1933 (L. S. 1933, Lux. 3).

Grand Ducal Order of 30 July 1928 concerning the extension of compulsory insurance against accidents to occupational diseases (L. S. 1928, Lux. 1) and of 9 November 1928 issued under the Act of 17 December 1925.

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

*Netherlands.*

Act of 2 January 1901 respecting the statutory insurance of workers against the pecuniary consequences of accidents in specified industries (text as notified in the Decree of 28 June 1921 promulgating the Act as amended and supplemented (L. S. 1921 (Part II), Neth. 1) amended by the 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.

*Nicaragua.*

Act of 13 May 1930 respecting industrial accidents (L. S. 1930, Nic. 1).

*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 8 September 1917 extending to commercial travellers all the provisions of the Act of 24 July 1913.

Decree No. 4288 of 9 March 1918 approving regulations for the application of the Act of 24 July 1913.

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).

*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 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. I of 25 March 1916, No. I *bis* of 20 August 1920 (L. S. 1920, Switz. 8), No. I *ter* of 8 December 1922 and No. I *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.

*Uruguay.*

See introductory note.

*Yugoslavia.*

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

Regulations of the Miners' Insurance Fund for workmen and staff (and their families and relations) employed in the undertakings covered by the Mines Act and issued by the Order of 27 June 1921 of the Minister of Mines and Forests respecting the organisation of employment in mines, put into force under § 32 of the Finance Act of August-November 1925.

Order of the Minister of Transport and Communications of 30 May 1922 respecting the sickness and accident insurance of staff employed in the State transport and communications services.

Order of the Minister of Social Affairs and Public Health, No. 4445 of 22 April 1929, assimilating diseases due to anthrax infection to industrial accidents.

See also, under *Convention No. 2 (Unemployment)*, point I, the information supplied by Yugoslavia.

## II.

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

## ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to provide that compensation shall be payable to workmen incapacitated by occupational diseases, or, in case of death from such diseases, to their dependants, in accordance with the general principles of the national legislation relating to compensation for industrial accidents.

The rates of such compensation shall be not less than those prescribed by the national legislation for injury resulting from industrial accidents. Subject to this provision, each Member, in determining in its national law or regulations the conditions under which compensation for the said diseases shall be payable, and in applying to the said diseases its legislation in regard to compensation for industrial accidents, may make such modifications and adaptations as it thinks expedient.

*Please give*

- (i) a brief account of the general principles of the national legislation in your country relating to compensation for industrial accidents ;
- (ii) information regarding the rates of compensation prescribed by national legislation for injury resulting from industrial accidents ; and
- (iii) information regarding the conditions under which compensation for occupational diseases is payable, and the modifications and adaptations thought expedient in applying the legislation in regard to compensation for industrial accidents to the said diseases.

*Austria.* — (i) Workmen's compensation is regulated by the Federal Act of 30 March 1935 concerning social insurance in industry, which covers all persons employed in Austria by way of trade, under a contract of employment, service or apprenticeship, as a worker in industry, mining, handicrafts, commerce or trans-

port, banking, credit and insurance, the liberal professions, the public services, or domestic service. This Act does not, however, apply to those who are legally covered by social insurance in agriculture, or by federal employees' sickness insurance, or notaries' insurance, or social insurance of employees of general traffic railways and subsidiary concerns. Workmen's compensation in the case of these persons is administered by special legislation which is now being amended (see introductory note) and which gives practically the same cover as the Federal Act of 30 March 1935 . . . (ii). Where working capacity is reduced owing to an industrial accident, the *wage-earning workers'* accidents insurance 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 . . . The *salaried employees'* accident insurance scheme allows the insured person a periodical accident benefit payable as from the day on which the treatment necessitated by the accident ended in so far as and for as long as working capacity is reduced by more than one fourth. In the case of total working incapacity the periodical benefit amounts to 60 per cent. of the salary taken as a basis for calculation (full benefit). In the case of partial incapacity for work exceeding one fourth the periodical benefit amounts to a corresponding fraction of the full benefit . . .

*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 has drafted a Bill for the purpose of bringing the Act concerning occupational diseases into agreement with the Workmen's Compensation Act in this respect. The Government states that this Bill will be presented to Parliament as soon as the parliamentary agenda permits) . . .

*Bulgaria.* — (i) For an account of the general principles of the legislation relating to compensation for industrial accidents, see the summary of the report on *Convention No. 17 (Workmen's compensation, accidents)*. (ii) Under § 10 of the Act of 6 March 1924, as amended, a victim of an industrial accident receives, during the period of medical attendance necessitated by the accident, and for each working day lost, pecuniary benefit fixed in relation to his daily wage. Under §§ 11 *et seq.* if, on the conclusion of the medical attendance, the injured person is recognised to be suffering from a permanent loss of working capacity which exceeds 20 per cent., he shall receive an individual pension as from the date on which the daily pecuniary benefit ceases to be payable. For a 100 per cent. loss of working capacity, the pension in question shall be equal to 75 per cent. of the annual income of the insured person. If the loss of working capacity is less than 100 per cent., the pension shall be proportionately reduced. For the purpose of assessing the pension, the annual income—by which is understood all remuneration either in cash or in kind which is paid for work done—is only taken into account up to a maximum of 50,000 levs. If the injured person requires the constant assistance of another person, the pension is increased by 800 levs a month. If the loss of working capacity exceeds 60 per cent., the injured person also receives a bonus of 5 per cent. on his individual pension for each child under sixteen years of age, provided that the individual pension and the bonuses shall not together exceed the annual income of the injured person. When the loss of working capacity is from 10 to 20 per cent., the injured person shall receive, instead of a pension, a lump sum equal to the amount for three years of the pension due to him according to his loss of working capacity. If the injured person dies, his surviving dependants receive 1,000 levs for the funeral expenses and survivors' pensions at the following rates: (a) the widow, 30 per cent. of the annual income of her deceased husband; (b) the widower, if his loss of working capacity is not less than 50 per cent., or if he was maintained by his wife, 30 per cent. of the annual income of his deceased wife; (c) the

orphans, 15 per cent. of the annual income of the deceased parent for each orphan or, if neither parent is living, 20 per cent.; (d) the parents, brothers or sisters, if they were maintained by the deceased person and have no means of existence a total, pension not exceeding 20 per cent. of the annual income of the deceased person. The total amount of the survivors' pensions may not exceed 65 per cent. of the annual income of the deceased person. (iii) § 3(2) of the Act provides that the occupational diseases which are given in a list in Regulations issued under the Act are assimilated to accidents.

*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, 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 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, and an individual annuity or pension shall not exceed 10 per cent. of the said 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 incapacitates 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.

*Colombia.* — See introductory note.

*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.

*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 has 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.

*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.

*Germany.* — . . . (ii) . . . The accident insurance benefits granted under the relevant legislation in Germany have been reduced by the emergency Orders issued on 8 December 1931 and 14 June 1932 . . . The pensions payable as a result of accidents which occurred during the period 1 July 1927 to 31 December 1931 are reduced by 15 per cent.; the pensions in respect of other accidents are reduced by 7 ½ per cent. (except in the case of pensions payable as a result of accidents which occur later than 31 December 1932) . . .

*Hungary.* — . . . (ii). In case of accident the insured person is entitled. . . (2) to sickness benefit for twenty successive weeks, the first four weeks' benefit being paid by the sickness insurance fund; (3) to medical benefit from the end of the twentieth week until the end of any medical treatment involving incapacity for work. The daily amount of this benefit is equivalent to 66 ⅔ per cent. of the insured person's wages; (4) to a pension, at the end of the treatment involving incapacity for work, during any further period of incapacity or reduction in capacity for work. In the event of total incapacity, the insured person is entitled to 66 ⅔ per cent. of his wages (full pension), and in the event of partial incapacity to a portion of the pension corresponding to the reduction in capacity for work (partial pension). The insured person is entitled to the partial pension only if the incapacity exceeds 15 per cent. . . . Earnings are taken into account for purposes of calculation only up to a maximum annual amount of 3,600 pengös. The earnings cannot be less than 300 pengös a year. Under the provisions of § 87 of Act No. XXI of 1927, which were in force until 30 June 1933, an insured

person whose pension did not exceed 20 per cent. of the "full pension" might request payment of compensation in a lump sum. Such a lump payment might be made even without the request or consent of the person concerned. It might however be made only after a medical examination of the insured person to determine his probable expectation of life and after a certificate from the competent authorities had been obtained concerning the judicious use of the lump sum. § 87 as amended by § 13 of Decree No. 6,000 of 1933 no longer admits the possibility of payment of compensation in a lump sum (iii) . . . In the absence of official proceedings in connection therewith, a person suffering from an occupational disease may himself claim compensation from the National Social Insurance Institute. The claim is not valid, however, unless it is made within two years of the beginning of sickness benefit. If death attributable to the occupational disease occurs later, the dependants may claim compensation within the twelve months following the death. At the end of two years from the first payment of sickness benefit up to the end of the third year, a claim may be taken into consideration if the claimant can prove that the results of the occupational disease could not be definitely declared until after the expiration of the two years' period. The report adds that workers insured by the National Agricultural Fund against accidents in the course of their employment are entitled to certain benefits.

*India.* — (i) 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.

*Nicaragua.* — (i) For an account of the general principles of the legislation relating

to compensation for industrial accidents, see the summary of the report on *Convention No. 17 (Workmen's compensation, accidents)*. (ii) §11 of the Act of 13 May 1930 respecting industrial accidents lays down that if an accident causes the death or total and permanent incapacity of a wage-earning employee, the employer shall pay the victim or his family a sum equal to half the sum which the wage-earning employee received by way of wages during the period of his employment in the undertaking up to a maximum of one thousand days, provided that the said compensation shall not exceed 1,500 córdobas and shall not be less than the wages which would be due to the injured person for a period of six months' employment. In case of partial and permanent incapacity the compensation shall be equal to one thousand times the amount by which the daily wage of the injured person is diminished owing to the accident. If the accident causes temporary incapacity for work, the compensation shall be equal to one-half of the average daily wage. (iii) Under §12, if a wage-earning or salaried employee dies or becomes incapacitated for work in consequence of a disease contracted in the course of his occupation, he shall be entitled to the compensation provided for above, subject to the following conditions: (a) the disease must be certified to be due solely to the kind of work performed by the injured person during the year preceding the incapacity; (b) compensation shall not be paid if it is proved that the employee suffered from the disease in question before engaging in the occupation which he has been obliged to give up; (c) compensation shall be paid by the last employer who employed the employee during the year in question in the occupation which caused the disease; (d) if the disease is such that it can be contracted gradually, the employers who employed the injured person during the last year in the kind of work which caused the disease shall be bound to refund to the last employer a proportionate share of the compensation paid by him; the proportion shall be assessed in case of a dispute respecting it.

*Uruguay.* — 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.	<p>Handling of ore containing lead, including fine shot in zinc factories.</p> <p>Casting of old zinc and lead in ingots.</p> <p>Manufacture of articles made of cast lead or of lead alloys.</p> <p>Employment in the polygraphic industries.</p> <p>Manufacture of lead compounds.</p> <p>Manufacture and repair of electric accumulators.</p> <p>Preparation and use of enamels containing lead.</p> <p>Polishing by means of lead files or putty powder with a lead content.</p> <p>All painting operations involving the preparation and manipulation of coating substances, cements or colouring substances containing lead pigments.</p>
Poisoning by mercury, its amalgams and compounds and their sequelae.	<p>Handling of mercury ore.</p> <p>Manufacture of mercury compounds.</p> <p>Manufacture of measuring and laboratory apparatus.</p> <p>Preparation of raw material for the hat-making industry.</p> <p>Hot gilding.</p> <p>Use of mercury pumps in the manufacture of incandescent lamps.</p> <p>Manufacture of fulminate of mercury primers.</p>
Anthrax infection.	<p>Work in connection with animals infected with anthrax.</p> <p>Handling of animal carcasses or parts of such carcasses, including hides, hoofs and horns.</p> <p>Loading and unloading or transport of merchandise.</p>

*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.

*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 occu-

pations 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.

*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	All undertakings in which the substances mentioned opposite are manufactured, manipulated, or employed, or occur as by-products or otherwise.
Diseases due to mercury and its compounds	
Anthrax	<p>(a) Care of animals, work in slaughter houses, use or destruction of animal carcasses or remains which may be infected with anthrax;</p> <p>(b) work with wool, fur, leather, skins, hair, or silks. Undertakings for trade in these products and for their transport.</p>

*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.

*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	<p>Handling of minerals containing lead, including residues containing lead in zinc factories.</p> <p>Casting of old zinc and lead in ingots.</p> <p>Manufacture of articles made of lead or of lead alloys.</p> <p>Processes in the polygraphic industries in which lead or lead alloys are used.</p> <p>Manufacture of lead compounds.</p> <p>Manufacture and repair of electric accumulators.</p> <p>Preparation and use of enamels and varnishes containing lead.</p> <p>Polishing by means of lead filings or paste with a lead content.</p> <p>Painting operations involving the preparation and manipulation of coating substances, cements or colouring substances containing lead pigments.</p>
Poisoning by mercury, its amalgams and compounds and their sequelae	<p>Handling of mercury ore, down to the bottling of the metal.</p> <p>Manufacture of mercury compounds.</p> <p>Manufacture of measuring and laboratory apparatus containing mercury.</p> <p>Preparation of raw materials for the hat-making industry (carrotting of fur for hats).</p> <p>Fire gilding involving the use of mercury.</p> <p>Use of mercury pumps.</p> <p>Manufacture of fulminate of mercury primers.</p> <p>Silvering of mirrors with mercury.</p>

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 encephalopathy, 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.

*Nicaragua.* — § 12 of the Act of 13 May 1930 lays down that the (compensable)

occupational diseases shall be enumerated limitatively by the Executive in the Regulations under the Act, after consultation with the technical departments.

*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.

*Uruguay.* — See introductory note.

### III.

*Article 7 of the Convention is as follows:*

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

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

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

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

*Belgium.* — The Convention was applied to the *Belgian Congo* and to the Mandated Territories as from 1 April 1935. A Decree is being drafted with a view to bringing the legislation of the colony into harmony with the provisions of the Convention. Until this Decree is promulgated the provisions of the Decree of 16 March 1922 will remain in force. While making no distinction between occupational diseases and other diseases, § 16 of the latter Decree provides that, if an employee falls sick, his employer shall be bound to provide the necessary treatment until the date on which his contract ends, either owing to its having expired or owing to the termination of the engagement; in any case the employer's obligation must cover a period of not less than a fortnight.

*Denmark.* — The report states that the ratification of the Convention is not applicable to *Greenland*.

*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 Convention is applied in the *Straits Settlements* by Ordinance 9 of 1932. In the *Federated Malay States* the Workmen's Compensation Enactment, 1929, has been amended by Gazette Notification No. 6025 of 14 December 1934, which deletes, *inter alia*, mercury poisoning or its sequelae from the list of compensable diseases. In *Ceylon* (Ordinance 19 of 1934) and *Johore* (Enactment No. 15 of 1934, put into effect on 1 January 1935) lead poisoning and mercury poisoning are included among the occupational diseases which are compensable. 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 is little developed. It adds, however, that under the terms of Royal Decree No. 1447 of 26 July 1935, a system has been set up in the *East African* colonies insuring workers against death by pernicious fever and tropical diseases.

*Japan.* — ... The report states that the Imperial Ordinance for the assistance of Government employees is applied in the colonies as in Japan proper.

*Netherlands.* — ... There are no occupations or undertakings in which the work entails so-called occupational diseases in *Surinam*. In *Curaçao*, at the beginning of 1935 the Government introduced a draft Order in the Colonial Council "establishing the obligation of the employer to pay, and the right of the worker to claim, compensation for an industrial accident or disease occurring in the undertakings covered."

*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 legislative and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced.*

*Belgium.* — The Act of 24 July 1927 respecting compensation for injury caused by occupational diseases has set up a Welfare Fund, under the supreme supervision of the Ministry of Labour and Social Welfare, the duty of which is to administer the Act. The medical labour inspectors are responsible for supervising the enforcement of the Act.

*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.

*Cuba.* — The enforcement of the legislation in question lies with the Ministry of Labour, acting through its Directorate of Social Hygiene and the relevant sections.

*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.

*Denmark.* — See under *Convention No. 12 (Workmen's compensation, agriculture)*, point IV.

*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 corporative inspectors.



*Nicaragua.* — The enforcement of the legislation on this subject lies with the provincial judicial authorities, and in particular with the local and district judges.

*Uruguay.* — 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.*

*Belgium.* — The report records the following case: During the year 1935 a workman submitted a case in dispute to the justice of the peace, who appointed two experts to decide whether the workman was actually suffering from an incapacity for work and, if so, whether the determining cause of the incapacity was lead-poisoning or whether, on the contrary, the workman was suffering from some disease independent of lead-poisoning; and finally, if lead-poisoning was present, to decide what percentage of the incapacity was caused by the lead-poisoning. The justice of the peace dismissed the case, as the experts stated positively and explicitly that they were unable to find any relation of cause and effect between the lead-poisoning from which the worker had formerly suffered and the partial incapacity for work from which he was actually suffering.

*Chile.* — The report states that legal decisions concerning the application of the Convention are rare, since the occupational diseases specified in the legislation are not of frequent occurrence. The Government communicates the text of five judgments, however, concerning compensation for various cases of occupational diseases which are not covered by the Convention.

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 1934 was 474,289. During the same year, the number of cases of lead poisoning which were notified was 79, of which 20 were compensated. The cases were divided as follows among various occupations: lead manufacture, 7 cases (4 compensated); metal work, 10 cases; cable manufacture, 1 case; manufacture of accumulators, 1 case (compensated); industries for the preparation of enamels, 6 cases (2 compensated); manufacture of colours and painting work, 27 cases (5 compensated); printing, type-founding, 15 cases (2 compensated); other undertakings, 12 cases (6 compensated). For the same period, one case of mercury poisoning was notified in the galvanising industry and two cases in intermittent signals repair work, and one case of anthrax infection was reported in the butchery trade. 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 1934 shows that, during the period to which the report applies, the number of cases of occupational diseases notified was as follows: 97 cases of lead poisoning, 1 case of hydrargyrisms and 3 cases of anthrax. Compensation was granted in 53 cases of lead poisoning, 1 case of hydrargyrisms and 2 cases of anthrax. 8 deaths from lead poisoning were recorded. The cost of compensation for the diseases in question was 439,405.55 francs. The report adds that no observations have been received from organisations 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 occupational 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. No observations were made by either employers' or workers' organisations with regard to the practical application of the legislation which implements the Convention.

*Colombia.* — See introductory note.

*Cuba.* — No observations have been made by either employers' or workers' organisations with regard to the practical application of the legislation which implements the Convention.

*Czechoslovakia.* — The report states that, on 30 November 1935, the accident insurance institutions of Bohemia and Moravia had compensated 88 cases of lead-poisoning (7 of which were fatal), 13 cases of mercury poisoning, and one (fatal) case of anthrax. The annual sums spent in compensation on these three classes of disease were respectively 220,854, 28,880 and 2,400 crowns.

*Denmark.* — The Government states that, during the period 1 October 1933-30 September 1934, the Directorate of Accident Insurance recorded 13 cases of occupational disease, the cost of which was as follows: medical treatment, etc., 363 crowns; daily benefit, 8,134 crowns; annual pensions, 3,591 crowns; lump sum compensation, 473 crowns. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention.

*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 1934. According to this information (summarised) 674 cases of lead poisoning were reported. This total included 42 cases in metal foundries, 66 in processes relating to the casting

and rolling of lead, 15 in connection with lead roofing, 37 in the printing industry, 235 in the making and repair of accumulators, 129 in enamelling of metals, 35 in shipyards (work in connection with blowpipes), 19 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. 16 cases of anthrax were reported during the same period, distributed as follows: 7 in tanneries and leather dressing, 1 in manufacturing undertakings, and 8 in the different processes connected with the preparation of wool and hair. The 16 cases were distributed as follows as regards the raw materials treated: 5 for work with wool; 7 for work on goat skins; 2 for work on sheep skins; 1 for work on other hides (no indication as to the animal); 1 caused by handling an infected chest. A bacteriological examination was conducted in 9 cases. Three cases were fatal; the remaining 13 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 1934, published in the *Amtliche Nachrichten für Reichsversicherung*, 1935, p. IV, 125 and in the social insurance statistics for 1933, published as Appendix No. 9 to the *Amtliche Nachrichten für Reichsversicherung* of 1934. Information for the year 1935 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 (§44 of the Workmen's Compensation Act (Northern Ireland), 1927) 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 1934 for Great Britain and Northern Ireland were: lead poisoning or its sequelae, 200; anthrax, 19. 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 1934 to the National Social Insurance Institute, which is responsible for accident insurance:

Disease	Notified	Compensated	Applications pending
Lead poisoning	68	6	61
Anthrax infection	10	—	—

In 1933, the cost involved in compensating occupational diseases was 118,529 pengos. In 1934, 9 cases of anthrax were compensated by 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 1933 and the Note on the working of the Indian Workmen's Compensation Act, 1923. The statistics for 1934 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 1934 three 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 1934, the number of cases of lead poisoning was 3. 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 (1933), 994,274 males, 957,448 females; mines (1934), 180,940 males, 21,380 females; other undertakings (1933),

550,713 males, 48,981 females. Number of cases of sickness subject to relief: factories (1933), 882 males, 768 females; mines (1934), 116 males, 6 females; other undertakings (1933), 34 males, 2 females. Cost of relief: factories (1933), 21,816 yens; mines (1934), 25,551 yens; other undertakings (1933), 3,511 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 in 1934, there were 15 cases of lead poisoning among working painters, and in 1935, 17 cases.

*Luxemburg.* — The report of the Luxemburg Accident Insurance Association for 1934, to which the annual report of the Government refers, states that, during 1934, no cases of occupational disease 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 (*Rijksoverzekeringsbank*) for 1933, from which it appears that 8 cases of lead poisoning 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.

*Nicaragua.* — The report contains no information on this point.

*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 states 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.

*Sweden.* — The report states that during the year 1932—the latest year for which claims for compensation have been definitely settled—62 cases of occupational diseases were notified, of which 43 gave rise to compensation. Eighteen of these cases were due to lead poisoning, 3 cases to hydrargyrisms, 1 case to anthrax and 17 cases to silicosis. During the period covered by the report, the number of cases notified was 110. 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 1934 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 1934 and 30 September 1935: *Lead poisoning*: 31 cases, 2 of which resulted in invalidity. These 31 cases cost: (a) unemployment benefit: 9,917.20 francs; (b) medical expenses: 6,896.80 francs; (c) invalidity pensions (capital value): 32,649 francs; total 49,463 francs. The cases resulted in 1,228 days of incapacity for work and 1,561 days of medical treatment, including 461 days of hospital treatment. *Mercury poisoning*: 6 cases, of which 3 resulted in invalidity. No fatal cases. These 6 cases cost: (a) unemployment benefit: 6,366.20 francs; (b) medical expenses: 2,955.95 francs; (c) invalidity pensions (capital value): 17,464 francs; total: 26,786.15 francs. The cases resulted in 754 days of incapacity for work and 952 days of medical treatment, including 179 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.

*Uruguay.* — See introductory note.

*Yugoslavia.* — The report states that during 1934 there were 14 cases of lead poisoning, 2 of which were granted pensions amounting to a total of 26,904 dinars.

### 19. Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents.

This Convention came into force on 8 September 1926. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1935, and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria . . . . .	29. 9.1928	23. 1.1936
Belgium . . . . .	3.10.1927	24.10.1935
Bulgaria . . . . .	5. 9.1929	15.11.1935
Chile . . . . .	8.10.1931	20.12.1935
China . . . . .	27. 4.1934	30. 1.1936
Colombia . . . . .	20. 6.1933	13. 1.1936
Cuba . . . . .	6. 8.1928	18.11.1935
Czechoslovakia . .	8. 2.1927	12. 2.1936
Denmark . . . . .	31. 3.1928	12.11.1935
Estonia . . . . .	14. 4.1930	19.10.1935
Finland . . . . .	17. 9.1927	1.11.1935
France . . . . .	4. 4.1928	11. 2.1936
Germany . . . . .	18. 9.1928	26.10.1935
Great Britain . . .	6.10.1926	11. 2.1936
Hungary . . . . .	19. 4.1928	10. 1.1936
India . . . . .	30. 9.1927	14.12.1935
Irish Free State . .	5. 7.1930	14.10.1935
Italy . . . . .	15. 3.1928	11. 2.1936
Japan . . . . .	8.10.1928	29. 1.1936

COUNTRIES	Date of registration of ratification	Reports received
Latvia . . . . .	29. 5.1928	25. 1.1936
Lithuania . . . . .	28. 9.1934	9. 3.1936
Luxemburg . . . . .	16. 4.1928	10. 2.1936
Mexico . . . . .	12. 5.1934	28. 3.1936
Netherlands . . . . .	18. 9.1927	13.11.1935
Nicaragua . . . . .	12. 4.1934	5.12.1935
Norway . . . . .	11. 6.1929	15.10.1935
Poland . . . . .	28. 2.1928	28.11.1935
Portugal . . . . .	27. 3.1929	16. 1.1936
Spain . . . . .	22. 2.1929	30. 1.1936
Sweden . . . . .	8. 9.1926	5.11.1935
Switzerland . . . . .	1. 2.1929	1.11.1935
Union of South Africa	30. 3.1926	26.11.1935
Uruguay . . . . .	6. 6.1933	16. 3.1936
Yugoslavia . . . . .	1. 4.1927	11.11.1935

The Government of *Colombia* states in its report that in practice, national and foreign workers receive equal treatment as regards workmen's compensation for accidents, although the Constitution of the Republic, in theory, requires reciprocity of treatment, that is to say, foreigners in Colombia have the same rights as are granted in their respective countries to Colombian nationals. It is further pointed out that the law concerning workmen's compensation for accidents, and particularly Acts No. 57 of 1915 and No. 133 of 1931, makes no distinction between national and foreign workers.

The *Lithuanian* Government states in its report that the Ministry of Home Affairs has prepared, and submitted to the Council of Ministers, a Bill concerning insurance against occupational accidents, the provisions of which are fully in harmony with those of the Convention. The Government expects that this legislation will come into force shortly.

The Government of *Nicaragua* states in its report that no special Act applying this Convention yet exists, except the Industrial Accidents Act of 13 May 1930. Nevertheless, in virtue of a principle embodied in § 13 of the political Constitution of the Republic, which guarantees to aliens all the civil rights enjoyed by Nicaraguan nationals, it must follow that the nationals of every country are entitled in Nicaragua to the same treatment as that accorded to home nationals.

The Government of the *Union of South Africa* states in its report that the Workmen's Compensation Act, No. 59 of 1934,

came into operation on 1 July 1935. This Act repealed the existing legislation, and it has accordingly been considered advisable to submit two sets of replies to the questions in the "Form for the Annual Report", the first covering the period 1 October 1934 to 30 June 1935, and the second, 1 July to 30 September 1935. Since the first set of replies is identical with the information supplied in previous reports, only the information which relates to the system set up by the new legislation is given below.

The Government of *Uruguay* states in its report that Uruguayan labour legislation makes no distinction between national and foreign workers. The Act of 20 November 1920 concerning workmen's compensation for accidents provides, however, that person not living within the territory of the Republic who are entitled to a pension may receive as compensation a lump sum equal to three years' pension payments. This provision is not in accordance with the terms of the Convention, but the Government points out that it can easily be made to accord with the Convention, since Uruguay is prepared to make individual agreements with other States Members of the Organisation concerning the payment of workmen's compensation for accidents. The report adds that the Workmen's Compensation Act also covers workers temporarily or casually employed within Uruguayan territory on behalf of an undertaking situated in the territory of another State Member.

## 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 Act of 30 March 1935 concerning social insurance in industry (L. S. 1935, Aus. 2).

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 August 1928) (L. S. 1928, Aus. 4 B), amended by the Act of 6 March 1935 (L. S. 1935, Aus. 5).

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, 3 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) amended and supplemented by the Legislative Decree of 5 January 1935 (L. S. 1935, Bulg. 1).

#### *Chile.*

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

Chapter III of Legislative Decree No. 379 of 18 March 1925 relating to industrial accidents (L. S. 1925, Chile 4).

Decree No. 238 of 31 March 1925 to issue regulations in pursuance of the preceding Legislative Decree, amended by Decree No. 1239 of 22 July 1930.

Decree No. 217 of 30 April 1926 to approve the regulations respecting industrial hygiene and safety (L. S. 1926, Chile 2).

Decree No. 903 of 8 June 1927 relating to unclassified partial incapacity.

Decree No. 581 of 21 April 1927 concerning occupational diseases (L. S. 1927, Chile 2).

#### *China.*

Factory Act of 30 December 1929 as amended, consolidated text of 30 December 1932 (L. S. 1932, Chin. 2).

#### *Colombia.*

See introductory note.

#### *Cuba.*

Decree No. 2687 of 15 November 1933 to repeal and replace the Act of 12 June 1916 (L. S. 1933, Cuba 3 A), amended by Decrees Nos. 3156 and 3341 of 16 and 30 December 1933 respectively (L. S. 1933, Cuba 3 B and C).

Presidential Decree No. 223 of 31 January 1935 issuing Regulations under the Act concerning industrial accidents.

#### *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. Vol. II, 1907, p. 269), as amended by subsequent Acts in force for the territories of Slovakia and Sub-Carpathia.

Hungarian Act No. XVI of 1900 respecting accident insurance for agricultural workers and servants, as amended by subsequent Acts in force for the territories of Slovakia and Sub-Carpathia.

Legislative principles issued by the Czechoslovak Republic to supplement the basic legislation mentioned above.

#### *Denmark.*

Act 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.

#### *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.

Act of 7 December 1934 to amend and supplement the Industrial Labour Code (L. S. 1934, Est. 7).

#### *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).  
 Workmen's Compensation (Industrial Diseases), Orders of 1 January 1929 (L. S. 1929, G. B. 1) 30 April and 3 June 1932 (L. S. 1932, G. B. 3 A and 3 B), 28 May 1934 and 8 April 1935.  
 Workmen's Compensation (Aircraft) Order (Northern Ireland) of 4 July 1935.

*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), No. 6000 of 2 June 1933 (L. S. 1933, Hung. 4) and No. 6500 of 21 June 1935 (L. S. 1935, Hung. 2), 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 1932, 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).  
 Workmen's Compensation (Transfer of Funds) Regulations of 13 March 1935.

*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), on 27 March 1929 (L. S. 1929, Jap. 1 A), and by Act No. 19 of 30 March 1935 (L. S. 1935, Jap. 3).

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) and by Act No. 24 of 30 March 1935 (L. S. 1935, Jap. 4).

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. 1).

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), amended by Act No. 18 of 30 March 1935 (L. S. 1935, Jap. 2).

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. 2).

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), amended by Imperial Ordinance No. 27 of 27 March 1935 (L. S. 1935, Jap. 1).

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).

*Lithuania.*

See introductory note.

*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).

*Mexico.*

Political Constitution of the United States of Mexico, 1917 (paragraph XIV of § 123).

Federal Labour Act of 18 August 1931 (L. S. 1931, Mex. 1).

See also, under *Convention No. 17 (Workmen's compensation, accidents)*, point I, the information supplied by Mexico.

*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 B), 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.

*Nicaragua.*

Act of 13 May 1930 respecting industrial accidents (L. S. 1930, Nic. 1).

§ 13 of the Political Constitution of the Republic. See also introductory note.

*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. XVIII, 1919, p. 69.).

Agreement of 11 September 1923 with Finland establishing reciprocity as regards workmen's compensation for accidents (L. S. 1923, Int. 8).

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. I of 25 March 1916, No. I *bis* of 20 August 1920 (L. S. 1920, Switz. 8), No. I *ter* of 8 December 1922 and No. I *quater* of 8 November 1927 (L. S. 1927, Switz. 3 B) respecting accident insurance.

Order No. II of 3 December 1917 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 (Consolidation) Act No. 59 of 1934 (L. S. 1934, S. A. 1).

*Uruguay.*

See introductory note.

*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.* — ... Under § 59 (2) and § 194 (2) of the Federal Act concerning social insurance in industry; § 42 of the Act concerning workmen's accident insurance; § 84 (2) of the Agricultural Workers' Insurance Act; and the second paragraph of § 43 (3) of the Salaried Employees' Insurance Act, weekly payments due to insured persons of foreign nationality, or permanently resident abroad, may, even without the consent of the insured person, be commuted for a lump sum. This provision does not, however, apply in the case of the nationals of States which have ratified the Convention. 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.

*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. No special arrangements have been made with other countries.

*Colombia.* — See introductory note.

*Cuba.* — The report states that § I (c) of Decree No. 2687 concerning workmen's compensation for industrial accidents defines the term "employee" 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. § XVIII (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 total and permanent incapacity, a sum equal to the total wage for three years' work; (b) in the case of partial and permanent incapacity, 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, apportioned as laid down by § XI 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. The report adds that there is no provision in Cuban legislation to prevent the payment of pensions outside Cuban territory.

*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.

*France.* — ... The report adds that the French and Spanish Governments are at present carrying on negotiations with a view to concluding an arrangement in accordance with the second paragraph of this Article of the Convention.

*Irish Free State.* — The Workmen's Compensation Act, 1934 makes no dis-



inction 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.

*Lithuania.* — See introductory note.

*Mexico.* — The report states that Mexican legislation contains no provision discriminating between national and foreign workers in regard to compensation for occupational injury; and that, in consequence, complete equality of treatment is assured to foreign workers and their assigns even if the latter are domiciled abroad.

*Nicaragua.* — See introductory note.

*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, 27 January 1934 and 26 May 1935 respectively. Finally, an agreement between Poland and Latvia with regard to social insurance has been signed, and came into force on 1 July 1935.

*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.

*Union of South Africa.* — The Workmen's Compensation Act of 1934 makes no discrimination between foreign nationals and Union nationals, nor does the subsequent place of domicile of the injured workman, or of the dependants of a deceased workman, affect the right to the payment of compensation. § 79 of the Act lays down that the Governor-General may make rules by proclamation in the Gazette for the purpose of giving effect to any convention with a foreign State or with the Government of any member of the British Commonwealth of Nations or of any part of His Majesty's dominions, providing for reciprocity in matters relating to compensation to workmen for accidents causing disablement or death. Paragraph (c) of this section provides that compensation awarded in the territory of any such country to persons residing or becoming resident in the Union, may be transferred to and administered by the Workmen's Compensation Commissioner, and that compensation awarded to persons residing or becoming resident in the territory of any such country may be transferred to and administered by a competent authority in that territory. The report adds that as the Act has only been in force since 1 July 1935, no such rules have as yet been proclaimed, but it is hoped that this will be done in due course.

*Uruguay.* — See introductory note.

## 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.

*China.* — The report states that no agreements of this kind have been made.

*Colombia.* — See introductory note.

*Cuba.* — The report states that no agreements exist of the kind mentioned in this Article of the Convention.

*Denmark.* — ...A special convention was concluded with Germany in 1933.

*France.* — ...The report states that, at the request of the Netherlands Government, a draft convention between France and the Netherlands, based upon this Article of the Convention, is at present being examined, and that another draft on the same question between France and Spain is contemplated.

*Lithuania.* — See introductory note.

*Mexico.* — The report states that no special agreements have been made.

*Nicaragua.* — See introductory note.

*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.

*Union of South Africa.* — The report states that § 79 (a and b) of the Workmen's Compensation Act empowers the Governor-General to proclaim rules to deal with the questions covered by this Article of the Convention, but that no such rules have been made as yet.

*Uruguay.* — See introductory note.

#### 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.*

*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 allow-

ances or compensation according to the standards prescribed by the Act.

*Colombia.* — A system of workmen's compensation for accidents exists.

*Cuba.* — Legislation with regard to workmen's compensation for industrial accidents has been in existence since 1916.

*Lithuania.* — See introductory note.

*Mexico.* — Legislation concerning workmen's compensation for accidents was already in existence when the Convention was ratified.

*Nicaragua.* — A system of workmen's compensation for industrial accidents exists.

*Uruguay.* — 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.* — The Government points out that, as from 1 April 1935, accident insurance for workers and salaried employees in industry, commerce, etc., is provided for under the Federal Act of 30 March 1935 concerning social insurance in industry. For agricultural workers and general traffic railway employees existing legislation remains in force pending the early promulgation of new legislation dealing with insurance of all kinds for these categories of workers. In the meantime, the Salaried Employees' Insurance Act, which remains in force for salaried agricultural employees, has been amended by the Act of 6 March 1935.

*Bulgaria.* — The existing legislation has been amended and supplemented by a Legislative Decree of 5 January 1935, in particular with regard to the rates of compensation and pensions granted to injured workers or their survivors. In addition, the amended text of § 17 of the Social Insurance Act provides that the pension shall be discontinued if the pensioner is living abroad without the permission of the Social Insurance Fund.

*China.* — The report states that an Order of the Ministry of Industry of 1 November 1934 declares that "before the promulgation of the Mines Act, and with

the exception of special arrangements enacted by Acts and Regulations, all the provisions of the revised Factory Act and the revised Regulations governing the enforcement of the Factory Act shall provisionally apply to all the mines conforming to the conditions laid down by § 1 of the revised Factory Act". The report states that in accordance with this Order, Chapter IX (Allowance and Compensation) and § 70 (Penalties) of the revised Factory Act shall be equally enforced in mines; so that foreign workers in mines shall receive the equal treatment in respect of workmen's compensation as the Chinese miners.

*Estonia.* — Under the terms of an Act of 7 December 1934, seamen have been included, as from 1 January 1935, in the scope of the legislation which is in force with regard to compulsory accident insurance.

*Great Britain.* — The Government has forwarded the text of a series of Acts and Regulations relating to the application of the workmen's compensation legislation in force. The Orders of 28 May 1934 and 8 April 1935 supplement the list of occupational diseases which are compensable, and the Order of 4 July 1935 extends the provisions of the Workmen's Compensation Acts to employment on aircraft when outside Northern Ireland.

*Hungary.* — Act No. XXI of 1927 concerning compulsory sickness and accident insurance has been slightly amended by Order No. 6500 of 21 June 1935.

*Italy.* — During the period under review a Royal Decree, No. 1765 of 17 August 1935, has been promulgated, concerning compulsory insurance against occupational accidents and diseases. The Decree, which repeals and supersedes existing legislation on the subject, does not come into force until 1 July 1936.

*Japan.* — The legislation in force has been amended by Acts Nos. 18, 19 and 24 of 30 March 1935 and by Imperial Ordinance No. 27 of 27 March 1935.

*Union of South Africa.* — The Workmen's Compensation (Consolidation) Act of 1934, which amends and supplements the existing legislation with regard to workmen's compensation for industrial accidents, came into force on 1 July 1935.

### 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 1938. 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.* — ... In the *Straits Settlements*, by Ordinance 41 of 1934 the limitation, imposed by the Workmen's Compensation Ordinance, 1932, as to the residence of dependants, is removed. In the *Federated Malay States*, Enactment No. 38 of 1934 removes the limitation as to residence imposed on dependants contained in Enactment 1 of 1929. In *Ceylon* (Ordinance 19 of 1934) and in *Johore* (Enactment 15 of 1934), no distinction is made between national and foreign workers. In *Kedah*, Enactment 21 of 1933 provides that compensation payable under Enactment 1 of 1933 shall be payable to a dependant resident without as well as within the British Empire. Further legislation has been enacted 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.

*Italy.* — ... Provisions concerning insurance against occupational accidents have, by Royal Decree No. 1472 of 27 June 1935, been extended to *Italian Somaliland*. In the *East African Colonies* a Royal Decree has been promulgated (No. 1447 of 26 July 1935) concerning workmen's insur-

ance against death from pernicious fever and tropical diseases.

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

*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.

*Union of South Africa.* — The report states that the Union of South Africa has no protectorates, colonies or possessions. In the Mandated Territory of *South-West Africa*, the Convention is applied by the Workmen's Compensation Order of 1924, amended by Orders No. 14 of 1930 and No. 7 of 1931. This legislation follows in the main the general lines of the legislation in the Union and makes no distinction between persons of different nationalities. A claim to compensation may be submitted by any person falling within the category of a workman as defined in the law in question, irrespective of nationality, or by a dependant of such a person in case of his death, and where there is a dispute, the matter is referred to a District Compensation Board consisting of a magistrate as chairman and representatives of employers and employees in the district. An appeal from the decision of the Board on certain points more or less of a legal nature lies to the higher legal authorities.

#### IV.

*Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.*

*China.* — The competent authorities responsible for administering the Factory Act are the municipal authorities in the cities and the provincial authorities in the provinces. The factory inspection services, which have so far been established in twenty provinces and municipalities, assist in supervising the enforcement of the Factory Act.

*Colombia.* — Application of the legislation in question is entrusted to the General

Labour Office of the Ministry of Industry and Labour. In case of any dispute concerning the payment of compensation for injury by industrial accident, the employee may appeal to the judicial authorities in order to establish his claim.

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

*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.

*Lithuania.* — See introductory note.

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

*Nicaragua.* — See introductory note.

*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.

*Union of South Africa.* — The Act is administered by the Workmen's Compensation Commissioner, whose duties and functions are indicated in § 18. This officer has no judicial power. All disputes or applications must be determined by magistrates after having been referred to the Commissioner for his report. For the purpose of assisting in the administration of the Act in cases where the workman is a native, an officer of the Native Affairs Department has been appointed in respect of a large number of areas. In areas where no such officer has been ap-

pointed, the relative duties are carried out by native commissioners. The Workmen's Compensation Commissioner has power to investigate claims or other matters submitted to him, and to examine settlements arrived at between workmen and employers. The Minister of Labour and Social Welfare may authorise any officer of the public service and any medical practitioner to investigate any matter falling within the purview of the Commissioner. The Commissioner and any officer so authorised, may demand from any employer the production of policies of insurance or indemnity. The officer authorised as aforesaid may make all necessary inspections.

Uruguay. — See introductory note.

## V.

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

Chile. — Several judgments have been pronounced by the courts confirming the right to compensation of foreigners. Copies of three of these judgments and of two administrative decisions have been transmitted to the International Labour Office.

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

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.

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. — The report states that the number of foreign workers in Chilean territory is 30,900. Of this number, 2,300 salaried employees and 5,000 workers were employed in industry, 6,800 salaried employees and 1,253 workers in commerce, and 450 salaried employees and 2,500 workers in agriculture. The number of industrial accidents suffered by foreign

workers was 394. The employers' and workers' organisations concerned have not made any observations with regard to the practical application of the legislation which implements the Convention.

*China.* — The report states that no observations have been received from the employers' and workers' organisations concerned.

*Colombia.* — The report states that no observations on the subject of this Convention have been received from employers' or workers' organisations.

*Cuba.* — The report states that the employers' and workers' organisations have not made any observations with regard to the practical application of the Convention.

*Czechoslovakia.* — The report contains no information on this point.

*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 general census of the population in March 1931 showed that the active foreign population in France numbered 1,599,000 persons, of whom about 1,270,000 were wage-earners in the exact sense of the word. At the end of September 1935, owing to immigration and emigration, the number of foreign workers could be estimated as 700,000. 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. 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 workmen's compensation. As there has never been any discrimination between British and foreign subjects, no separate statistics have been kept as regards foreign workers, their occupations and accidents. 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.

*Lithuania.* — See introductory note.

*Luxemburg.* — The report of the Luxemburg Accident Insurance Association for 1934, to which the annual report of the Government refers, contains the following information: out of a total of 77 persons in receipt of life annuities who were paid a lump sum during 1934, 23 were foreigners; out of a total of 10,727 accidents reported during 1934, 2,336 (21.78 %) 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.

*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. No observations have been received from employers' or workers' organisations.

*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.

*Nicaragua.* — See introductory note.

*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 contains no information of this kind.

*Spain.* — The report states that the Convention is being duly enforced, and no difficulty whatever has so far arisen. Of the 3,462 accidents notified in Spain up to 31 July 1935, 17 affected foreign workers, of whom 11 were permanently disabled, 5 were killed and one had no claim to compensation. All these persons, with the exception of one national of the Argentine Republic, 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 256 survivors' pensions granted from 1 October 1934 to 30 September 1935 on account of industrial accidents, 222 related to accidents to Swiss citizens, and 34 to foreigners. The nationality of these 34 pensioners was as follows: Italian, 21; German, 11; Austrian, 1; Czech, 1. The report adds that, during the period under review, the federal authorities have not received any suggestions, complaints, or observations with regard to the application of the Convention and of the legislative provisions which implement it.

*Union of South Africa.* — No observations have been received from either employers' or workers' organisations with regard to the practical fulfilment of the conditions prescribed by the Convention or the national law.

Uruguay. — See introductory note.

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 1935 and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Bulgaria . . . . .	5. 9.1929	15.11.1935
Chile . . . . .	31. 5.1933	20.12.1935
Colombia . . . . .	20. 6.1933	13. 1.1936
Cuba . . . . .	6. 8.1928	16. 3.1936
Estonia . . . . .	23.12.1929	19.10.1935
Finland . . . . .	26. 5.1928	16.10.1935
Luxemburg . . . . .	16. 4.1928	10. 2.1936
Nicaragua. . . . .	12. 4.1934	5.12.1935
Spain . . . . .	29. 8.1932	6. 3.1936
Uruguay . . . . .	6. 6.1933	16. 3.1936

The Government of Colombia states in its report that its main object in ratifying this Convention was to demonstrate its spirit of international co-operation in the study of labour problems. In addition the Government desired to have at hand a formal text which could be incorporated in the positive law of the country when economic conditions permit. Immediate application of the Convention cannot be considered, in view of present economic and industrial conditions in the country ; but its provisions will be put into force and included in the national legislation in due time.

The Government of Nicaragua states in its report that no legislation has been issued in Nicaragua concerning night work in bakeries owing to the special conditions obtaining in the baking industry in that country. It is carried on in very satisfactory circumstances as far as labour is concerned, there being no undertakings

in the strict sense, but only small establishments in which the work is usually done by the master, with no other aid than that of his own relatives.

The Spanish Government states in its report that the provisions in force, namely, the Royal Decree of 3 April 1919 and the provisional Regulations 10 June 1919, are not fully in harmony with the text of the Convention. However, since the Convention was ratified, joint boards have followed the terms of the Convention in drawing up labour regulations fixing rest hours. The provisions of the Convention have thus been gradually and progressively introduced, and since 1934, have been uniformly applied. Copies of various Ministerial Orders stating the required standards are attached to the Government's report. The Social Policy Year Book shows the tendency, since 1931, to bring Spanish legislation into line with the provisions of the Convention by means of labour regulations... This tendency has been more marked since 1934. From that time, the labour regulations submitted to the Ministry for approval have been based on the resolutions adopted by the joint boards in order to conform to international legislation. The text of the Ministerial Orders sent with the report illustrate this juridical phenomenon.

The report of the Government of Uruguay states that in Uruguay night work in bakeries, pastry-cooks' or other establishments manufacturing similar products, and covered by the Convention, was prohibited by an Act of 19 March 1918. This prohibition applies to all the activities of the establishment for a longer period than that stipulation in the Convention, since it is in force from 9 p.m. to 5 a.m. The interpretative Act of 15 October 1920 confirmed the principle and provided that the prohibition of night work was to apply to the owners as well as to the staff of such undertakings. The report adds that in order to make any contravention of the Act impossible the Decree of 18 December 1925 prohibited bread-making undertakings which do not possess cold storage equipment from leaving dough all night on planks, after it has been prepared, and baking it next day.

I

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



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

#### *Bulgaria.*

Ukase No. 32, Decree of 22 October 1931 concerning conditions of work in bakeries. (L. S. 1931, Bulg. 3).

#### *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 8 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 A).

Decree No. 13 of 24 June 1932 (L. S. 1932, Chile 4 B).

#### *Colombia.*

See introductory note.

#### *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).

#### *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 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).

Order of 15 December 1934 concerning the exceptional cases in which night work is permitted in order to ensure the weekly rest day.

#### *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).

#### *Nicaragua.*

See introductory note.

#### *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.

See also introductory note.

#### *Uruguay.*

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.

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.

*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 and that the term "biscuit" has not been defined. 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.

*Nicaragua.* — 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.

*Uruguay.* — See introductory note.

#### 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 advantage has been taken of this option in some cases, by agreement with the employers and workers concerned. A copy of such an arrangement, duly approved by the competent factory inspector, is appended to the report.

*Colombia.* — See introductory note.

*Cuba.* — The term "night" signifies the period of seven consecutive hours between 9 p.m. and 4 a.m. (§ 1 of Decree No. 2133 of 27 December 1928 confirming the Regulations issued in application of the Act of 2 June 1928 concerning the prohibition of night work in bakeries). The report states that the employers' organisations, duly consulted, have approved the regulations drawn up on the lines suggested by the Convention. The report adds that, in the general interest, the interval between 9 p.m. and 4 a.m. has been substituted for the interval between 11 p.m. and 5 a.m.

*Nicaragua.* — See introductory note.

*Spain.* — See introductory note and also under ARTICLE 1. The report states that in order to make the least possible change in the custom of beginning work at 2 a.m. nearly all the labour regulations adopted have taken advantage of the exception provided for in the Convention, permitting work to begin at 4 a.m. The employers' and workers' representatives on the joint boards are chosen from among the associations which are most important numerically. The system adopted in Spain gives these representatives on the boards some say in the application and supervision of hours of work.

*Uruguay.* — See introductory note.

#### ARTICLE 3.

After consultation with the employers' and the workers' organisations concerned, the competent authority in each country may make the following exceptions to the provisions of Article 1:

- (a) The permanent exceptions necessary for the execution of preparatory or complementary work as far as it must necessarily be carried on outside the normal hours of work, provided that no more than the strictly necessary number of workers and that no young persons under the age of eighteen years shall be employed in such work;
- (b) The permanent exceptions necessary for requirements arising from the particular circumstances of the baking industry in tropical countries;
- (c) The permanent exceptions necessary for the arrangement of the weekly rest;
- (d) The temporary exceptions necessary to enable establishments to deal with unusual pressure of work or national necessities.

*In addition, if advantage has been taken of the exceptions provided for in this Article, please state what method was employed for consulting the employers' and workers' organisations concerned and give full particulars with regard to the permanent and temporary exceptions permitted under paragraphs (a), (b), (c) and (d), forwarding texts of the regulations, orders, etc., which may have been issued for this purpose.*

*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. The Labour and Provident Section of the Department of Social Welfare states that no advantage has been taken of the exceptions provided for in paragraphs (b), (c) and (d) of this Article.

**Colombia.** — See introductory note.

**Cuba.** — § II 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.

**Estonia.** — After consultation with the employers' and workers' organisations concerned, the Minister has taken the necessary steps to authorise the following exceptions: (a) 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. (b) The question does not arise in the case of Estonia. (c) In order to make arrangements for ensuring the weekly rest and public holidays: (1) in large undertakings two men may be employed on preparatory work on the night following a Sunday or public holiday; (2) in medium sized and small undertakings, work may be

begun at 3 a.m. on the day before a Sunday or public holiday. It is further authorised that one worker may be employed on preparatory work from 8 p.m. to 10 p.m. on Sundays and public holidays, provided that he is granted a rest period of at least 36 consecutive hours during the week in question, and that the same worker is not called upon to work on the following Sunday or holiday. The term "Sundays and public holidays" does not include Good Friday, nor any other holiday falling just before a public holiday of two or more consecutive days if the first day of such holiday falls on a Tuesday. (d) It is permitted to begin work at 4 a.m. during the holiday season (1 June to 1 September) in certain watering and seaside places specified by Ministerial Order.

**Nicaragua.** — See introductory note.

**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.

**Uruguay.** — See 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.

*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.

*Nicaragua.* — 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.

*Uruguay.* — See introductory note.

### III.

*Article 10 of the Convention is as follows ;*

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

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

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

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

*Spain.* — The report states that the provisions relating to night work in bakeries apply in the territory of *Morocco* under Spanish sovereignty but not in the rest of the Protectorate.

### 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. § 52 of Decree No. 458 of December 1924, which lays down the regulations under which the old Act of 4 October 1924 relating to night work in bakeries is administered, and is still in force pending the issue of the new regulations under the appropriate sections of the Labour Code, authorises the bakery workers' unions or any individual worker to notify the authorities of infringements which come to their notice. The authority in question is obliged, if proof is furnished to pass the notification on to the competent judge. Decree No. 13 of 24 June 1932 requires that members of bakery workers' unions and bread porters shall be nominated by the provincial labour inspectors to assist as inspectors in supervising the observance of the Act prohibiting night work in bakeries.

*Colombia.* — See introductory note.

*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 com-

petent to deal with the case, which must give judgment at its discretion.

*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.

*Nicaragua.* — See introductory note.

*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. The report adds that employers and workers have been and are co-operating in this matter by acting on the joint boards.

*Uruguay.* — 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 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 eighteen judgments applying the sanctions provided by law (fines, closing the establishment) for different breaches of the provisions regulating night 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 Labour and Provident Section of the Department of Social Welfare states that the provisions concerning the prohibition of night work in bakeries are in general observed without difficulty in most parts of the country. In Santiago and Valparaiso, however, certain difficulties have arisen from the following facts: (1) The unfair competition of certain employers who, in order to take custom away from their competitors, insist on night work by their employees, so that deliveries may be made in better time in the morning. Master bakers, who would otherwise wish to conform to the law, thus find themselves compelled to break it, and to insist on night work among their own employees. (2) Workers who are not members of trade unions offer their services for wages below standard rates, and are prepared to undertake night work. (3) The public refuses to adopt the habit of eating day-old bread, and continues to demand new bread first thing in the morning. In the smaller towns, the prohibition of night work in bakeries has been better observed since kneading establishments were brought under supervision. The establishments, which compete with the bakeries, work at night, and can thus sell their goods before the bakeries are open. A system of registration of kneading establishments by the Central Inspectorate of Labour has now been adopted, and this has made it possible considerably to reduce their number. At the same time, registered establishments are compelled to conform to the provisions of the law in the matter of hygiene and night work. The number of workers covered by these provisions amounts to 12,274; and 644 breaches of the Act were noted.

*Colombia.* — See introductory note.

*Cuba.* — The report states that the competent Department is at present preparing the annual summary concerning the inspection services, etc. This summary will shortly be forwarded to the International Labour Office.

*Estonia.* — The report states that the number of undertakings in which night work in bakeries was carried on at the end

of 1934 was 397. These undertakings employed 640 workers. During that year 186 breaches of the Act of 25 March 1929 were reported by the labour inspectors. In 132 cases the inspectors instituted proceedings and in 4 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 1934 the number of bakeries subject to inspection was 1,646 employing 5,061 workers, including 3,087 women. Proceedings were taken in 32 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.

*Nicaragua.* — See introductory note.

*Spain.* — In 1934, labour inspectors reported 496 infringements of the provisions concerning night work in bakeries.

*Uruguay.* — See introductory note.

## 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 1935 and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Albania . . . . .	17. 3.1932	
Australia . . . . .	18. 4.1931	9.11.1935
Austria . . . . .	29.12.1927	26.11.1935
Belgium . . . . .	15. 2.1928	24.10.1935
Bulgaria . . . . .	29.11.1929	15.11.1935
Colombia . . . . .	20. 6.1933	13. 1.1936
Czechoslovakia . .	25. 5.1928	12. 2.1936
Finland . . . . .	5. 4.1929	1.11.1935
Hungary . . . . .	3. 2.1931	5. 2.1936
India . . . . .	14. 1.1928	14.12.1935
Irish Free State . .	5. 7.1930	26.10.1935
Japan . . . . .	8.10.1928	29. 1.1936
Luxemburg . . . . .	16. 4.1928	10. 2.1936
Netherlands . . . .	13. 9.1927	13.11.1935
Nicaragua . . . . .	12. 4.1934	5.12.1935
Uruguay . . . . .	6. 6.1933	16. 3.1936

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

The report of the Government of *Australia* states that it has not been found necessary to adopt legislation or issue administrative regulations for the application of the provisions of the Convention.

The report of the Government of *Austria* states that there is in existence no legislation or administrative regulations for the application of the provisions of the Convention.

The 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 17 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 this Convention was ratified mainly with the object of showing the Government's spirit of international solidarity as regards the problems involved, and of having a body of doctrine which, if occasion arose, could be incorporated in the positive law of the country. In present circumstances, effect has not been given to the Convention for reasons of convenience, and in order to avoid complicating the legislation concerning emigrants on board ship. Act No. 48 of 1920 concerning immigration and the status of aliens contains the existing provisions on the subject.

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 Government of *Nicaragua* states in its report that the conditions obtaining in the country are not yet such as to require regulations in this respect. Nicaragua is at present an immigration and not an emigration country.

The Government of *Uruguay* states in its report that Uruguay has no merchant shipping used for transporting emigrants. Immigrant workers always reach the country in foreign ships. It is therefore unnecessary to adopt measures with a view to enforcing the Convention.

## I.

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

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

### *Australia.*

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.

### *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 Emi-  
grants' Protection Act, promulgated as Ordi-  
nance 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 Commu-  
nications in December 1900.

Ship Security Act, No. 11 of March 1933.

Regulations for the administration of the pre-  
ceding Act, promulgated as Ordinance No. 4  
of the Department of Communications in  
February 1934.

Regulations relating to ship equipment, pro-  
mulgated as Ordinance No. 6 of the Depart-  
ment of Communications in February 1934.

*Luxemburg.*

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

*Netherlands.*

See introductory note.

*Nicaragua.*

See introductory note.

*Uruguay.*

See introductory note.

*Colombia.* — See introductory note.

*Japan.* — § 4 of the Regulations for the  
administration of the Ship Security Act  
lays down that the term "emigrant  
vessel" means all vessels which take on  
board, at the harbour where the Ship Secu-  
rity Act is applicable, more than fifty  
emigrants or third class passengers, or  
more than fifty persons composed of  
emigrants and third class passengers, and  
navigates to a harbour situated beyond the  
limit of extended home trade or to a  
district specified by the Minister of Com-  
munications . . .

*Nicaragua.* — See introductory note.

*Uruguay.* — 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 observ-  
ers on board emigrant vessels carrying your  
nationals, and if so, under what conditions.*

*Belgium.* — . . . See also below, under  
point VI.

*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 emi-  
grants.

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

## ARTICLE 3.

If an official inspector of emigrants is placed on  
board an emigrant vessel he shall be appointed  
as a general rule by the Government of the country  
whose flag the vessel flies. Such inspector may,  
however, be appointed by another Government in  
virtue of an agreement between the Government  
of the country whose flag the vessel flies and one  
or more other Governments whose nationals are  
carried as emigrants on board the vessel.

## II.

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

## ARTICLE 1.

For the purposes of application of this Conven-  
tion 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.*

*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.

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

#### ARTICLE 4.

The practical experience and the necessary professional and moral qualifications required of an official inspector shall be determined by the Government responsible for his appointment.

An official inspector may not be in any way either directly or indirectly connected with or dependent upon the shipowner or shipping company.

Nothing in this Article shall prevent a Government from appointing the ship's doctor as official inspector by way of exception and in case of absolute necessity.

*Please state whether provision has been made for the appointment of ship's doctors as official inspectors in the conditions provided for in the third paragraph of this Article.*

*Belgium.* — ... See also below, under point VI.

*Colombia.* — See introductory note.

*Nicaragua.* — See introductory note.

*Uruguay.* — 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.

*Nicaragua.* — See introductory note.

*Uruguay.* — 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.

*Nicaragua.* — See introductory note.

*Uruguay.* — 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.

*Belgium.* — ... See also below, under point VI.

*Colombia.* — See introductory note.

*Nicaragua.* — See introductory note.

*Uruguay.* — 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.*

*Netherlands.* — ... The Governor of Surinam adds that special agreements have been made between the authorities of the Netherlands Indies and Surinam with regard to the transport and repatriation of immigrants from the former as plantation workers. ...

#### 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.

*Nicaragua.* — See introductory note.

*Uruguay.* — 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 1934 and for the first and second quarters of 1935 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.* — With regard to sailings for North America, the Government states that the Red Star Line, which undertook most of the migration traffic from Antwerp, has gone into liquidation, and its business has been taken over by the German line *Bernstein Linie*, which is not licensed in Belgium to engage or transport emigrants, and which only accepts so-called "tourist" passengers or other travellers for the Atlantic crossing who are not covered by Belgian emigration legislation. The Belgian Government cannot exercise any legal or special supervision over the transport of passengers of this kind. The ships of the Canadian Pacific Railway Company, which only touch at Antwerp once or twice a year, take on a few emigrants, Belgian or other, usually for Hamburg or Southampton. Direct embarkation of emigrants for North America no longer exists as such in Belgium. The only direct sailings of any importance are those which take place from time to time to South America; these sailings are made twice a month by the *Compagnie Maritime Belge*, a South American line, and, at rare intervals, by French and Brazilian ships. In view of the severe restrictions which govern alien immigration into overseas countries, it is not worth while, either for the Belgian Government or for the Governments of the other European States Members of the League of Nations, to appoint a special official to accompany convoys of emigrants consisting often of not more than a few dozen persons. The care of emigrants on ships flying the Belgian flag is entrusted

to the ships' doctors, who are for the most part Belgian subjects, and who are responsible for submitting a detailed report to the Government Emigration Department at the end of each voyage. The Government supplies the following statistics with regard to the transport of emigrants during 1934 :

**Vessels flying the Belgian flag :**

Number of Belgian emigrants . .	89
„ „ foreign „ . .	1,007
Total . . . .	1,096

**Vessels flying a foreign flag :**

Number of Belgian emigrants . .	225
„ „ foreign „ . .	1,069
Total . . . .	1,294
General total	2,390

The Government adds that no observations have been made by employers' or workers' organisations with regard to the practical application of the Convention.

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

*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 1934-30 September 1935 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 1934, 874 Hungarian nationals were carried overseas as emigrants. During the first nine months of 1935 the number was 770.

*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 passenger ships of the British India Steam Navigation Company, under the British flag and not on emigrant vessels, i.e. vessels specially chartered for the transport of emigrants. These passenger ships are subject to a close system of inspection at the ports of embarkation and disembarkation which, in view of the short voyages involved to Ceylon and Malaya, meets all practical requirements, rendering it unnecessary to carry out any general inspection of emigrants on board during the voyage. The number of emigrants who went to Ceylon and Malaya during the year 1934 is : Ceylon, 140,607 and Malaya, 45,469. During the year 1935 their number up to 31 July was : Ceylon, 25,977 and Malaya, 17,862. 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. Assisted emigration to British Malaya, which had been stopped in 1930 on account of the rubber depression, was also opened. These factors account 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 1934 the number of emigrants of Saorstát Éireann nationality was 1,034. The report adds that no observations have been received from organisations of employers or workers.

*Japan.* — The Government states that the number of emigrants transported on board Japanese ships is now under investigation, and will be communicated later. 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.

*Luxembourg.* — 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.

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

## 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 1935, and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934-30 September 1935 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Australia . . . . .	1. 4.1935	29.11.1935
Belgium . . . . .	3.10.1927	28.10.1935
Bulgaria . . . . .	29.11.1929	15.11.1935
Colombia . . . . .	20. 6.1933	13. 1.1936
Cuba . . . . .	7. 7.1928	18.11.1935
Estonia . . . . .	10. 5.1929	19.10.1935
France . . . . .	4. 4.1928	23.12.1935
Germany . . . . .	20. 9.1930	26.10.1935
Great Britain . . .	14. 6.1929	8.11.1935
India . . . . .	31.10.1932	14.12.1935
Irish Free State . .	5. 7.1930	3.12.1935
Italy . . . . .	10.10.1929	11. 2.1936
Luxemburg . . . . .	16. 4.1928	10. 2.1936
Mexico . . . . .	12. 5.1934	28. 3.1936
Nicaragua . . . . .	12. 4.1934	5.12.1935
Poland . . . . .	8. 8.1931	28.11.1935
Spain . . . . .	23. 2.1931	30. 1.1936
Uruguay . . . . .	6. 6.1933	16. 3.1936
Yugoslavia . . . . .	30. 9.1929	11.11.1935

The Government of *Colombia* states in its report that effect has not been given to the Convention because national economic conditions do not at present require its embodiment in the positive law of the

country. The Government also states that *Colombia* ratified this Convention in a desire to facilitate the growth of international solidarity as regards the study of labour problems, and to include the Convention in its doctrine with a view to adapting its terms to national conditions by means of legislation, should occasion arise.

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 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 Government of *Nicaragua* states in its report that reference can only be made to the provisions of §§ 64, 65 and 66 (Chapter VII) of the draft Labour Code which the Ministry of Agriculture and Labour submitted to Congress on 29 January 1934. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

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 Government of Uruguay states that Uruguay has no ships engaged in maritime navigation but only coastal trading vessels which are expressly excluded from the scope of the Convention in virtue of Article 1. The Commercial Code in force in this country does, however, contain, in Part VI, which deals with the contracts and pay of officers and seamen, explicit provisions in regard to articles of agreement. The report adds that a special committee has been set up to co-ordinate the stipulations of the Convention and the principles applied in national legislation.

## I.

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

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

### Australia.

The Navigation Act, 1912-1935 (L. S. 1934, Austral. 10).

The Navigation (Master and Seamen) Regulations (S. R. 1924, No. 199. Amendments: S. R. 1925, No. 87; S. R. 1927, Nos. 48 and 89; S. R. 1929, No. 54; S. R. 1931, No. 142; S. R. 1933, No. 140; S. R. 1935, No. 75).

### Belgium.

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

### Bulgaria.

Act of 1908 concerning maritime trade.

Regulations of 8 August 1923 concerning the crews of commercial vessels of the Bulgarian Navigation Company.

### Colombia.

See introductory note.

### Cuba.

Commercial Code of 22 August 1885 (§§ 634-648).

Legislative Decree No. 659 of 6 November 1934 [concerning seamen's articles of agreement] (L. S. 1934, Cuba 12 A).

Act No. 40 of 22 March 1935 [concerning annual leave with pay] (L. S. 1935, Cuba 4).

### 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 (L. S. 1930, Ger. 6).

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

Order of 16 June 1903 concerning the non-application of certain provisions of the Seamen's Code to vessels of small tonnage.

The report states that, in so far as existing German law was not already in agreement with the provisions of the Convention, its application is ensured by the relevant provisions of the Act of 24 July 1930 concerning the international Convention on seamen's articles of agreement.

### Great Britain.

Merchant Shipping Acts of 1894 and 1906 (International Labour Office, Studies and Reports, Series P, No. 1, pp. 2 and 56 (extracts)).

### India.

Merchant Shipping Act, 1923 (L. S. 1923, Ind. 4).

Merchant Shipping (Amendment) Act, 1931 (L. S. 1931, Ind. 1).

General Clauses Act, 1897.

Indian Contract Act, 1872.

### Irish Free State.

Merchant Shipping Acts of 1894 and 1906 (International Labour Office, Studies and Reports, Series P, No. 1, pp. 2 and 56 (extracts)).

Merchant Shipping (International Labour Conventions) Act, 1933 (L. S. 1933, I. F. S. 2).

*Italy.*

Commercial Code, §§ 521-546.

Mercantile Marine Code and Regulations for the carrying into effect of the provisions of the Mercantile Marine Code (International Labour Office, Studies and Reports, Series P, No. 1, pp. 240 and 261 (extracts)).

Act No. 417 of 14 January 1929, giving executive force to the Convention in the Kingdom.

Model articles of agreement and ship's regulations for passenger ships.

National articles of agreement for cargo ships of more than 50 tons' displacement.

Collective agreements for the enrolment of crews.

*Luxembourg.*

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

*Mexico.*

Federal Labour Act of 18 August 1931 (L. S. 1931, Mex. 1).

Act of 10 September 1932 concerning public lines of communication (L. S. 1932, Mex. 3).

See also, under *Convention No. 17 (Workmen's compensation, accidents)*, point I, the information supplied by Mexico.

*Nicaragua.*

See introductory note.

*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).

Labour Regulations of 26 August 1935.

*Uruguay.*

See introductory note.

*Yugoslavia.*

Order of 29 March 1935 to regulate conditions of work on board Yugoslav vessels engaged in maritime navigation (L. S. 1935, Yug. 2).

See also, under *Convention No. 2 (Unemployment)*, point I, the information supplied by Yugoslavia.

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.*

*Australia.* — The Government states in its report that Part II of the Navigation Act of 1912-1935 refers to masters and seamen and § 10 in that Part lays down that "the provisions of the Part of this Act relating to ships and to their owners, masters, and crews, shall, unless the subject-matter requires a different application, apply only to British ships and to their owners, masters, and crews". (Ships registered in Australia are, of course, British ships.) So far as this Convention is concerned, no distinction is made between ships engaged in the coasting trade and other ships, or in regard to tonnage. Under § 46 of the Act, however, the master of a limited coast trade ship under 50 tons gross register is not obliged to enter into an agreement with his crew in the prescribed form. As to ships of war, § 3 of the Act provides that "this Act shall not apply to ships belonging to the King's Navy or the Navy of the Commonwealth or of any British possession or to the Navy of any foreign Government". Fishing boats and pleasure yachts have been exempted by Executive Order in Council from many of the provisions of the Navigation Act, including those relating to the engagement and discharge of seamen.

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

*Colombia.* — See introductory note.

*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 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. The Government adds that there are no vessels engaged in the home trade in Cuba, nor does Cuban legislation exclude vessels of less than 100 tons registered tonnage or 300 cubic metres.

## 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

*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.

*Mexico.* — Under § 132 of the Federal Labour Act, the provisions of Chapter XV, concerning employment at sea and on navigable waterways, shall apply to employment on board Mexican vessels and floating structures of every other kind. The report adds that Mexican legislation makes no distinction between vessels, and does not fix a tonnage limit for vessels engaged in "home trade".

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 1 of the Order of 29 March 1935 lays down that the Order shall apply to all vessels engaged in maritime navigation which are registered by the maritime authorities, to the owners of such vessels and to all persons employed on board. § 88 lays down that the provisions of the Order which concern the obligation to conclude articles of agreement on board shall not apply to the following: (1) Government vessels not engaged in trade; (2) fishing vessels; (3) all vessels which are not registered either for coasting trade, for extended home trade and distant trade, or as pleasure yachts.

#### 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.*

*Australia.* — Under § 6 of the Navigation Act of 1912-1935, the term "vessel" means any ship, boat, or any other description of vessel used for any purpose on the sea or in navigation. The term "ship" includes every vessel used in navigation not ordinarily propelled by oars only. The term "seaman" means every person employed or engaged in any capacity on board a ship, except masters, pilots, and apprentices and persons temporarily employed on the ship in port. The term "master" means any person having command or charge of a ship. The term "home trade vessel" is not used in the Navigation Act, but a "limited coast trade ship" is one making short voyages within limits determined by the Governor-General.

*Bulgaria.* — § 1 of the Regulations of 8 August 1923 lays down that the crew of a vessel shall mean all persons engaged on board. § 8 defines "master" as the person having command and charge of the vessel.

*Colombia.* — See introductory note.

*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.

*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."

*Mexico.* — § 133 of the Federal Labour Act provides that the master of a vessel, the deck and engineer officers, supercargoes and pursers shall be deemed to be members of the crew in their relations with employers or shipowners. On board a vessel the following shall be deemed to be members of the crew, viz., wireless operators, boatswains, dredgermen, seamen, stokers, artisans, medical assistants, sick ward attendants, stewards and kitchen staff, and in general all those who perform any work on board a vessel on account of the shipowner. Persons who use a vessel for the purpose of travelling shall be deemed to be passengers. Under § 134, for the purposes of the Act a master (*capitán*) shall mean a person who exercises direct command on board a vessel; with respect to the other members of the crew the master shall be deemed to represent the shipowner or employer. The rights and duties of a master shall not affect the authority conferred on him by the various legal provisions in operation or those which may be issued hereafter. The report adds that Mexican legislation does not establish geographical limits for the vessels deemed to be engaged in "home trade", but it treats Cuba as a neighbouring country in addition to the United States and Guatemala, on account of the proximity of territorial waters in the canal of Yucatan.

*Nicaragua.* — See introductory note.

*Spain.* — ... (d) In the Acts of 14 June 1909 and 21 August 1925 coasting trade is defined as navigation between Spanish ports situated in Europe; or on the Mediterranean shores of Asia or Africa; or on the Atlantic coast as far as Cape Blanco.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 2 of the Order of 29 March 1935 defines "vessel" as any floating structure of any nature whatsoever, whether publicly or privately owned, with the exception of ships of war. "Seaman" is defined as any person employed on board. "Master" is defined as any person having command and charge of a vessel.

### 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.*

*Australia.* — § 46 (3) of the Navigation Act of 1912-1935 provides that the agreement shall be: (a) framed so as to admit of stipulations (not contrary to law) approved by the superintendent being introduced therein at the joint will of the master and seamen; (b) prepared, in duplicate, by or under the supervision of the superintendent after the production of the loadline certificate. . . (d) signed by the master and seamen in the presence of and attested by the superintendent; (e) signed by the master before being signed by any seaman; (f) dated at the time of signature by the master; and (g) read over and explained by the superintendent to each seaman before he signs it. The Government adds in its report that no special provision has been made for permitting the seaman to have an adviser, but in practice it is usual for a union official to attend at the time of engagement and no objection is raised to his assisting seamen in any reasonable manner.

*Bulgaria.* — § 43 of the Act of 1908 concerning maritime trade prescribes that the articles of agreement shall be signed by the master and the seaman.

*Colombia.* — See introductory note.

*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.

*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.

*Mexico.* — The Government states in its report that seamen are covered by the general provisions concerning contracts of employment contained in Chapters I and II of the Second Part of the Federal Labour Act. § 23 of this Act provides that every contract of employment shall be drawn up in writing, and at least two copies thereof shall be made, one of which shall be retained by each party. The seaman thus becomes acquainted with the terms of his articles, and the competent public authority exercises supervision over the agreement. Any stipulation contrary to the Act made in a

contract of employment is null. § 22 enumerates certain conditions which are automatically null and void, and requires that in all cases the Act or the Regulations issued thereunder shall apply in place of provisions which are void. In the case of collective agreements, in addition to the general provisions which, under § 41 are applicable to seamen, the Act provides in § 140 that the owner of one or more vessels, as the employer, shall sign the agreement with the crew or with the industrial association to which a majority of the crew belongs, and shall state therein the name of the vessel or vessels referred to. § 381 of the Act of 10 September 1932 provides that a vessel shall be deemed not to have a crew if (being due to sail for a foreign port) it is manned by persons who have not entered into an agreement in writing. § 136 of the Federal Labour Act provides that agreements for the employment of young persons under sixteen years of age (whether resident or temporarily staying abroad) who have neither parents nor guardians shall be authorised by the Mexican consul, without prejudice to their ratification at any time by the legal representatives of the said young persons. Under § 137 of the same Act, the articles of agreement of the members of the crew of a vessel shall be drawn up in quadruplicate; one copy shall be retained by each party, one copy shall be delivered to the harbour authority or the consul, as the case may be, and the fourth to the competent conciliation and arbitration board.

*Nicaragua.* — See introductory note.

*Spain.* — . . . The report adds that this Article is applied under §§ 2 and 6 of the Labour Regulations of 26 August 1935.

*Uruguay.* — See introductory note.

*Yugoslavia.* — Under § 19 of the Order of 29 March 1935, the articles of agreement must be drawn up in such a manner as to exclude all possibility of doubt as regards the rights and obligations of the signatories. Under § 21, any provisions of the articles of agreement which are contrary to the provisions of the Order shall be invalid. § 26 lays down that: (1) the articles of agreement shall be signed by the shipowner, or his representative, and by the seaman; (2) the agreement shall be signed in the presence of the port or consular authority, and these authorities shall not allow the seaman to sign the agreement until they are sure that he understands the general conditions of embarkation (conditions of living and work on board) and also the special clauses, if any, in the agreement. If one of the parties to the agreement cannot affix his signature, he shall make a finger-print on the agreement, and the authority shall

witness it in writing; (3) if it is necessary to engage a person for work on board as a substitute, or in addition to the prescribed number, and if the engagement in question cannot be made in accordance with the above provisions, the master must read and explain the clauses of the agreement to the person to be engaged in the presence of two witnesses, and the agreement in question must be submitted for approval to the competent authority in the first port where the vessel remains for longer than forty-eight hours. All the facts in question must be entered in the ship's log.

#### 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.

*Australia.* — The form of agreement is prescribed by regulation, and any additional stipulations must be: (a) not contrary to law; (b) approved by the Superintendent (§ 46 (3) (a) of the Navigation Act of 1912-1935).

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

*Colombia.* — See introductory note.

*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 does not exclude the possibility of submitting to arbitration a matter which has already been decided.

*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.

*Mexico.* — § 22 of the Federal Labour Act provides that conditions . . . IV. which

constitute a renunciation by the employee of any right or privilege granted by the Act shall be null and void. Any condition attempting to depart from the ordinary rules as to jurisdiction over any contract of employment is thus rendered void.

*Nicaragua.* — See introductory note.

*Spain.* — . . . The report adds that this Article is applied under § 6 of the Labour Regulations of 26 August 1935.

*Uruguay.* — See introductory note.

*Yugoslavia.* — Under § 22 of the Order of 29 March 1935, any clause in an agreement by which the parties purport to contract in advance to deny the competence of the regular courts or of arbitration in case of a dispute regarding the carrying out or cancelling of the agreement shall be invalid.

#### 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.*

*Australia.* — § 61 of the Navigation Act of 1912-1935 provides that when a seaman is discharged the master shall sign and give to the seaman, in the presence of the Superintendent, a discharge in the prescribed form. The Government adds that the form is prescribed in the Navigation (Master and Seamen) Regulation. In this connection, and in regard also to Article 14 of the Convention, the Government draws attention in its report to the following declaration made by the Commonwealth at the time of ratification: "His Majesty's Government in the Commonwealth of Australia, in ratifying the international Convention concerning seamen's articles of agreement, wish to draw attention to the law and practice existing in Australia affecting the issue of records of seamen's services, and statements as to the quality of their work. Article 5 of the Convention provides that every seaman shall be given a document which contains a record of his service in a ship but no statement as to the quality of his work or as to his wages; and Article 14 provides that the seaman shall be able to obtain in addition a separate certificate as to the quality of his work. Australian law and practice give to every seaman the option

of having his certificate of discharge endorsed either with a copy of the master's report as to his conduct and ability or with the words 'endorsement not required,' as he may prefer. In practice it is but very rarely that the latter is chosen. The certificate contains no reference to wages. His Majesty's Government in the Commonwealth of Australia take the view that this provides all the protection to seamen that the Convention contemplates, and they ratify the Convention on the understanding that the provision described above is regarded as satisfying its requirements."

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

*Colombia.* — See introductory note.

*Cuba.* — § 3 of Legislative Decree No. 659 lays down that the seaman shall receive a copy of the articles of agreement or enrolment.

*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.

*Mexico.* — § 111 (XIV) of the Federal Labour Act provides that it is the duty of the employer to give free of charge to any employee who is leaving the undertaking a certificate in writing concerning his services, if he so requests. The report adds that there are no provisions stating what such certificates shall contain or omit.

*Nicaragua.* — See introductory note.

*Spain.* — ... The report adds, however, that the question of incorporating this Article in the Code is being studied.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 10 of the Order of 29 March 1935 lays down that: (1) every seaman shall be supplied with a special service book, given him by the port authority. (2) As long as the seaman is employed on board, this book shall be kept by the master, who must give it back to the seaman when he leaves the ship. (3) The book shall not contain any statement as to the quality of the seaman's work or any indication as to his wages. (4) The contents

of the book and the conditions under which it shall be given shall be laid down by the Minister of Communications in agreement with the Ministers concerned. (5) The book may not be given to a minor except with the consent of his father, guardian or judge with guardianship authority. (6) The port authorities are responsible for keeping an exact register of the books supplied. (7) The requests, certificates and documents necessary for obtaining the book and the book itself shall be exempt from fees.

## ARTICLE 6.

The agreement may be made either for a definite period or for a voyage or, if permitted by national law, for an indefinite period.

The agreement shall state clearly the respective rights and obligations of each of the parties.

It shall in all cases contain the following particulars:

(1) The surname and other names of the seaman, the date of his birth or his age, and his birthplace;

(2) The place at which and date on which the agreement was completed;

(3) The name of the vessel or vessels on board which the seaman undertakes to serve;

(4) The number of the crew of the vessel, if required by national law;

(5) The voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;

(6) The capacity in which the seaman is to be employed;

(7) If possible, the place and date at which the seaman is required to report on board for service;

(8) The scale of provisions to be supplied to the seaman, unless some alternative system is provided for by national law;

(9) The amount of his wages;

(10) The termination of the agreement and the conditions thereof, that is to say:

(a) if the agreement has been made for a definite period, the date fixed for its expiry;

(b) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seaman shall be discharged;

(c) if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission; provided that such period shall not be less for the shipowner than for the seaman;

(11) The annual leave with pay granted to the seaman after one year's service with the same shipping company, if such leave is provided for by national law;

(12) Any other particulars which national law may require.

*If the national law of your country permits the concluding of an agreement for an indefinite period, please indicate the conditions which shall entitle either party to rescind it as well as the required period of notice for rescission (No. 10 (c)).*

*Please indicate the nature of the particulars required by national law under No. 12.*

*Australia.* — § 50 of the Navigation Act of 1912-1935 provides that an Agreement may be made for a voyage, or if the voyages

of the ship average less than six months, may be made to extend over two or more voyages. The latter are called "running agreements" and may not extend beyond six months, with the proviso that subject to certain conditions an agreement extends until the ship arrives at her port of destination. The Government adds that the law does not provide for articles having an indefinite period. The form M & S-3 set out in the Schedule to the Master and Seamen regulations contains all the particulars set out in Article 6 of the Convention, except No. (11). In regard to No. (11), annual leave, this is not a matter directly provided for by "national law" but is dealt with in industrial awards of the Commonwealth Court of Conciliation and Arbitration. For example, the award concerning deck and stokehold hands provides for one day's leave at the seaman's home port, for each completed month of service (after a year's service with the same owner). Awards for other departments of the crew contain similar provisions. The manner of making a reference to such leave, in the articles of agreement, is to insert, in the space provided on the first page of the articles, under the heading "And it is also agreed", a clause to the effect that "These articles are subject to the conditions of such awards of the Commonwealth Court of Conciliation and Arbitration... as are applicable to this vessel in the trade in which she is engaged".

*Bulgaria.* — §§ 44 and 46 of the Act of 1908 concerning maritime trade lay down that the articles of agreement may be made for the definite period of the voyage.

*Colombia.* — See introductory note.

*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 birthplace; (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. § 1 of Act No. 40 of 22 March 1935 lays down that every wage-earning or salaried employee who has been employed by one and the same employer for one year without interruption shall be entitled to fourteen working days' leave with the average remuneration corresponding to that period. § 3 lays down that every wage-earning or salaried employee who performs work for one and the same person or employer for six consecutive months shall be entitled to seven working days' leave with pay. The Government adds that, with regard to paragraph (12) of Article 6 of the Convention, reference should be made *inter alia* to § 634 of the Commercial Code.

*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.

*Mexico.* — Under § 138 of the Federal Labour Act, a seaman's agreement may be made for a definite period, for an indefinite period, or for a voyage. Under § 24, a contract of employment in writing shall contain the following particulars: I. the name, nationality, age, sex, civil status and address of each of the contracting parties; II. the service or services to be performed, which shall be specified as clearly as possible; III. the duration of the contract or a statement that it is for an indefinite period, a specified piece of work, or at a fixed rate. A contract of employment shall not be concluded for a specified period, except where the conclusion of such a contract is consequent upon the character of the services to be performed; IV. the daily hours of work in accordance with the provisions of the Act; V. the salary, wages, daily rate or share to be paid to the employee; whether the said remuneration is to be calculated at a time rate, a piece rate or in any other manner, and the method and place of payment; VI. the place or places where the services are to be performed. § 138 also provides as follows: An agreement for a voyage shall be deemed to be concluded for the period from the embarkation of the seaman to the completion of the discharging of the vessel on its return to its home port; nevertheless, a port other than the home port may be expressly specified in the agreement as the port where the agreement shall expire. The home port of the vessel shall mean the port mentioned in the agreement, or, in default of such mention, the port where the shipowner or employer has his head office on the coast along which the vessel plies, and in case of doubt the port of registry of the vessel. In agreements for a definite or indefinite period the port to which the seaman is to be taken back shall be specified, and in default of such specification the place at which the seaman

was engaged shall be deemed to be the port in question. In agreements for an indefinite period the temporary laying-up of a vessel shall not be deemed to give rise to the termination of the agreement, but shall merely suspend the effects thereof until the vessel is put into commission again. Repairs shall not be deemed to constitute temporary laying-up.

*Nicaragua.* — See introductory note.

*Spain.* — . . . The report adds that the text of this Article appears in §§ 3 and 8 of the Labour Regulations of 26 August 1935.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 24 of the Order of 29 March 1935 provides that: (1) the articles of agreement may be concluded either for a definite period or for an indefinite period or for the voyage. An agreement made for a definite period shall not be for longer than two years, and must be renewed not more than ninety days before it expires. (2) If the agreement is made for the voyage and it is not possible to determine the approximate duration of the voyage, the agreement must state the period at the end of which the seaman may demand his discharge if the voyage is not finished. § 25 lays down that: (1) the articles of agreement shall contain the following particulars: (i) the surname and other names of the seaman and the date and place of his birth; (ii) the place at which and date on which the agreement was concluded; (iii) the name of the vessel on board which the seaman is to be employed and the number of its crew; (iv) the voyage to be undertaken, if this can be determined at the time of concluding the agreement; (v) the capacity in which the seaman is to be employed (deck, engine-room or general service) and the seaman's rank; (vi) the place at which and the date on which the seaman begins his work; (vii) the amount of his wages, the method and place of payment, and extra wages, if such are provided for; if the agreement is on a share basis, the method of calculation of such share; (viii) the currency in which the wages are to be paid abroad and in national ports; (ix) (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 an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission, which must be the same for either party; (c) 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; (d) if the agreement has been made for a voyage the duration of which can neither be determined nor approximately estimated, the period at

the end of which the seaman can demand his discharge; (x) the food to be supplied to the seaman, or the corresponding compensation; (xi) the provisions of § 4 (2) of the present Order (prohibition of the employment of young persons of under eighteen years of age as trimmers or stokers); (2) the provisions of (iii) above do not apply to vessels engaged in the coasting trade.

#### 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.

*Australia.* — The Government states in its report that the agreement in use (Form M and S-3) contains a full list of the crew.

*Bulgaria.* — § 43 of the Act of 1908 concerning maritime trade lays down that the articles of agreement must be recorded in the list of the crew.

*Colombia.* — See introductory note.

*Cuba.* — § 7 of Legislative Decree No. 659 provides that the articles of agreement shall be included in or annexed to the ship's muster-roll, and also annexed to the pay books. The Government adds that § 634 (2) of the Commercial Code also applies this Article.

*India.* — The report states that Indian law does not provide for the maintenance of a separate list of crew on board.

*Mexico.* — § 380 of the Act of 10 September 1932 respecting public lines of communication provides that all the persons composing the crew of a vessel shall be entered in the ship's articles, which shall mention all the particulars required by the regulations. The ship's articles shall be signed by the master, subject to his responsibility. Under § 391 the rules of the vessel are drawn up by the ship-owner and approved by the Ministry of Communications.

*Nicaragua.* — See introductory note.

*Spain.* — ... The report remarks that the provisions of this Article have been applied in Spain under Admiralty orders dated 6 October 1870 and 12 February 1872. At the present time, contracts are drawn up in triplicate, one copy remaining in the possession of the seaman, who therefore has the terms of his engagement always available.

*Uruguay.* — See introductory note.

*Yugoslavia.* — Under § 27 of the Order of 29 March 1935, the articles of agreement must be recorded in or annexed to the list of the crew.

#### ARTICLE 8.

In order that the seaman may satisfy himself as to the nature and extent of his rights and obligations, national law shall lay down the measures to be taken to enable clear information to be obtained on board as to the conditions of employment, either by posting the conditions of the agreement in a place easily accessible from the crew's quarters, or by some other appropriate means.

*Australia.* — § 53 of the Navigation Act of 1912-1935 provides that the master of every ship shall, at the beginning of every voyage or engagement, cause a legible copy of the agreement (omitting signatures) to be posted up in some part of the ship which is accessible to the crew, and shall use all reasonable precautions to keep it so posted during the voyage.

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

*Colombia.* — See introductory note.

*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. The Government adds that § 634 of the Commercial Code also applies this Article.

*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.

*Mexico.* — The Government states in its report that all the provisions of this Article are contained in the rules of the vessel which, under § 391 of the Act of 10 September 1932 respecting public lines of communication, must be approved by by the Ministry of Communications.

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

*Yugoslavia.* — Under § 28 of the Order of 29 March 1935, in order that the members of the crew may know their rights and



obligations, the following shall be necessary: (1) a copy of the Order and the other provisions applicable to seaman shall be kept on board, in order that the seamen may be able to consult them if they wish; (2) the general conditions of employment, drawn up in the language of the country, must be posted up in a conspicuous place in the crew's quarters.

#### 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.*

*Australia.* — The Government states that articles of agreement for indefinite periods are not permitted in Australia.

*Bulgaria.* — §§ 44 and 46 of the Act of 1908 concerning maritime trade lay down that, if the duration of the voyage is not stipulated in the agreement, the seaman is entitled to denounce the agreement after two years' service.

*Colombia.* — See introductory note.

*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. The Government adds that this Article is also applied by §§ 302, 603 and 636 of the Commercial Code.

*India.* — The report states that agreements for an indefinite period are not permitted by Indian law. See under ARTICLE 6.

*Mexico.* — The Government states in its report that Mexican legislation does not define the formalities necessary to terminate a contract of employment entered into for an indefinite period, but, on the other hand, contains, in § 39 of the Federal Labour Act, provisions for the

prolongation of the contract. The Supreme Court of Justice has upheld the view that in the case of contracts concluded for an indefinite period, workers are deemed to be permanently engaged after three months, and that just cause must be shown for notice of discharge. As regards legislation affecting seamen in particular, § 145 of the Federal Labour Act requires that a seaman's agreement shall not be cancelled while the vessel is at sea, nor while the vessel is in port if the cancellation is requested within twenty-four hours before the sailing of the vessel, unless in this latter case the master or the destination of the vessel has been changed. Under § 146, a seaman's agreement shall not be cancelled when 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.

*Nicaragua.* — See introductory note.

*Poland.* — . . . See also introductory note.

*Spain.* — . . . The report adds that this Article, with the exception of the last paragraph, is incorporated in § 3 of the Labour Regulations of 26 August 1935.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 66 of the Order of 29 March 1935 lays down that: (1) if the agreement was concluded for an indefinite period it may be terminated by either party by giving the prescribed notice; (2) the period of notice prescribed shall be included in the articles of agreement, and must be the same for both parties. It may not be less than 24 hours; (3) notice must be given in writing, and the master must enter the notice in the ship's log; (4) non-observance by either party of the period of notice gives the injured party the right to damages.

#### 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.*

*Australia.* — § 50 (3 and 4) of the Navigation Act of 1912-1935 gives a seaman a right to his discharge, and the master the right to discharge him, on twenty-four hours' notice, when the agreement has been in force for more than six months and the ship is not then proceeding either



directly or by intermediate ports, to the port of discharge mentioned in the agreement. § 62 provides that a seaman not shipped in Australia can only be discharged (except at the end of his agreed period of service) with the sanction of the Superintendent, but the Superintendent's consent to the discharge must not be unreasonably withheld. The Government adds in its report that in all cases, of course, failure to observe the terms of the agreement entitles the other party to rescind it. For example, misconduct by a member of the crew may entitle the master under common law to discharge him, and it is the invariable practice to have a clause to this effect inserted in all articles. Clauses similar to this have also been inserted in Arbitration Court awards. In this connection § 88 of the Act provides that if a seaman is discharged without fault on his part justifying that discharge, and without his consent, he shall be entitled to receive compensation and advantages similar to those given in the case of a normal discharge. Apart from the law as expressed in the Navigation Act, seamen have secured, by award of the Commonwealth Court of Conciliation and Arbitration, the right to discharge at their home ports on giving twenty-four hours' notice to the master. As regards loss or unseaworthiness of the vessel, the contract "to serve on board" is, by common law, terminated by loss of the ship; and by § 59 of the Act, in every contract of service continued seaworthiness of the ship is implied.

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

*Colombia.* — See introductory note.

*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. The Government adds that this Article is applied by §§ 302, 336, 640 and 645 of the Commercial Code.

*India.* — The report states that the provisions of this Article are in conformity with the existing law and practice in India.

*Mexico.* — The Government states in its report that mutual consent of the parties, or the death of the seaman have, under Mexican law, the natural consequence of terminating the articles of agreement. Loss of the vessel also entails termination of the agreement, under § 147 of the Federal Labour Act.

*Nicaragua.* — See introductory note.

*Spain.* — The Government states in its report that the provisions of this Article are incorporated in § 18 (a) (b) (c) (d) and (e) of the Labour Regulations of 26 August 1935.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 67 of the Order of 29 March 1935 lays down that any articles of agreement, for whatever period they were concluded, may be terminated without notice in the following cases: (1) mutual consent of the parties; (2) death of the seaman; (3) loss or total unseaworthiness of the vessel; (4) dismissal of a seaman under the conditions prescribed by § 68 of the Order (serious reasons); (5) voluntary disembarkation of the seaman under the conditions prescribed by § 69 of the Order; (6) physical or mental incapability, noticed after embarkation under the conditions prescribed by § 6 of the Order; (7) voluntary abandonment of the vessel by the seaman without leave; (8) in cases where the seaman proves to the shipowner, or his representative, that he can obtain command of a vessel or an appointment as deck officer or engineer officer or any other post of higher grade than he actually holds, or that, owing to exceptional circumstances which have arisen since his engagement, his discharge is essential to his interests, he may demand the rescission of the agreement, provided that, to the satisfaction of the shipowner or his representative and with their agreement, he can supply a competent man in his place.

#### 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.*

*Australia.* — See above, under ARTICLE 10.

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

*Colombia.* — See introductory note.

*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. The Government adds that this Article is applied by § 637 of the Commercial Code.

*India.* — The report states that the provisions of this Article are covered by the ordinary law of India.

*Mexico.* — The Government states in its report that the employer may discharge the worker for the reasons enumerated in § 121 of the Federal Labour Act.

*Nicaragua.* — See introductory note.

*Spain.* — ... The report adds that the terms of this Article are reproduced in § 18 of the Labour Regulations of 26 August 1935.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 68 of the Order of 29 March 1935 lays down that: (1) A master may dismiss a seaman for serious reasons without giving the prescribed notice, irrespective of the duration and nature of the agreement. (2) Serious reasons are deemed to be, in particular: (a) professional incapability of seamen, in cases where they have not been certified by the competent authority as being properly qualified for the work for which they were engaged; (b) disability resulting from an illness or injury wilfully contracted or self-inflicted; (c) absence from the vessel contrary to orders or without leave; (d) serious disciplinary faults; (e) opening of penal proceedings for a crime or serious misdemeanour; (f) smuggling; (g) drunkenness at the beginning of or during service on board ship, certified by a doctor or by the written statement of a witness. (3) The reason for dismissal must be entered in the ship's log. (4) In cases of dismissal without serious cause, the shipowner must compensate the seaman for resulting loss. The amount of this compensation is determined by the port authorities, who take into consideration custom, the nature of the engagement, the date of expiry of the engagement, former service, the loss caused by the dismissal, and the gravity of the fault committed.

#### 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.*

*Australia.* — The Government states in its report that no provision has been made as to the circumstances under which a seaman may demand an immediate discharge. The seaman, however, retains his common law right to have his agreement deemed to be terminated if the master or owner commits a breach of its conditions.

*Bulgaria.* — No information on this point.

*Colombia.* — See introductory note.

*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. The Government adds that this Article is applied by §§ 635, 638 and 647 of the Commercial Code.

*India.* — The report states that the provisions of this Article are covered by the ordinary law of India.

*Mexico.* — The Government states in its report that the seaman may demand his immediate discharge for the reasons enumerated in § 123 of the Federal Labour Act. In addition, § 144 of the Act provides that, if within ten days before the date of the expiration of an agreement it is proposed to commence a fresh voyage the duration of which exceeds the above time-limit, the members of the crew may request the cancellation of their agreements by notifying the employer thereof three days before the sailing of the vessel, in order to avoid being bound to perform work during the said fresh voyage.

*Nicaragua.* — See introductory note.

*Spain.* — ... The report adds that the terms of this Article are incorporated in § 18 of the Labour Regulations of 26 August 1935.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 69 of the Order of 29 March 1935 provides that whatever may be the duration and nature of the articles of agreement, the seaman may demand his immediate discharge from the port or consular authorities in the following cases: (1) if the vessel alters its route and thereby involves serious danger to the life or health of the seaman; (2) if the vessel changes its flag; (3) if the master does not observe the legal provisions with regard to the safety of the vessel; (4) if the master abuses his authority over the seaman or ill-treats him, or lays him open to ill-treatment by another person, or if without reasonable excuse he fails to supply the seaman with the nourishment to which he is entitled; (5) if it was impossible for the seaman to know before he signed the agreement that there was a possible danger of war or of serious infection in the course of the voyage; (6) if a seaman falls sick or is injured during the voyage and treatment on land is necessary.

## 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.

*Australia.* — The Government states that the conditions mentioned above (see under ARTICLE 10) are such that the provisions for discharge, on twenty-four hours' notice to the master, are thought to provide as much practical benefit to the seaman as this Article contemplates.

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

*Colombia.* — See introductory note.

*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. The Government adds that this section implicitly amended § 635 of the Commercial Code.

*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.

*Mexico.* — The Government states in its report that Mexican legislation contains no provisions of this nature.

*Nicaragua.* — See introductory note.

*Poland.* — . . . See also introductory note.

*Spain.* — . . . The report adds that the terms of this Article are incorporated in § 18 of the Labour Regulations of 26 August 1935.

*Uruguay.* — See introductory note.

*Yugoslavia.* — See above, under ARTICLE 10.

## 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.

*Australia.* — § 64 of the Navigation Act provides that the Superintendent shall attest every discharge made before him, and shall keep every discharge received by him until the seaman applies for it, when he shall deliver it to the seaman. See also above, under ARTICLE 5.

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

*Colombia.* — See introductory note.

*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.

*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.

*Mexico.* — Under § 111 (XIV) of the Federal Labour Act it is the duty of the employer to give free of charge to any employee who is leaving the undertaking a certificate in writing concerning his services, if he so requests.

*Nicaragua.* — See introductory note.

*Spain.* — ... The report adds that the first paragraph of this Article is incorporated in § 15, and the second in § 21, of the Labour Regulations of 26 August 1935.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 70 of the Order of 29 March 1935 provides that: (1) The master must enter in the seaman's book and in the list of the ship's crew any recission of the articles of agreement, and such entry shall, at the request of either party, be endorsed by the competent port or consular authority. (2) The master must further supply the seaman, if the latter so requests, with a separate certificate as to the nature and quality of his work on board ship.

### 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.*

*Australia.* — The Government states that the Convention has not been applied to the territories of *Papua* and *Norfolk Island*, nor to the mandated territories of *New Guinea* and *Nauru*, since owing to local conditions it is inapplicable.

### 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.*

*Australia.* — The Government states that the administration of the above-mentioned legislation and regulations is entrusted to the superintendents of Mercantile Marine Offices, under the control and direction of the Director of Navigation, through his Deputy Directors of Navigation in each State. These officers are permanent officials of the Commonwealth public service. They receive detailed instructions as to their work, and are subject to inspection at any time, from the Office of the Director of Navigation and the public service inspectors.

*Bulgaria.* — The Government states in its report that infringements of the legislation in question which are committed in the course of a voyage are recorded by the Bulgarian diplomatic or consular representatives or, if there are no such representatives, by the local authorities.

*Colombia.* — See introductory note.

*Cuba.* — §§ 17 and 18 of Legislative Decree No. 659 provide that every contravention of the Decree shall be punished by the competent criminal court magistrate with a fine as therein specified. These magistrates, therefore, are the authorities with whom judicial enforcement of the Legislative Decree applying the Convention lies; there must, however, be notification by an official or by an inspector of the Ministry of Labour before the magistrate can take cognisance of a case. As, in order to clear the vessel, the master must submit to the port or customs authorities all the documents required by law, the ship cannot be cleared unless such documents are in the form laid down in Legislative Decree No. 659 and in the Commercial Code; it may therefore be said that the port and customs authorities also have competence to secure conformity with the Legislative Decree.

*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.

*Mexico.* — The Government states in its report that application of the legislation mentioned above is entrusted to the Ministry of Communications, the Labour Department, the conciliation boards, the Federal conciliation and Arbitration Board, the harbour authorities, and the Mexican consulates abroad. Inspection services are regulated by §§ 402 to 406 of the Federal Labour Act. In every port, there

is a Federal labour inspector who, for each voyage, makes a visit of inspection in order to ascertain that the provisions of the special legislation on the question are complied with, and who reports to the Labour Department any contraventions or infringements that he observes. Failure to comply with the provisions is always punished by a fine in accordance with the terms of §§ 673 to 675 of the Federal Labour Act.

*Nicaragua.* — See introductory note.

*Spain.* — The report states that the application of the relevant legislation is entrusted to the navigation authorities, and labour inspectors.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 82 of the Order of 29 March 1935 enumerates the cases of infringement for which the master or his representative may be fined from 100 to 5,000 dinars. Under § 83, all other infringements of the Order, which are not punishable by the penalties provided by the Penal Code, shall be punished by a fine which may not exceed 10,000 dinars. In exceptionally grave circumstances, the service book issued to the seaman or his certificate may be temporarily or definitively confiscated. Under § 84, the port authorities are responsible for pronouncing on and inflicting penalties for the misdemeanours mentioned in the Order which are not covered by the Penal Code. An appeal may be lodged with the Department of Maritime Communications, whose decision is final. § 85 lays down that the sums paid in fines shall be given to the Indigent Seamen's Fund attached to the Department of Maritime Communications at Split. Under § 86, the Minister of Communications, acting through the administrative maritime bodies, is responsible for the supervision and enforcement of the Order and its administrative Regulations or Orders in so far as they relate to the social welfare of seamen and the protection of their lives on board seagoing merchant ships. Under § 87, the Department of Maritime Communications is required to publish an annual report containing statistical tables and the necessary information with regard to the organisation and work of the port authorities in relation to the social welfare of seamen and the protection of their lives.

## 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 states in its report that minor disputes have been

settled by the maritime commissary either directly or by conciliation in accordance with § 109 of the Act of 5 June 1928, and without it being necessary to state the conciliation decision in writing. The Government also forwards the text of four decisions given by the Probiviral Seamen's Court in 1934 on the following disputed cases: (1) cancelling of the articles of agreement; (2) contested case concerning overtime; (3) contested case on the subject of wages, cost of food, etc.; (4) contested case on the subject of wages and compensation for the loss of personal effects and papers.

*Cuba.* — The report states that neither the ordinary nor any other courts have issued judgments concerning the enforcement of Legislative Decree No. 659 of 6 November 1934; there have, however, been cases before the Supreme Court, during the period previous to that which this report covers, relating to some of the above-mentioned provisions of the Commercial 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 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.*

*Australia.* — The Government states in its report that the ratification of the Convention has made no practical difference to conditions in Australia, and it has not been found necessary to alter existing law. During the 12 months ended June, 1934, 9,768 individual seamen of all ranks and ratings were engaged in Australian ports, but those seamen made 25,785 engagements during the same period. No observations on the Convention have been received from employers or employees. It has, however, been in force for 7 months only.

*Belgium.* — The report states that, during 1934, 13,944 seamen were signed on for service under the Belgian flag; of these 559 were of foreign nationality. No observations were made by the organisations of employers or workers concerned with regard to the practical application of the Convention.

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

*Colombia.* — See introductory note.

*Cuba.* — The Government states in its report that it is not possible to attach the summaries of the inspection services' report and other details, as these were not received in time. Neither the employers' nor the workers' organisations have submitted observations concerning the practical application of this Convention.

*Estonia.* — In July 1933 the number of seamen signed on was 2,038 of whom 458 were deck officers, 233 engineer officers, 16 wireless operators, 852 deck hands, 297 engine room staff and 182 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 Government 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 1935 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 172,610, of whom 46,837 were not on board ship. The number of French seamen on board ship was therefore 125,773 divided as follows: officers of the bridge, 84,244; engineering officers, 14,080; catering staff, 12,917; sailing under foreign flags, 37; members of crews of the fleet or in other units, 14,495. In addition, the number of seamen on board ship included 2,213 colonials and 1,971 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 Government states that the Convention is applied in Germany both in the letter and in the spirit. The report

adds that the application of the provisions of the Convention 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.* — The Government states in its report that 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 Government states in its report that it has given statutory effect to the provisions of the Convention. The Convention has been satisfactorily applied in India. 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. 8,809 seamen signed on during the year ended 30 June 1935. 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.

*Mexico.* — The Government states that no statistics are available, and that no observations have been received from employers' or workers' organisations.

*Nicaragua.* — See introductory note.

*Poland.* — The report does not refer to this point. See introductory note.

*Spain.* — The Government states in its report that no relevant statistics exist, and that no observations on the application of the Convention have been received from employers' or workers' organisations.

*Uruguay.* — See introductory note.

*Yugoslavia.* — The Government states in its report that, under § 87 of the Order of 29 March 1935, the Department of Maritime Communications is required to publish an annual report on the organisation and activities of the port authorities with regard to the social welfare of seamen and protection of their lives. Since the Order has only been in force for a few months, however, the report has not yet been published.

### 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 1935, and from which annual reports under Article 22 of the Constitution of the International Labour Organisation were due in respect of the period 1 October 1934 - 30 September 1935 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium . . . . .	3.10.1927	28.10.1935
Bulgaria . . . . .	29.11.1929	15.11.1935
Colombia . . . . .	20. 6.1933	13. 1.1936
Cuba . . . . .	7. 7.1928	18.11.1935
Estonia . . . . .	9. 7.1928	19.10.1935
France . . . . .	4. 3.1929	23.12.1935
Germany . . . . .	14. 3.1930	26.10.1935
Irish Free State . .	5. 7.1930	9.11.1935
Italy . . . . .	10.10.1929	11. 2.1936
Luxemburg . . . . .	16. 4.1928	10. 2.1936
Mexico . . . . .	12. 5.1934	28. 3.1936
Nicaragua . . . . .	12. 4.1934	5.12.1935
Poland . . . . .	8. 8.1931	28.11.1935
Spain . . . . .	23. 2.1931	30. 1.1936
Uruguay . . . . .	6. 6.1933	16. 3.1936
Yugoslavia . . . . .	30. 9.1929	11.11.1935

The Government of *Colombia* states in its report that, properly speaking, there are no maritime shipping concerns in Colombia. Foreign trade is carried by foreign vessels.

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

The Government of *Nicaragua* states in its report that Nicaragua has not yet any maritime shipping requiring regulation in the sense of the Convention.

The *Spanish* Government states in its report that a Bill implementing the Convention has been drafted and will be submitted to the Cortes shortly. The full text of the provisions of the Convention is incorporated in Chapter II of this Bill.

The report of the Government of *Uruguay* states that Uruguay has no ships engaged in maritime navigation but only coastal trading vessels, which are expressly excluded from the scope of the Convention by Article 1. The Commercial Code in force in this country does, however, contain in Part VI, which deals with the contracts and pay of officers and seamen, explicit provisions in regard to repatriation.

#### 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.*

Act of 1908 concerning maritime trade.

Regulations of 8 August 1923 concerning the crews of commercial vessels of the Bulgarian Navigation Company.

#### *Colombia.*

Maritime Trade Code.

#### *Cuba.*

Commercial Code of 1885 (§§ 636 and 638).

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).

*Estonia.*

Act of 22 March 1928 concerning seamen (L.S. 1928 Est. 1 B).

*France.*

Act of 13 December 1926 to issue a Seamen's Code (L. S. 1926, Fr. 13).

*Germany.*

Act of 14 January 1930 respecting the International Convention concerning the repatriation of seamen.

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

Act of 2 June 1902 concerning the obligation for merchant vessels to take on board seamen entitled to repatriation.

Order of 16 June 1903 concerning the non-application of certain provisions of the Seamen's Code to vessels of small tonnage.

*Irish Free State.*

Merchant Shipping Acts of 1894 and 1906 (International Labour Office, Studies and Reports, Series P, No. 1, pp. 2 and 56 (extracts)).

*Italy.*

Commercial Code.

Mercantile Marine Code of 24 October 1877 and the Regulations of 20 November 1879 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.

*Luxembourg.*

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

*Mexico.*

Political Constitution of the United States of Mexico, 1917.

Federal Labour Act of 18 August 1931 (L. S. 1931, Mex. 1).

Migration Act of 30 August 1930 published in the supplement to the *Diario Oficial* of 30 August 1930.

*Nicaragua.*

See introductory note.

*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).

Labour Regulations of 26 August 1935.

See also introductory note.

*Uruguay.*

See introductory note.

*Yugoslavia.*

Order of 29 March 1935 to regulate conditions of work on board Yugoslav vessels engaged in maritime navigation (L. S. 1935, Yug. 2).

See also, under *Convention N° 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 I.

This Convention shall apply to all seagoing vessels registered in the country of any Member ratifying this Convention, and to the owners, masters and seamen of such vessels.

It shall not apply to :

ships of war,

Government vessels not engaged in trade,

vessels engaged in the coasting trade,

pleasure yachts,

Indian country craft,

fishing vessels,

vessels of less than 100 tons gross registered tonnage or 300 cubic metres, nor to vessels engaged in the home trade below the tonnage limit prescribed by national law for the special regulation of this trade at the date of the passing of this Convention.

*In addition, please indicate the tonnage limit, if any, in respect of vessels engaged in the home trade prescribed by national law for the special regulation of this trade at the date of the passing of the Convention.*

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

*Colombia.* — See introductory note.

*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. The report adds that there are no vessels engaged in the "home trade" in Cuba.

*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)*.

*Mexico.* — See the summary of the report on *Convention No. 22 (Seamen's articles of agreement)*.

*Nicaragua.* — See introductory note.

*Spain.* — ... See also introductory note.

*Uruguay.* — See introductory note.

*Yugoslavia.* — See the summary of the report 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 the summary of the report on *Convention No. 22 (Seamen's articles of agreement)*.

*Colombia.* — See introductory note.

*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 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 duly 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.

*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.

*Mexico.* — See the summary of the report on *Convention No. 22 (Seamen's articles of agreement)*.

*Nicaragua.* — See introductory note.

*Spain.* — ... See also introductory note.

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 2 of the Order of 29 March 1935 defines "vessel" as any floating structure of any nature whatsoever, whether publicly or privately owned, with the exception of ships of war. "Seaman" is defined as any person employed on board. "Master" is defined as any person having command and charge of a vessel. The Government adds in its report that the geographical limits for vessels engaged in "home trade" are determined by § 6 of Order No. 1300 of 20 October 1919 of the Maritime Department as follows : "to the west as far as Cape Santa Maria di Leuca, to the east as far as Cape Clarenza, including the Bay of Lepanto, the Ionian Islands and the Strait of Zante, together with all the rivers which flow into those waters".

## 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.** — § 63 of the Act concerning maritime trade stipulates that the master of the vessel shall pay, at the shipowner's expense, the cost of repatriation of every seaman discharged by him, if the discharge has been made with the consent of the shipowner, or shall have the seaman taken on board a vessel which is returning to his home country.

**Colombia.** — § 61 of the Maritime Trade Code provides that the cost of conveying the discharged seaman to the port where he was engaged shall be borne by the shipowner. Under § 134 a seaman who is sick, injured or maimed through no fault of his own and is returning on another vessel, is entitled to an allowance for the return journey. See also introductory note.

**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. The report adds that §§ 636 and 638 (3) of the Commercial Code also apply.

**Mexico.** — Under § 381 of the Act of 10 September 1932 respecting public lines of communication, a vessel shall be deemed not to have a crew if the members of the crew have entered into an agreement in writing which does not contain the clause relating to their repatriation. The report adds that §§ 29, 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. Further, § 88 of the Migration Act lays down that the undertakings owning the ships are responsible for members of the crew who, through the fault of the undertakings, remain on Mexican territory. For this purpose, § 86 of the same Act requires the undertakings to constitute a surety to cover their responsibilities, among which the repatriation of foreign seamen is naturally included.

**Nicaragua.** — See introductory note.

**Spain.** — ... The report adds that the whole of this Article except its final paragraph is included in § 3 of the Labour Regulations of 26 August 1935. See also introductory note.

**Uruguay.** — See introductory note.

**Yugoslavia.** — § 71 of the Order of 29 March 1935 provides that: (1) 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, if the agreement so provides, to another port, at the expense of the shipowner; (2) the port or consular authorities are required to supervise the carrying out of the preceding provision and, in case of need, to advance the cost of repatriation, which they may afterwards recover from the shipowner; (3) in the cases prescribed by § 68 (2 and 3) (dismissal for serious reasons), the cost of repatriation must be defrayed by the seaman, but the shipowner is required to repatriate him; (4) the cost of repatriation includes all expenses of transport, lodging and food and also the cost of the seaman's maintenance up till the time when he leaves. Under § 72 of the Order: (1) a seaman shall be deemed to have been repatriated if he is given some suitable employment on board a vessel which is proceeding to one of the ports prescribed in accordance with § 71; (2) a seaman shall be deemed to have been repatriated if he is landed in a Yugoslav port, either the port at which he was engaged, or at a neighbouring port, or at the port at which the voyage commenced; (3) when the seaman to be repatriated is employed on board he is entitled to payment for the work done during the voyage.

#### 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.* — §§ 58 and 59 of the Act of 1908 concerning maritime trade 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.

*Colombia.* — See under ARTICLE 3 and introductory note.

*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.

*Mexico.* — The report does not refer to this question.

*Nicaragua.* — See introductory note.

*Spain.* — ... The report adds that this Article is incorporated in § 3 of the Labour Regulations of 26 August 1935. See also introductory note.

*Uruguay.* — See introductory note.

*Yugoslavia.* — The Government states in its report that reference should be made to the information given under ARTICLE 3: § 71 (1) of the Order of 29 March 1935 makes the shipowner responsible in principle for repatriation.

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

*Colombia.* — See introductory note.

*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 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.

*Mexico.* — The report does not refer to this question.

*Nicaragua.* — See introductory note.

*Spain.* — See introductory note.

*Uruguay.* — See introductory note.

*Yugoslavia.* — See above, under ARTICLE 3 (Order of 29 March 1935, §§ 71 (4) and 72 (3)).

### 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.* — The Government states in its report that infringements of the legislation in question are recorded by the Bulgarian diplomatic or consular representatives or, if there are no such representatives, by the local authorities.

*Colombia.* — See introductory note.

*Cuba.* — § 6 of Legislative Decree No. 660 provides that the Cuban author-

ities 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. § 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. The Government adds in its report that enforcement of the legislation applying this Convention lies with the following authorities; administrative enforcement, the port authorities, without prejudice to the competence of the Secretariat of Labour to enforce all social legislation; judicial enforcement, the magistrates of first instance if the amount claimed is over 500 pesos, and the municipal magistrates if it is under 500 pesos; so that any seaman entitled to repatriation may oblige the master of the vessel, the employer or the shipowner, to fulfil all the liabilities imposed by the Legislative Decree. To do so, he must submit an application to the judicial authorities, invoking the relative sections of the Legislative Decree and of the Commercial Code, and substantiate his claim by the procedure prescribed in the Civil Procedure Act.

*Mexico.* — The Government states in its report that application of the legislation mentioned above is entrusted to the Ministry for the Interior, the Ministry of Communications, the Federal Labour Department, the conciliation and arbitration boards, the labour inspectors, consuls, and migration authorities in Mexican ports.

*Nicaragua.* — See introductory note.

*Spain.* — The Government states in its report that this Article is incorporated in § 3 of the Labour Regulations of 26 August 1935. Application of the provisions of the Convention is entrusted to the maritime authorities, the labour inspectors, and to the consuls abroad.

*Uruguay.* — See introductory note.

*Yugoslavia.* — See above, under ARTICLE 3 (Order of 29 March 1935, § 71 (2)). § 82 of the Order of 29 March 1935 prescribes a fine of from 100 to 5,000 dinars to be inflicted on a master, in particular in cases of non-observance of the provisions relating to the dismissal of a seaman. § 83 prescribes a fine which may not exceed 10,000 dinars for cases of infringement not covered by § 82 and not punishable by the penalties provided by the Penal Code. Under § 84, the port authorities are responsible for pronouncing on and inflicting penalties for the misdemeanours mentioned in the Order. An appeal may be lodged with the Department of Maritime Communications. § 85 lays down that the sums paid in fines shall

be given to the Indigent Seamen's Fund attached to the Department of Maritime Communications at Spilt. Under § 86, the Minister of Communications, acting through the administrative maritime bodies, is responsible for the supervision and enforcement of the Order and its administrative Regulations in so far as they relate to the social welfare of seamen and the protection of their lives on board seagoing merchant ships. Under § 87, the Department of Maritime Communications is required to publish an annual report containing statistical tables showing the organisation and work of the port authorities in relation to the social welfare of seamen and the protection of their lives.

## 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 1934, 64 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.

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

*Colombia.* — See introductory note.

*Cuba.* — The Government states in its report that the necessary documents were not received in time, and therefore cannot be attached. Neither the employers' nor the workers' organisations have submitted observations with regard to the practical application of the Convention.

*Estonia.* — The report states that there is in general no difficulty in applying the relevant legislation. No cases of infringement were recorded. The Government 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 have been received from the circles of individuals

concerned with regard to the practical application of the Convention and of the national legislation which implements it.

*Irish Free State.* — The Government states in its report that 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. 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.

*Mexico.* — The Government states in its report that no complaint arising out of the observance of this Convention has been referred to the courts, and no observations have been received from workers' or employers' organisations.

*Nicaragua.* — See introductory report.

*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.* — The Government states in its report that there are no accurate statistics on the subject, and that no observations on the application of the Convention have been received from employers' or workers' organisations.

*Uruguay.* — See introductory note.

*Yugoslavia.* — The Government states in its report that as the Order of 29 March 1935 has only been in force for a few months, the annual report of the Department of Maritime Communications (see above, under point IV) has not yet been published.

## TENTH SESSION (GENEVA, 1927).

**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 had ratified the Convention unconditionally before 1 July 1935, and which, in accordance with Article 22 of the Constitution of the International Labour Organisation, were called upon to submit reports for the period 1 October 1934-30 September 1935 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria . . . . .	18. 2.1929	23. 1.1936
Bulgaria . . . . .	1.11.1930	15.11.1935
Chile . . . . .	8.10.1931	20.12.1935
Colombia . . . . .	20. 6.1933	13. 1.1936
Czechoslovakia. . .	17. 1.1929	12. 2.1936
Germany . . . . .	23. 1.1928	26.10.1935
Great Britain . . .	20. 2.1931	11. 2.1936
Hungary . . . . .	19. 4.1928	10. 1.1936
Latvia . . . . .	29.11.1929	25. 1.1936
Lithuania . . . . .	19. 6.1931	9. 3.1936
Luxemburg . . . . .	16. 4.1928	10. 2.1936
Nicaragua. . . . .	12. 4.1934	5.12.1935
Rumania . . . . .	28. 6.1929	23. 3.1936
Spain. . . . .	29. 9.1932	8. 4.1936
Uruguay . . . . .	6. 6.1933	16. 3.1936
Yugoslavia . . . . .	30. 9.1929	11.11.1935

As regards the application of the Convention during the period 1 October 1934 to 31 March 1935, the *Austrian* Government refers to its previous report. For the period 1 April to 30 September 1935 the Government gives an account of the main provisions of the Act of 30 March 1935 concerning social insurance in industry, by which the system of sickness insurance for workers in industry and commerce and domestic servants has been completely revised. The former system is provisionally retained only for the staffs of public railways and their subsidiary establishments. The summaries given below deal only with the system established under the new legislation.

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. Owing to the volume of business before Congress, the draft Labour Code has not yet become law, and effect has not therefore yet been given to the Convention.

The *Lithuanian* Government states in its report that several amendments have been introduced into existing legislation by an Act of 14 December 1935, which came into force on 1 January 1936. By one of these amendments insured persons become entitled to medical benefit for 26 weeks in any year, counting from the first day of sickness. This period may be prolonged by the Board of the Sick Fund for a further 13 weeks. Another amendment entitles insured persons who have been members of the Fund for at least six months to pecuniary benefit from the fourth day of sickness until cured, provided this period is not longer than the maximum allowed for medical benefit. The Board of the Fund may also grant pecuniary benefit to persons who have been members of the Fund for less than six months; or for the whole period of any sickness of not less than 7 days' duration.

The Government of *Luxemburg* refers to previous reports, in which it was 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 lay before the Chamber of Deputies the question of compulsory insurance of domestic servants in connection with the revision of the Insurance Code which is to be undertaken during the year 1936. The Government adds that a large number of domestic servants are covered by voluntary insurance.

The report of the Government of *Nicaragua* refers to §§ 34 to 40 of Cap. III of the Act of 13 May 1930 concerning industrial accidents. In these sections, certain principles are laid down which will form the basis of a system of accident 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. In the report for this year mention is made of certain steps taken by the Government to this end. It is also stated that the National Welfare Institute prepared and submitted last September to the Ministry of Labour a draft Bill concerning the unification of social insurance including sickness insurance, which takes into account the provisions of the international Conventions ratified by Spain. The Government is studying this draft with a view to submitting it to the Cortes, and information as to its final form cannot yet be given.

The Government of *Uruguay* states in its report that the application of this Convention in Uruguay presents considerable practical difficulty, which the Government is striving to overcome in a manner favourable to the workers' interests. For this purpose a special committee has been set up to assimilate the provisions of the Convention and the principles embodied in the national law regarding workers' pensions, and public health. The Government remarks that existing legislation concerning workers' pensions, public health and old age and invalidity pensions gives

the workers certain benefits equal or superior to those provided for in the Convention. It is however recognised that complete application of the provisions of the Convention would involve a fundamental revision of the existing system, and upon this matter the attention of the above mentioned Committee is engaged.

## 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).

Federal Act of 30 March 1935 concerning social insurance in industry (L. S. 1935, Aus. 2).

### *Bulgaria.*

Act of 6 March 1924 concerning social insurance (L. S. 1924, Bulg. 1), as amended by, among other measures, the Legislative Decree of 5 January 1935 (L. S. 1935, 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 1932 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 17 November 1913 exempting certain temporary services from the liability of sickness 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. 11).
- Order of 28 December 1933 concerning the participation of insured persons in the medical costs of sickness insurance, repealed by the Order of 15 June 1935.
- Act of 28 June 1935 concerning maternity benefit, and relief for convalescents (L. S. 1935, Ger. 9).

*Great Britain.*

- National Health Insurance Act of 7 August 1924 (L. S. 1924, G. B. 6).
- National Health Insurance Act of 16 June 1926 (L. S. 1926, G. B. 7 B).
- National Health Insurance Act of 2 July 1928 (L. S. 1928, G. B. 2).
- Widows', Orphans' and Old Age Contributory Pensions Act of 7 August 1925 (L. S. 1925, G. B. 7).
- National Health Insurance and Contributory Pensions Act of 13 July 1932 (L. S. 1932, G. B. 8).
- Various Orders and Regulations concerning National Health Insurance dating from 1924-1933.

*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), No. 6000 of 2 June 1933 (L. S. 1933, Hung. 4) and No 6500 of 21 June 1935 (L.S. 1935, Hung. 2).
- 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).
- 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.

*Nicaragua.*

See 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.
- Royal Decree No. 2986 of 9 November 1934 concerning the composition of governing bodies of social insurance funds.

*Spain.*

See introductory note.

*Uruguay.*

See introductory note.

*Yugoslavia.*

- Act of 14 May 1922 concerning workmen's insurance (L. S. 1922, S.C.S. 2).
- Order of 16 February 1933 issuing Regulations for the Insurance Fund for workers and salaried employees in undertakings covered by mining legislation (L. S. 1933, Yug. 1).
- Order of the Minister of Communications of 30 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, includ-



ing apprentices, employed by industrial undertakings and commercial undertakings, out-workers and domestic servants.

It shall, nevertheless, be open to any Member to make such exceptions in its national laws or regulations as it deems necessary in respect of:

(a) Temporary employment which lasts for less than a period to be determined by national laws or regulations, casual employment not for the purpose of the employer's trade or business, occasional employment and subsidiary employment;

(b) Workers whose wages or income exceed an amount to be determined by national laws or regulations;

(c) Workers who are not paid a money wage;

(d) Out-workers whose conditions of work are not of a like nature to those of ordinary wage earners;

(e) Workers below or above age-limits to be determined by national laws or regulations;

(f) Members of the employer's family.

It shall further be open to exempt from the compulsory sickness insurance system persons who in case of sickness are entitled by virtue of any laws or regulations, or of a special scheme, to advantages at least equivalent on the whole to those provided for in this Convention.

This Convention shall not apply to seamen and sea fishermen for whose insurance against sickness provision may be made by a decision of a later Session of the Conference.

*Please give an analysis of the provisions of the laws and regulations which determine the scope of application of the legislation or systems of legislation concerning compulsory sickness insurance for manual and non-manual workers, including apprentices, employed by industrial undertakings and commercial undertakings, out-workers and domestic servants.*

*If advantage has been taken of the exceptions provided for in the second paragraph of this Article, please indicate:*

- (a) *the duration of temporary employment, the definition of occasional employment, and the definition of subsidiary employment in respect of which exemptions may have been granted;*
- (b) *the limit of the wages or income fixed by national laws or regulations for determining the scope of application;*
- (c) *whether all workers who are not paid a money wage are excluded or only certain categories of such workers;*
- (d) *the classes of out-workers whose conditions of work are not of a like nature to those of ordinary wage earners;*
- (e) *the age-limits determined by national laws or regulations for admission to insurance;*
- (f) *the persons who are regarded as being "members of the employer's family" as understood in the national legislation.*

*If advantage has been taken of the exception provided for in paragraph 3 of this Article, please indicate the categories of persons exempted because of their being entitled in case of sickness to advantages at least equivalent, and give a list of the laws, regulations and statutes relating to the protection of such persons in case of sickness, forwarding the texts of the said laws, regulations or statutes with this report.*

*Austria.* — Under the terms of the Act concerning social insurance in industry, compulsory insurance covers persons employed by way of trade under a contract of employment, service or apprenticeship in industry, mines, commerce, transport, (with the exception of railways), financial, credit and insurance undertakings, the

liberal professions, public administration and domestic work (§ 1). Under § 142 (2), home workers and middlemen, if they are paid by an employer an average salary of at least 10 schillings per week, are also covered by insurance. In the *workers'* category the following are exempt under § 143 from liability to insurance: (1) employees of a public service or public service undertaking, who are entitled in case of sickness to benefits at least equivalent to those provided for in the Act; (2) the wife or husband, children and parents, grand-parents, step-parents or parents-in-law of the employer; (3) charwomen, laundresses, or sewing women employed in private households, who earn in money wages less than 40 schillings per calendar month, or who, without regard to the amount of remuneration, are employed by one employer for an average of less than 24 hours per week; (4) temporary workers paid by the day, the hour, or the job, who are not regularly engaged in insurable employment and who undertake such work for not more than 24 hours per week; (5) persons employed by way of trade in the service of several employers at a time; (6) persons having a subsidiary employment, provided the hours average not more than 18 per week and the money wages not more than 10 schillings per week; (7) persons engaged occasionally for periods not exceeding one week as extra assistants or to carry out special work recurring at long intervals; (8) persons in minor employment (cleaners, messengers, etc.), earning less than 10 schillings a week, or trainees whose pay is not assimilated to that of other workers doing similar work. Among *salaried employees* compulsory insurance covers persons employed by one or more employers, principally for services enumerated in § 223 of the Act. Generally speaking, compulsory insurance covers persons engaged in occupations specified in § 1 of the Act, whose employment is governed by the Salaried Employees Act and the Actors Act. Compulsory insurance also covers those who, under articles of apprenticeship, are in training for an employment entailing liability to insurance. § 224 of the Act gives a detailed list of the salaried employees who are exempt from liability to insurance. Under this section, married women who manage their own households are exempt from insurance in respect of outside employment, up to a maximum of 50 hours, and 80 schillings, per month. Persons not included in the class of private or public salaried employees, if in occasional employment for a predetermined period of not more than one month, are also exempt. Liability to insurance is irrespective of age and, except in the cases mentioned above, of the rate of remuneration.

*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.* — ... (a) In § 3 (5) it is laid down that compulsory insurance shall apply to temporary or occasional employment, but not to subsidiary employment, defined in § 8 (2) as one producing a financial return smaller than that of the worker's main occupation. (b) In § 3 (2) the Act provides that employees, foremen, shop assistants, musicians and persons in similar employ having a monthly or annual salary, as well as commercial travellers, street-stall salesmen, agents, cash collectors and messengers, correspondence clerks paid by the hour, accountants and tuners in the service of one employer, shall be insured only if their annual salary does not exceed 3,600 pengös ... (f) Members of an employer's family who work in his establishment or household and who receive, apart from their keep, no wage which can be regarded as a means of livelihood, are exempt from insurance. This exemption does not apply to members of the family working under articles of apprenticeship, nor to those who, having work-books, are engaged as industrial workmen or mates, nor to a brother whose work in the establishment is comparable to that of an ordinary workman (§ 8 3) and 4))... 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.

*Nicaragua.* — See introductory note.

*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.

*Spain.* — See introductory note.

*Uruguay.* — 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 benefits shall only partially be withheld when the insured person, although thus personally maintained, has family responsibilities ;

(c) As long as the insured person while ill refuses, without valid reason, to comply with the doctor's orders, or the instructions relating to the conduct of insured persons while ill, or voluntarily and without authorisation removes himself from the supervision of the insurance institutions.

Cash benefit may be reduced or refused in the case of sickness caused by the insured person's wilful misconduct.

*Please indicate the extent of the period during which an insured person is entitled to a cash benefit as fixed by the national legislation, and if this right is made conditional on the insured person having first complied with a qualifying period and on the expiry of the same with a waiting period, please indicate the duration of the qualifying period as well as that of the waiting period.*

*If national legislation provides for the withholding of the cash benefit, please indicate the cases in which such benefit may be withheld, classifying them in accordance with the reasons indicated in clauses (a), (b), and (c) of paragraph 3.*

*Austria.* — Under § 151 of the Act concerning social insurance in industry, *workers* are entitled to sickness benefit from the fourth day of incapacity for work through sickness, if this occurs while in insurable employment and from the first day in other cases, for example, unemployed persons or those receiving invalidity or old-age pensions. Benefit is granted for 26 weeks, or, if the patient was insured uninterruptedly for 30 weeks before falling ill, up to a maximum of 52 weeks for the same case of sickness. Sickness benefit is not payable if the insured person receives board and lodging from the employer or payment in cash or kind of at least 80 per cent. of his wages ; nor is benefit payable during any period of institutional treatment at the expense of the sick fund. In the latter case, however, dependants for whose maintenance the insured person mainly provided before his illness are, during such treatment, but not beyond the expiration of the benefit period, entitled to an amount equal to half the

sickness benefit. Insurance regulations may include provision for withholding benefit from insured persons who do not comply with the regulations. Benefit is not payable in the case of sickness wilfully incurred. The insurance regulations may further provide that benefit may be withheld in whole or in part from insured persons whose sickness is due to culpable participation in a brawl or fight, or is the direct result of drunkenness. In such cases the insured person's dependants have the same rights as in the case of institutional treatment. As regards *salaried employees*, § 234 of the Act provides that if prevented from the performance of duty by sickness of more than three days' duration, insured employees are entitled to sickness benefit from the fourth day of incapacity for work, and insured unemployed persons, from the first day of sickness, for a period of 30 weeks in respect of the same sickness. The benefit period may be extended to 52 weeks if 12 months' contributions have been credited. Sickness benefit is not payable if the patient is entitled to payment of his full salary, and is reduced to half if he is in receipt of half pay. Benefit is also withheld for the duration of any institutional treatment at the expense of the insurance institution ; in this case, however, a family allowance equal to half the sickness benefit, but not less than 1.50 schillings per day may be granted to needy dependants, with the proviso that need cannot be admitted during the period in respect of which full remuneration or a lump sum in commutation is received. Benefit may be withheld if the insured person fails to comply with the instructions relating to the conduct of sick insured persons, also in cases of sickness wilfully incurred or due to drunkenness.

*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. See also introductory note.

*Nicaragua.* — See introductory note.

*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 52 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.

*Spain.* — See introductory note.

*Uruguay.* — 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.*

*Austria.* — Under §§ 149 and 233 of the Act concerning social insurance in industry, insured *workers* are entitled, from the first day of sickness and for the same period as that covered by sickness benefit, to medical benefit, including medical attendance, obstetrical treatment, attendance of a midwife and anti-rabies treatment if required. The insured person is also entitled to receive the necessary medicaments, therapeutic requisites and any simple appliance required to maintain or restore his working capacity. He is also entitled within the limits laid down by the insurance regulations, to dental treatment and to the provision of essential artificial teeth. As regards *salaried employees*, the right to medical attendance continues for an unlimited period, provided the patient is not attended at home. §§ 152 and 236 provide that instead of free medical attendance, the necessary medicaments and pecuniary sick benefit, the insured person may, if the nature of the illness requires it or when the necessary treatment cannot be given at home, be granted free treatment and maintenance in a curative or nursing institution, toge-

ther with the cost of conveyance to, and where necessary from, the institution. Institutional treatment cannot, however, be prescribed without the patient's consent, unless he consistently fails to abide by the regulations of the insurance institution or by the doctor's orders. Insurance regulations may provide that payment of a tax (treatment tax or prescriptions tax) on a scale varying according to the class of insured person shall be required for medical treatment, medicaments, and therapeutical appliances. The regulations may also provide for the right to benefit being temporarily cancelled in cases where the insured person does not abide by the regulations.

*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). See also introductory note.

*Nicaragua.* — See introductory note.

*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.

*Spain.* — See introductory note.

*Uruguay.* — 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.*

*Austria.* — Under the terms of the *Workers Sickness Insurance Act* insurance institutions are empowered to allow insured persons the right to benefit for members of their family. Pecuniary sickness benefit may not, however, be granted. Members of the family shall include: wife, children under 16 (including illegitimate, legitimised, and adopted children) living regularly with the insured person in his household or absent only temporarily or for purposes of study, training or treatment; the invalid husband of an insured woman and, in certain circumstances, a mother or sister who for not less than 8 months has uninterruptedly and without pay kept house for the insured person. In order to be entitled to benefit these persons must not moreover follow a trade

nor be in insurable employment (§ 158). The report adds that the majority of workers' sick funds have availed themselves of this power, and generally grant medical benefit and maternity benefit. Under §§ 228, 233 and 236 of the *Salaried Employees Insurance Act*, the wife, legitimate, legitimatised or adopted children of the insured person, illegitimate children of insured women and, in certain cases, of insured men, the wife's children by a former marriage, grand-children and a mother or sister keeping house for the insured person without remuneration are entitled to certain sickness insurance benefits provided, however, that they are not themselves working nor members of a legally established sickness insurance scheme. The benefits to which these members of the insured person's family are entitled are medical benefit and medicaments and in the case of the wife, maternity and nursing benefits. The members of the family are also entitled to a grant towards the cost of institutional treatment.

*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 28 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.

*Nicaragua.* — See introductory note.

*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.

*Spain.* — See introductory note.

*Uruguay.* — 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 to profit. Institutions founded by private initiative must be specially approved by the competent public authority.

The insured persons shall participate in the management of the self-governing insurance institutions on such conditions as may be prescribed by national laws or regulations.

The administration of sickness insurance may, nevertheless, be undertaken directly by the State where and as long as its administration is rendered difficult or impossible or inappropriate by reason of national conditions, and particularly by the insufficient development of the employers' and workers' organisations.

*Please indicate the constitution and functions of the self-governing institutions entrusted with the administration of sickness insurance.*

*Please indicate the constitution and functions of the authorities entrusted with the administrative and financial supervision of such self-governing institutions.*

*Please indicate the conditions under which the insured persons are enabled to participate in the management of the self-governing insurance institutions, stating in particular the proportion of seats or of votes assigned to them in the organs of these self-governing institutions.*

*If advantage has been taken of the provisions of the last paragraph of this Article, please indicate the nature of the national conditions which at present render the administration of compulsory sickness insurance by self-governing institutions difficult or impossible or inappropriate.*

*Austria.* — The following institutions, being corporate bodies and having the right of self-administration, are prescribed as *workers' sickness insurance insti-*



tutions: regional sick funds; establishment sick funds; guild sick funds; and association sick funds. These workers' sick funds are combined in a central union of workers' sick funds, which in turn is combined with the salaried employees' sick funds and certain other insurance funds in a National Union of Insurance Institutions. With a view to carrying out the business common to sickness insurance, working alliances have been formed of which all the sick funds, workers' or salaried employees' within the bounds of the alliance are members. Insurance institutions, unions and working alliances, including their curative, nursing and similar institutions, are under the supervision of the Federal Government. Supervision is exercised by the Federal Minister of Social Administration as the supreme authority. Immediate supervision is exercised, according as the sphere of operation of the organisation in question is limited to, or extends beyond the territory of one Federal province, by the competent provincial Governor or by the Federal Minister of Social Administration. The internal organisation of the funds is governed by the Act and, within the limits of the legal provisions, by the rules which, in the case of sickness funds, include instructions concerning the conduct of sick insured persons. The rules must be approved by the supervising authority. The administrative bodies of the sickness funds are the governing body and the supervising committee. In other institutions the governing body is the sole administrative body. The governing body of sick funds, central unions and working alliances consists, as to two-thirds, of representatives of the employees and, as to one-third, of representatives of the employers. In the supervising committee of sick funds the proportion of employees' and employers' representatives is reversed. The governing body of the National Union of Insurance Institutions consists of equal numbers of employers and employees. Members of the administrative bodies are appointed by the legally recognised representatives of employees and employers competent *ratione loci* and *ratione materiae*. Administrative bodies are appointed for four years. For the great majority of *salaried employees*, insurance is provided for by salaried employees' sick funds. One of these is established in each federal province except Vienna, where, by reason of the large number of insured persons, there are three. Separate insurance institutions, covering the whole federal territory, exist for two small groups of employees—press employees and pharmaceutical chemists. The internal organisation and legal position of these institutions is similar to those of workers' sickness 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 functions 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.

*Nicaragua.* — See introductory note.



*Rumania.* — Social insurance is administered by the social insurance funds, which are autonomous public corporate bodies. There has been set up in connection with each fund a governing body composed of 6 (in Bucarest 12) 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 by 2 delegates, one employer and one worker, appointed for this purpose by the governing body of the fund. 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 6 representatives of employers and 6 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.

*Spain.* — See introductory note.

*Uruguay.* — 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.*

*Austria.* — The financial resources required for carrying out insurance are provided solely by contributions from insured persons and their employers. No provision is made for a contribution from public funds. Employers' and employees' contributions are normally equal, but in the case of *workers'* sickness insurance the insured person's contribution may not exceed 15 per cent. of his money wages. Contributions in respect of insured persons who receive no money wages are payable by the employer and this is also the case in regard to minors under articles of apprenticeship. In the case of *salaried employees* contributions in respect of insured persons under 17 years of age are paid wholly by the employer.

*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.

*Nicaragua.* — See introductory note.

*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.

*Spain.* — See introductory note.

*Uruguay.* — See introductory note.

#### 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, Nicaragua, Rumania, Spain, Uruguay* 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.*

*Austria.* — In each federal province an Arbitration Court is established for the settlement of disputes concerning right to benefit. The Arbitration Court consists of a President, appointed from among the judges by the Minister of Justice, in agreement with the Minister of Social Administration, and two elected assessors, one from the employers' group and the other from among insured persons belonging to the same category as the claimant. There is no appeal from the decisions of these Arbitration Courts. The Federal Minister of Social Administration is, however, empowered to suggest to the Federal Court that a sentence of the Arbitration Court be re-examined, with a view to ensuring the strict application of the law.

*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.

*Nicaragua.* — 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.

*Spain.* — See introductory note.

*Uruguay.* — See introductory note.

#### 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.* — Appended to the report are copies of four seizure orders issued by the Labour Courts in connection with compulsory sickness insurance; and the text of two awards dealing respectively with a claim for the restitution of certain fines by, and the payment of contributions due from, an employer.

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 gives the following statistical information for the year 1933, the figures for 1934 being not yet available:

	Workers' Sickness Insurance	Salaried Employees' Sickness Insurance
(1) Number of insured (average):	755,855	243,200 <sup>1</sup>
(2) Sickness benefit:		
(a) Total amount of payments for sickness benefit	Schillings 26,920,950	4,925,961
(b) Average amount of payments for sick benefit per insured .....	35.62	20.25
(3) Benefits in kind:		
(a) Total amount of outgoings for benefits in kind ...	41,749,734	23,717,685
(b) Average amount of outgoings for benefits in kind per insured ....	55.24	97.52
(4) Furnishing of resources:		
Total amount of contributions .	76,729,484	34,775,489
Share of employers .....	24,092,952	15,871,475
Share of insured	52,636,482	18,904,014

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 compulsory insurance fund, the number of persons

<sup>1</sup> Includes 36,700 persons in receipt of pensions who are insured against sickness.

compulsorily insured at 31 December 1934 was about 1,172,000. The amount paid in pecuniary sick benefit from 1 July 1934 to 30 June 1935 amounted to 13,489,163.18 pesos (11.51 per insured person) and the benefits in kind to 34,663,505.09 pesos (29.58 per insured person). The total financial resources of social insurance amounted to 75,546,369.07 pesos, of which 23,892,426.91 pesos represented the contributions of the persons compulsorily insured, 33,659,849.36 pesos the contributions of the employers and 17,992,092.80 pesos represented the contribution by the public authority. No observations regarding the practical fulfilment of the conditions prescribed by the Convention have been put forward by the organisations of employers or workers concerned.

*Colombia.* — See introductory note.

*Czechoslovakia.* — The report states that according to the census figures, the total number of employees on 1 December 1930 was 3,557,237, not including employees in the public administration and in State undertakings. Of this number, 785,867 were engaged in agriculture, forestry and fisheries; 2,189,244 in industry and trades; 378,669 in commerce, finance and transport; and 203,457 in domestic service. The average number of employees covered by sickness insurance in 1934 was 2,444,112, of whom 2,398,003, including persons drawing allowances under the pension-insurance system, were compulsorily insured, and 46,109 were in voluntary insurance schemes. Total cash benefits amounted to 297,235,000 crowns (121.6 per insured person); and benefits in kind, to 443,573,000 crowns (181.5 per insured person). Total receipts amounted to 1,066,966,000 crowns, including 936,343,000 crowns in contributions. The report adds that unemployed persons had the benefit of organised medical benefit, through the central social insurance institution, with help from state funds.

*Germany.* — The report states that it is not possible to supply a survey of the activities of the sickness insurance system during 1934, since the necessary statistics are not yet available.

*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 31st December 1934 . . . . .	18,200,000 <sup>1</sup> (380,000) <sup>1</sup>
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During year ended 31st December 1934

#### 2. Benefits in Cash :

	£
(a) Total cost of sickness benefit . .	9,822,000 (181,000)
(b) Average cost of sickness benefit per insured person . . . . .	11s. 6.5d. (10s. 2d.)
(c) Total cost of disablement benefit . . . . .	6,353,000 (200,000)
(d) Average cost of disablement benefit per insured person . . . . .	7s. 5.6d. (11s. 3.6d.)

#### 3. Benefits in kind :

	£
(a) Total cost of medical benefit . .	10,069,000 (204,000)
(b) Average cost of medical benefit per insured person . . . . .	11s. 4.5d. (10s. 9.8d.)
(c) Total cost of additional treatment benefits provided under the scheme . . . . .	2,579,000 (31,000)
(d) Average cost of additional treatment benefits per insured person . . . . .	3s. 5.3d. (2s. 10.6d.)

#### 4. Financial resources :

(a) Contributions from employers . .	13,482,000 (251,000)
(b) Contributions from employees . .	12,984,000 (246,000)
(c) Contributions by Exchequer (including cost of central administration) . . . . .	6,176,000 (136,000)
(d) Interest on accumulated funds and sundry receipts . . . . .	6,083,000 (60,000)

#### Total Financial Resources.

On 31 December 1934, the total accumulated funds amounted to £129,760,000 (£1,299,000) of which £127,712,000 (£1,265,000) 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 1934 amounted to 916,840, of whom 336,582 were women. For 1934 the benefits in cash amounted to 15,646,156 pengös (average per insured person: 17.06 pengös); the benefits in kind amounted to 30,061,278 pengös (average per insured person : 32.78

<sup>1</sup> This figure includes 1,179,000 (25,000) insured persons over 65 years of age who are entitled to benefits in kind but who are not entitled to benefits in cash.

*pengös*). The total financial resources amounted to 57,700,603 *pengös*. The contribution of the State to the cost of insurance amounted to 2,108,466 *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 35 sickness funds was, in 1934, 263,964, including 102,288 members of families. The benefits in cash paid to insured persons and members of their families amounted to 3,644,189.70 lats (22.54 per insured person) and benefits in kind amounted to 9,586,810.91 lats (59.30 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 10,689,729.84 lats. The subventions made by the State amounted to 2,720,853.70 lats.

*Lithuania*. — The report states that the average number of wage-earners subject to compulsory sickness insurance in 1934 was 42,070. The amount of benefit paid was 860,471.31 litas (20.44 per insured person) and the cost of medical benefit amounted to 3,757,136.55 litas (89.25 per insured person). During the same year, contributions, paid in equal parts by insured persons and their employers, amounted to 4,275,949 litas. The contribution of public authorities towards the expenses of insurance was 278,070.17 litas.

*Luxemburg*. — The report refers to the record concerning sickness insurance in the Grand Duchy of Luxemburg during 1934 published by the Central Committee of Sickness Insurance Funds, in which the following figures are given: number of workers insured in 1934, 48,296 (16.11 per cent. of the total number of persons legally domiciled in the country); cash benefits to sick persons 6,409,098.95 francs (representing an average of 132.70 francs per insured person); expenditure for medical treatment 5,705,064.61 francs (118.12 francs per insured person); expenditure on pharmaceutical products, etc. 4,183,050.13 francs (86.61 francs per insured person); expenditure for treatment in hospitals 2,892,922.56 francs (59.89 francs per insured person); total receipts 22,665,803.51 francs; receipts from contributions 19,962,906.59 francs (413.34 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 1,279,813.33 francs (47.94 per insured person) for the district funds (half this amount was reimbursed to the funds by the State), and to 144,413.04 francs (6.68 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.

*Nicaragua*. — See introductory note.

*Rumania*. — The Government supplies the following particulars with regard to the period 1 April 1934 to 30 March 1935: average number of insured persons: 800,000; benefits in cash: 99,753,325 lei; benefits in kind: 191,140,019 lei; total contributions paid in equal parts by employers and insured persons: 645,502,107 lei; total additional contributions by employers employing more than 10 workers (§ 48 of the Act): 114,729,315 lei; Government contribution: 43,096,000 lei; miscellaneous receipts: 26,882,340 lei.

*Spain*. — See introductory note.

*Uruguay*. — See introductory note.

*Yugoslavia*. — The report gives the following figures concerning the application of sickness insurance for the year 1934: average number of insured persons: 543,559, of whom 149,457 were women (this figure does not include the 47,541 miners and 70,000 transport workers who are insured by their own insurance funds); cash benefits: 72,440,000 *dinars* (133.27 per insured person); benefits in kind: 126,782,000 *dinars* (233.24 per insured person); total resources: 264,280,602 *dinars*; employers' contributions: 134,443,000 *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 had ratified the Convention unconditionally before 1 July 1935 and which, in accordance with Article 22 of the International Labour Organisation, were called upon to submit reports for the period 1 October 1934-30 September 1935 or for a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria . . . . .	18. 2. 1929	23. 1. 1936
Bulgaria . . . . .	1. 11. 1930	15. 11. 1935
Chile . . . . .	8. 10. 1931	20. 12. 1935
Colombia . . . . .	20. 6. 1933	13. 1. 1936
Czechoslovakia . . .	17. 1. 1929	12. 2. 1936
Germany . . . . .	23. 1. 1928	26. 10. 1935
Great Britain . . . .	20. 2. 1931	11. 2. 1936
Luxemburg . . . . .	16. 4. 1928	10. 2. 1936
Nicaragua . . . . .	12. 4. 1934	5. 12. 1935
Spain . . . . .	29. 9. 1932	8. 4. 1936
Uruguay . . . . .	6. 6. 1933	16. 3. 1936

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. Owing to the volume of business before Congress, the draft Labour Code has not yet become law. The current legislature is examining a Bill relating to compensation for industrial accidents, occupational diseases and insurance, and it is almost certain that this Bill will become law. On the other hand, in view of the acute depression now affecting agricultural as well as industrial undertakings, it has been necessary to consider the application of this Convention with the greatest care and prudence, so as not to impose on agricultural employers a new burden which would place them in a difficult situation; this would necessarily react on the situation of agricultural workers, with grave effects for their interests and for the whole social system.

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* refers to §§ 34 to 40 of Cap. III of the Act of 13 May 1930 concerning industrial accidents. In these sections, certain principles are laid down which will form the basis of a system of accident insurance.

The *Spanish* Government refers to previous reports, 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. In the report for this year, mention is made of certain steps taken by the Government to this end. It is also stated that the National Welfare Institute prepared and submitted last September to the Ministry of Labour a draft Bill concerning the unification of social insurance including sickness insurance which takes into account the provisions of the international Conventions ratified by Spain. The Government is studying this draft with a view to submitting it to the Cortes, and information as to its final form cannot yet be given.

The report of the Government of *Uruguay* states that the application of this Convention in Uruguay presents considerable practical difficulty, which the Government is striving to overcome in a manner favourable to the workers' interests. For this purpose a special committee has been set up to assimilate the provisions of the Convention and the principles embodied in the national law regarding public health and old age and invalidity pensions. The Government remarks that under existing legislation all workers are entitled to medical and surgical benefit, and, in cases of incapacity for work, to an allowance. It is, however, recognised that if the provisions of the Convention are to be fully applied, a complete revision of the existing system is required. Upon this the attention of the above mentioned Committee is engaged.

## 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), modified by amending Act No. III of 6 March 1935 (L. S. 1935, Aus. 5) and the Federal Act of 30 March 1935 concerning social insurance in industry (L. S. 1935, Aus. 2).

*Bulgaria.*

Act of 6 March 1924 respecting social insurance (L. S. 1924, Bulg. 1), as amended by, among other measures, the Legislative Decree of 5 January 1935 (L. S. 1935, 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. 11).

Order of 28 December 1933 concerning the participation of insured persons in the medical costs of sickness insurance, repealed by the Order of 15 June 1935.

Act of 28 June 1935 concerning maternity benefit, and relief for convalescents. (L. S. 1935, Ger. 9).

*Great Britain.*

National Health Insurance Act of 7 August 1924 (L. S. 1924, G. B. 6).

National Health Insurance Act of 16 June 1926 (L. S. 1926, G. B. 7 B).

National Health Insurance Act of 2 July 1928 (L. S. 1928, G. B. 2).

Widows', Orphans' and Old Age Contributory Pensions Act of 7 August 1925 (L. S. 1925, G. B. 7).

National Health Insurance and Contributory Pensions Act of 13 July 1932 (L.S. 1932, G. B. 8).

Various Orders and Regulations concerning National Health Insurance dating from 1924-1933.

*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.

*Nicaragua.*

See introductory note.

*Spain.*

See introductory note.

*Uruguay.*

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.

*Nicaragua.* — See introductory note.

*Spain.* — See introductory note.

*Uruguay.* — 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.

*Nicaragua.* — See introductory note.

*Spain.* — See introductory note.

*Uruguay.* — 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.

*Nicaragua.* — See introductory note.

*Spain.* — See introductory note.

*Uruguay.* — 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.

*Nicaragua.* — See introductory note.

*Spain.* — See introductory note.

*Uruguay.* — 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.*

*Austria.* — ... The insurance of agricultural workers over the whole of the Federal State is in the hands of the Agricultural and Forestry Workers' Insurance Institution, which is a corporate body and is independently administered. The internal organisation of the Institution is governed by the Act and, within the limits of the legal provisions, by the rules of the Institution, which include instructions concerning the conduct of sick insured persons. The rules must be approved by the Federal Minister of Social Administration as supervising authority. The Institution is administered by the general assembly, and by the governing body consisting of an equal number of insured persons and employers. Current sickness

insurance business is carried on by a special body called the sickness insurance committee, consisting, as to four-fifths, of representatives of insured persons, and, as to one fifth, of employers' representatives.

*Chile.* — See under *Convention No. 24 (Sickness insurance, industry, etc.)*, ARTICLE 6.

*Colombia.* — See introductory note.

*Nicaragua.* — See introductory note.

*Spain.* — See introductory note.

*Uruguay.* — 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.

*Nicaragua.* — See introductory note.

*Spain.* — See introductory note.

*Uruguay.* — 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.

*Nicaragua.* — See introductory note.

*Spain.* — See introductory note.

*Uruguay.* — 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 two judgments, relating to the enforcement of the com-

pulsory 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 census taken in the spring of 1934 shows that the total number of persons engaged in agriculture, forestry, horticulture, animal breeding and fisheries amounted to 678,000. This figure included 350,000 persons members of their employer's family, helping in the work of his concern and exempt, for the most part, from insurance. On an average, 275,000 persons were notified as entering into insurance in 1933. The report gives the following statistics on the cost of insurance during the year.

	Schillings.
(2) <i>Benefits in cash :</i>	
(a) Total cost of benefits in cash .	3,358,025
(b) Average cost of benefits in cash per insured person . . .	12.21
(3) <i>Benefits in kind :</i>	
(a) Total cost of benefits in kind .	8,085,859
(b) Average cost of benefits in kind per insured person . . .	29.40
(4) <i>Financial resources :</i>	
Total amount of contributions .	13,671,054
(a) Contributions from the employers . . . . .	6,781,327
(b) Contributions from the insured persons . . . . .	6,889,727

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.)*.

*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.

*Nicaragua.* — See introductory note.

*Spain.* — See introductory note.

*Uruguay.* — 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 22 of the Constitution of the International Labour Organisation, were called upon to submit reports for the period 1 October 1934-30 September 1935 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Australia . . . . .	9. 3. 1931	27. 11. 1935 6. 3. 1936
Chile . . . . .	31. 5. 1933	20. 12. 1935
China . . . . .	5. 5. 1930	30. 1. 1936
Colombia . . . . .	20. 6. 1933	13. 1. 1936
France . . . . .	18. 9. 1930	2. 3. 1936
Germany . . . . .	30. 5. 1929	26. 10. 1935
Great Britain . . .	14. 6. 1929	19. 2. 1936
Hungary . . . . .	30. 7. 1932	16. 12. 1935
Irish Free State . .	3. 6. 1930	14. 10. 1935
Italy . . . . .	9. 9. 1930	11. 2. 1936
Mexico . . . . .	12. 5. 1934	
Nicaragua . . . . .	12. 4. 1934	5. 12. 1935
Norway . . . . .	7. 7. 1933	15. 10. 1935
Spain . . . . .	8. 4. 1930	
Union of South Africa . . . . .	28. 12. 1932	26. 11. 1935
Uruguay . . . . .	6. 6. 1933	16. 3. 1936

The Government of the Commonwealth of *Australia* states in its report that wage regulation in Australia is governed by two sets of laws enacted by different authorities. The Commonwealth Parliament has power to legislate in respect of conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State. The States have enacted legislation dealing generally with the fixation of wages. The provisions of the Convention are applied by the Commonwealth Conciliation and Arbitration Acts, 1904-1934, and Regulations and Rules of Court thereunder; the Industrial Peace Acts, 1920; and the Arbitration (Public Service) Act, 1920-1934. The Government states that the jurisdiction of the Commonwealth Court of Conciliation and Arbitration under the Commonwealth Conciliation and Arbitration Acts, 1904-1934, to award rates of pay and industrial conditions arises only when an industrial dispute extending beyond the limit of any one State of the Commonwealth is brought within its cognisance. It can make no award except in the course of or for the purpose of settling such a dispute. The terms of the award must, therefore, be relevant to the dispute or its settlement. What the court can award must depend upon the nature and the subject matter of the dispute, and cannot be of an amount outside the limits of the greatest amount claimed on the one hand, and on the other hand the amount conceded. The Industrial Peace Acts, 1920, were specially framed to deal with industrial disputes in the coal-mining industry. Although still on the Statute Book they are very little availed of at present and the report does not deal further with them or with the machinery set out therein. The last of the Acts mentioned above is operative in so far as employment in the Commonwealth Public Service is concerned.

As regards the *Territory for the Seat of Government*, the report states that the Industrial Board Ordinance, 1922-1933, which applies the provisions of the Convention, relates to the fixation of wages, etc., of certain persons employed by the Commonwealth within the Territory, in-

cluding the employees of contractors for Government works. Wage regulation generally for the Territory comes within the scope of the functions of the Commonwealth Conciliation and Arbitration Court.

As regards the *Northern Territory of Australia*, the Commonwealth Conciliation and Arbitration Act, 1904-1934 applies with modifications; also the Aborigines Ordinance, 1918-1933 and Regulations thereunder, in so far as the wages of aborigines and half-castes in the Northern Territory are concerned.

The Government of *Colombia* states in its report that it has submitted to the Legislative Chambers a draft Labour Code which provides for minimum wage-fixing machinery based on the Convention. In view of the composition of Congress and the heterogeneity of its membership from the political point of view, especially in previous years, the examination of the draft Code has been delayed, owing to the manifold duties of Congress as well as to the above reasons. The Government is keenly interested in this Convention, but can only act on this interest in an atmosphere of careful study; the national economic, industrial and agricultural situation must be examined so that effect can be given to the Convention without running counter to the country's economic tradition and disregarding the complex nature of the operations in which its industrial and agricultural undertakings are engaged.

The Government of *Hungary* states in its report that pending the regulation by Act of the fixing of minimum rates of wages for employees in industry and commerce the juridical basis on which minimum rates may be fixed in those branches of industry where wages are exceptionally low is laid down in Order No. 6660/1935 of the Council of Ministers, dated 26 June 1935, granting provisional powers for the fixing of hours of work and minimum rates of wages in various branches of industry. In virtue of the powers conferred by this Order, the Minister of Commerce has issued Order No. 52,000/1935, dated 30 July 1935, respecting the establishment and working of Wages Boards appointed to fix minimum rates of wages in certain branches of industry. The report states further that these Orders are fully in harmony with, and ensure the observance of, the provisions of the Convention.

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

The Government of *Nicaragua* states in its report that §§ 34-40, Chapter III, of the draft Labour Code, which was submitted to Congress on 29 January 1934, are concerned with the regulation of wages, but it has not yet been considered advisable to

deal with the question of minimum wage rates. It is objected that a minimum wage is justified when there is a glut of work, too few workers and a demand for industrial products causing high retail prices, and that this is not at present the case in Nicaragua.

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

The Government of the *Union of South Africa* states in its report that the object of the Wage Determinations Validation Act, 1935, was to correct a flaw in the existing legislation by means of which employers were enabled to evade payment of the prescribed minimum wages in certain industries.

The report of the Government of *Uruguay* states that wage regulation has only been necessary in the case of agricultural work and home industries where wages are exceptionally low. An Act of 15 February 1923 concerning minimum wages for agricultural workers and the Administrative Regulations of 8 April 1924 issued in pursuance of the Act laid down minimum wage categories which vary with the value of the property farmed by the employer and with the worker's age. Further, the employer is required to house his workers in good sanitary conditions and provide them with wholesome food in sufficient quantities. The report points out that, since there is no trade union organisation amongst agricultural workers, the most effective method of fixing wages is to lay down the rates in the Act itself. As regards home industries, an Act of 23 January 1934 gives the Industrial, Commercial and Public Services' Pensions Fund power to issue stamps or labels which must by law be fixed on all articles and products in industries where such articles or products are liable to be manufactured clandestinely, the object of this measure being to permit of ascertaining where the goods were produced and whether labour and social insurance laws and regulations have been duly observed. In the case of home industries, the head of the undertaking or the person who has the work carried out is considered as being the employer in the meaning of the Act. The rates paid for home work may not be less than those usually paid in workshops in the same industry and locality. Minimum wage rates are laid down every two years by the Superior Labour Council, the membership of which includes representatives of the employers' and workers' organisations, with the assistance of local committees in which the employers and workers of the industries concerned are represented. The revision of the wage rates may be applied for at any time if the wages which are paid for the same work in workshops and on which the minimum rates for home work have been based are changed.

Decisions in regard to such applications are given by the Superior Labour Council. Employers who give out home work must inform the National Labour Institute where such work is carried out and by whom. Under the Act, any verbal or written agreement stipulating a lower wage for home work than those laid down by the authorities is *ipso facto* null and void. The wage rates and a copy of the laws and regulations applying to home work must be visibly posted up on the premises where the work is given out, handed in and paid for. The fines which employers impose on workers for defective work may not exceed 10 per cent. of wages, the proceeds being payable to the Industrial, Commercial and Public Services' Pensions Fund. The report states that the legislative provisions concerning minimum wage rates apply to 80,000 agricultural workers and to 10,000 home workers employed in industry and commerce. Contraventions of the legislative provisions are punishable by fines of 20 to 1,000 pesos or an equivalent term of imprisonment. The application of the Act and of the Administrative Decrees of 4 May and 27 June 1934 issued under it is supervised by inspectors of the Industrial, Commercial and Public Services' Pensions Fund, the National Labour Institute and the General Directorate of Direct Taxes. The report adds that the right to a minimum wage is guaranteed by the 1934 Constitution, § 53 of which provides that all workers in employment or service are by law entitled to an equitable wage.

### 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 1904. Text as amended up to 22 June 1928 (L. S. 1928, Austral. 2), and amendments of 18 August 1930 (L. S. 1930, Austral. 11) and 17 December 1934; and Rules and Regulations enacted by the Commonwealth Court thereunder.

Industrial Peace Acts, 1920.

Arbitration Public Service Act, 1920-1934.

The Government of the Commonwealth of Australia gives the following further information: In so far as the Commonwealth law is not fully in harmony with the provisions of the Convention, the ratification of the Convention has not itself had any actual legal effect. In particular, (a) the mere act of ratification is not considered as having modified previously existing legislation; and (b) observance of the provisions of the Convention can only be enforced in pursuance of legislation passed to give effect to the Convention.

See also introductory note.

#### Territory for the Seat of Government:

Industrial Board Ordinance, 1922-1933.

#### Northern Territory of Australia:

Commonwealth Conciliation and Arbitration Act, 1904-1934.

Aborigines Ordinance, 1918-1933, and Regulations thereunder (Regulations of 27 June 1933. L. S. 1933, Austral. 2).

#### 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), 1933 (L. S. 1934, Austral. 8) and 1934 (L. S. 1935, Austral. 8).

Regulations under the above Act.

#### Victoria.

Factories and Shops Act, 1928 (L. S. 1929, Austral. 13). Factories and Shops (Amendment) Act, 1934 (L. S. 1934, Austral. 11).

#### 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 18 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.

Act No. 5350 of 8 January 1934, establishing a State monopoly for the sale of nitrates and iodine, providing for profit-sharing by unorganised workers and fixing minimum rates of wages for the nitrates industry.

#### 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 38m (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), 30 July 1926 (L. S. 1926, Fr. 8) and 25 July 1935 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).

Orders of 23 March 1934 and 20 February 1935 to apply the above Act.

Orders of 18 February, 25 May and 9 July 1935, on the extension of labour legislation to the Saar Territory.

### *Great Britain.*

Trade Boards Act, 1909 (B. B. Vol. V, 1910, p. 28).

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.

Order No. 6660/1935 of the Council of Ministers, dated 26 June 1935, conferring provisional powers for the fixing of hours of work and minimum rates of wages in various branches of industry. (L. S. 1935, Hung. 3).

Order No. 52,000/1935 of the Minister of Commerce, dated 30 July 1935, concerning the establishment and working of Wage Boards appointed to fix minimum rates of wages in certain branches of industry. (L. S. 1935, Hung. 6).

See also introductory note.

### *Irish Free State.*

Trade Boards Act, 1909 (B. B. Vol. V, 1910, p. 28).

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. 1078 of 21 May 1934 containing new rules for the settlement of individual labour disputes.

### *Nicaragua.*

See introductory note.

### *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.

### *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).

Act No. 16. Wage Determinations Validation Act, 1935 (L. S. 1935, S. A. 1).

Various Regulations issued under the Acts.

See also introductory note.

### *Uruguay.*

See introductory note.

## 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 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to create or maintain machinery whereby minimum rates of wages can be fixed for workers employed in certain of the trades or parts of trades (and in particular in home working trades) in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low.

For the purpose of this Convention the term "trades" includes manufacture and commerce.

*Australia.* — § 11 of the Commonwealth Conciliation and Arbitration Act 1904-1934, constitutes a Commonwealth Court

of Conciliation and Arbitration consisting of a Chief Judge and such other Judges as are appointed in pursuance of the Act. The report states that a chief judge and two other judges have been appointed. § 18 C empowers the Governor-General to appoint Conciliation Commissioners. A Conciliation Commissioner would have certain powers of a Judge such as the power to make an award or order in relation to an industrial dispute. § 34 provides for the appointment by the Governor-General of Conciliation Committees for the purpose of preventing of settling industrial disputes. These Committees are to consist of an equal number of representatives of employers and employees respectively with an independent Chairman. § 6 of the Arbitration (Public Service) Act 1920-1934 empowers the Governor-General to appoint a Public Service Arbitrator. Under § 12 the Arbitrator is empowered to determine all matters submitted to him relating to salaries, wages, rates of pay or terms or conditions of service or employment of officers and employees of the Public Service. See also introductory note and under I. The information supplied by the Government with regard to the States of the Commonwealth is as follows :

*Territory for the Seat of Government.* — § 3 of the Industrial Board Ordinance 1922-1933 establishes an Industrial Board consisting of five members who are to be appointed by the Governor-General. Three of these members are to be the representatives of workmen and one the representative of the Public Service Board. See also introductory note.

*Northern Territory of Australia.* — See introductory note.

*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.

*Tasmania.* — The wage-fixing machinery provided for the appointment of Boards for any particular trade or group of trades by Parliament or the Governor in Council. The report does not refer specifically to home working trades.

*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. Under § 48 of Act No. 5350 of 8 January 1934, minimum rates of wages

will be fixed in each nitrates zone or district for each class of labour. General industrial conditions will be taken into account in fixing minimum rates of wages, as also, special conditions in the undertakings in each locality, the workers' qualifications, working conditions and family needs, and the cost of living in the district. Only money wages will be taken into account. Wages on a scale below the minimum may be fixed for apprentices.

*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.

*France.* — § 33 of Book I of the Labour Code lays down that the provisions concerning the fixing of the wages of home workers shall apply to male and female workers engaged in home work in those occupations connected with the clothing industry which are definitely specified under the Act. § 33 m provides, however, that under certain conditions, and in accordance with public administrative regulations, the provisions of the Act may be made applicable to male or female home workers belonging to other industries. In application of this provision the scope of the Act was extended, by Decree of 10 August 1922, to subsidiary branches of the clothing industry by Decree of 30 July 1926 to home work in certain other branches of industry, and by Decree of 25 July 1935 to the silk and rayon fabric weaving industry.

*Hungary.* — § 1 of Order No. 52,000 of 30 July 1935, provides that in branches of industry where for any reason wages are exceptionally low the minimum rates of wages to be paid to the employees shall be fixed officially. Minimum rates of wages may be fixed to apply to the whole of a particular branch of industry or to a part thereof, either throughout the whole territory of the State or in a specified part thereof, or merely in particular towns or communes. See also introductory note.

*Nicaragua.* — 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). The Government adds that the period of office of the Chairman and members of the Wage Board appointed under § 2 of the Wage Act terminated on 20 August 1935 and that the new Board had not been appointed at the expiration of the period covered by this report. 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.

*Uruguay.* — See introductory note.

## 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.* — In the matter of consultation with organisations as to the trades

to which minimum wage-fixing machinery is to be applied, the report states that no particular methods have been adopted. The trades in which the Commonwealth Court would make an award are those in which there has been an industrial dispute extending beyond the limits of one State. See also introductory note and under I. The information supplied by the Government with regard to the States of the Commonwealth is as follows:

*Territory for the Seat of Government.* — See introductory note.

*Northern Territory of Australia.* — See introductory note.

*Queensland.* — The report states that the Industrial Court, having fixed a basic wage, hears representatives of employers' and employees' organisations and other interested parties before fixing wages and conditions in any calling. To this extent only are employers and workers concerned in the operation of the machinery, the administration of the awards of the Court being entrusted to a staff of industrial inspectors.

*Victoria.* — § 136 (2) of the Factories and Shops Act 1928 provides that where the Governor in Council by Order published in the *Government Gazette* declares that it is expedient to appoint any wages board to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in any trade or any group of trades, the Governor in Council may appoint one or more wages boards for any one of such trades and define the area or locality within which the determination of each of such wages boards shall be operative. The report adds that as yet no steps have been taken to consult employers and workers.

*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. § 48 of Act No. 5350 of 8 January 1934 provides that minimum rates of wages shall be fixed for each district by Joint Boards of employers and employees, with the Governor of the Province as president. Minimum rates so fixed shall be valid for not less than six months nor more than one year, unless the Board unanimously decides otherwise. Appeal against the minimum rate fixed by the Board is allowed to the Labour Court of Appeal.

*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. Under § IV of the Second Order of 20 February 1935 in application of the Act of 23 March 1934, the Labour Trustee is authorised to assign the calculating of piece rates to special centres which have been or shall be set up by the German labour front.

*Hungary.* — Under § 1 (3) of Order No. 52,000/1935 of the Minister of Commerce, dated 30 July 1935, the Minister of Commerce (at present the Minister of Industry), after consulting the parties concerned, shall specify the branches of industry or parts thereof, and, where necessary, the areas, for which minimum rates of wages shall be fixed. The report adds that the Minister of Industry will consult the employers' and workers' organisations. See also introductory note.

*Nicaragua.* — 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. The Government states that no nominations for the appointment of additional members to the Wage Board,

under § 2(4) of the Wage Act, were submitted to the Minister of Labour and Social Welfare by employers or employees during the period covered by the report. 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. The report explains that where there are in existence organisations of employers and employees capable of taking part in the operation of minimum wage-fixing machinery, they generally endeavour to establish an Industrial Council and proceed to fix minimum wages by agreement under the Industrial Conciliation Act. The Wage Act is usually applied to trades in which the employers and workers are not sufficiently organised to enable them to make use of the provisions of the Act. See also under ARTICLE 3.

*Uruguay.* — See introductory note.

#### ARTICLE 3.

Each Member which ratifies this Convention shall be free to decide the nature and form of the minimum wage-fixing machinery, and the methods to be followed in its operation :

Provided that

(1) Before the machinery is applied in a trade or part of trade, representatives of the employers and workers concerned, including representatives of their respective organisations, if any, shall be consulted as well as any other persons, being specially qualified for the purpose by their trade or functions, whom the competent authority deems it expedient to consult :

(2) The employers and workers concerned shall be associated in the operation of the machinery, in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by national laws or regulations ;

(3) Minimum rates of wages which have been fixed shall be binding on the employers and workers concerned so as not 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 the nature of the machinery adopted see above under ARTICLE 1. The methods followed in the operation of such machinery may be referred to in general terms as follows: The Commonwealth Court of Conciliation and Arbitration deals with industrial disputes by the hearing of a plaint lodged by the aggrieved party. The hearing may be preceded by a compulsory conference convened by the Court. Failing agreement at the conference the matter is dealt with by the Court and the award made is given the force of law. The functions of Conciliation Commissioners are to endeavour to bring parties to an agreement upon matters in dispute and failing that, to make awards settling those matters. Proceedings before the Public Service Arbitrator are instituted either by an organisation submitting to the Arbitrator, by memorial, claims relating to the salaries, etc., of members of the organisation, or by the Public Service Board or an organisation submitting applications to vary determinations made by the Arbitrator. If no objection is lodged the Arbitrator determines the claim in favour of the claimant organisation. If an objection is lodged, the Arbitrator calls a conference of representatives of the organisation and of the Board and of the Minister of the Department concerned. Following on such conference and after hearing evidence in respect of any matters which have not been agreed to at the conference the Arbitrator determines the claim. See also introductory note and under I. The information supplied by the Government with regard to the States of the Commonwealth is as follows:

*Territory for the Seat of Government.* — The Minister of a Department, the Public Service Board and registered organisations are entitled to submit to the Board matters in which he or it is interested relating to salaries, wages, rates of pay, etc., of workmen in the Territory. On the filing of a claim there is a public hearing, after which the Board goes into committee. The decision takes the form of a determination which is published in the Commonwealth Gazette, with no reasons given.

*Northern Territory of Australia.* — See introductory note.

*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.

*Victoria.* — The report mentions that it is usual in this State for the Wages Board system to be applied to a trade following a request from either employers or employees, usually the latter. The fact that a request has been made is given publicity in the daily Press. If the employers in the trade are an organised body, the organisation is consulted before the Minister of Labour decides to recommend to the Governor in Council that a Wages Board be appointed. Under § 140 (1) of the 1928 Act all appointments and re-appointments of members of wages boards shall be made in accordance with the provisions of this Act by the Minister (§§ 140-144 amended by the 1934 Act). One-half of the member of a wages board shall be appointed as representatives of employers and one-half as representatives of employees. Under § 145 (1) every wages board in relation to the trade specified in and in accordance with the terms of its appointment shall fix the lowest rates per hour or per week to be paid for an ordinary week's work; and higher wages rates to be paid for overtime; and, if considered expedient, lowest piece work prices. § 145 (2) provides that in fixing such lowest prices or rates the wages board shall take into consideration the nature of the work; the age and sex of the workers; and the hour of the day or night when the work is to be done; and may (if it thinks fit) fix different prices or rates accordingly. § 154 provides that where it appears to be just and expedient special wages rates may be fixed for aged infirm or slow workers by any wages board. The determination of any wages board shall be published in the *Government Gazette*. Under § 178 (2) every determination of any wages board shall, unless altered or revoked by any subsequent determination under the Act, have and be deemed and taken to have the like force validity and effect as if such determination had been enacted in the Act. The report adds that minimum rates fixed by Wages Boards are not subject to abatement by individual agreement. § 182 provides that there shall be a Court of Industrial Appeals for deciding all appeals against a determination of a wages board. Such Court shall consist of a president, who shall be one of the judges of the Supreme Court, and two other persons nominated, one by the representatives of the employers, and the other by the representatives of the employees on the wages board whose determination is appealed against. These three persons shall be appointed by the Governor in Council. The determination of the Court shall be by majority. § 184 (6) provides that the Court shall have and may exercise all or any of the powers conferred on a wages board by this Act; the determination of the Court shall, under § 184 (9), be final and without appeal, and shall, under § 185 (1), be published in the *Government Gazette*.

*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 of 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. The report adds that no advantage has been taken of the exception provided for in paragraph (3) of this ARTICLE.

*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. em-

ployers, 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.* — § 1(4) of Order No. 52,000, 1935 of 30 July 1935, provides that the Minister of Commerce (at present the Minister of Industry) shall establish Boards responsible for fixing minimum rates of wages, and define their respective areas of jurisdiction. Each Wages Board shall consist of at least six members and the same number of substitutes. The Minister of Industry shall appoint the members and substitutes either for each individual case or for a specified period. One-third of the members of the Board and their substitutes shall be appointed, after consultation with the employers belonging to the branch or branches of industry concerned, from among the employers' representatives; one-third, after consultation with the employees belonging to the branch or branches of industry concerned, from among the employees' representatives; and one-third from among persons belonging neither to the employers' nor to the employees' group. The Minister of Industry shall appoint the Chairman and Vice-Chairman of the Wages Board from among the members of the Board who do not belong either to the employers' or to the employees' group (§ 3 (1)). The Board shall be deemed to have a quorum irrespective of the number of members or substitutes present and shall adopt its resolutions by a majority of the votes cast. In the event of equality of votes the resolutions for which the Chairman votes shall be adopted (§ 4 (3)). In fixing minimum rates of wages the Board shall take into consideration, under § 5 (3) the general level of wages as observed in the town concerned and, in general, local conditions of existence. The Chairman of the Wages Board shall communicate the resolution of the Board to the employers and employees concerned either through their representatives or otherwise. The employers' or employees' members of the Board, or the employers or employees concerned, may, within eight days of its communication, appeal against the resolution to the Minister of Commerce through the Chairman of the Board (§ 7). § 8 requires that on the expiry of the time limit for appeal the resolution of the Board with the appeals, if any, shall be submitted to the Minister of Commerce for ratification. The Minister of Commerce may either ratify the resolution submitted to

him, or refuse to ratify it, or refer the matter back to the Board for reconsideration. The Board may either maintain its previous resolution or submit a new one. In the latter case the provisions of § 7 shall apply to the communication thereof to the parties concerned and to the lodging of an appeal by the parties. If the resolution of the Board is ratified, the Minister of Commerce shall publish it without delay in the *Budapesti Közlöny* and inform the Board of this. The resolution shall come into operation on the eighth day after its publication. Under § 9, the minimum rates of wages fixed as above shall be binding upon all employers and they shall not be entitled to pay their employees less than the wage thus fixed. During the period of validity of the fixed minimum rates of wages the employers and employees concerned shall not be entitled to reduce the said rates either by individual agreements or by collective contracts. See also introductory note.

*Nicaragua.* — 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, as far as possible, minimum piece rates (§ 11). §§ 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. § 3 (5) as amended of the Wage Act requires the Wage Board to give to employers and employees or their organisations the opportunity of making representations to it in connection with any investigation. For this purpose the Board is required to give public notice that it is considering or about to consider the wages or rates to be paid in any trade. 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 within 30 days, 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)). The Board is bound to consider objections and to report thereon to the Minister. The Government states that during the period under review, investigations were conducted by the Wage Board, in response to applications submitted in terms of § 3(1) (b) of the Wage Act, into the rates of pay and other conditions of employment in the following trades: glass bottle making in Dundee, Natal, on the application of representative workers; textile manufacturing in the Union on the application of workers' organisations; commercial distributive trades, Graaff Reinet, on the application of representative employers; and motor transport workers in Witwatersrand and Pretoria on the application of workers' organisations. Investigations into the following trades were conducted at the request of the Minister of Labour and Social Welfare: garment making, Union; leather trades, Union; bakery and confectionery, Witwatersrand and Pretoria. During the period under

review, recommendations submitted by the Wage Board in respect of the following trades were published under this section: garment making trades, textile industry. Objections lodged by workers and employers were transmitted to the Board in terms of the Act. The Board, however, was able to submit only one report—that in respect of the garment making trades—before the expiration of the period of office of the chairman and members. 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). During the period under review, collective agreements under the terms of the Industrial Conciliation Act have been substituted for determinations under the Wage Act in the following industries: bespoke tailoring industry, in the municipal areas of Port Elizabeth, Walmer and Uitenhage, and Witwatersrand; clothing industry, in the Transvaal Province; furniture-manufacturing industry, in the magisterial areas of the Cape, Wynburg, Simonstown and Bellville, Witwatersrand and Pretoria, and the municipal areas of Durban and Pietermaritzburg; catering trade in Witwatersrand; and road passenger transport industry in the magisterial areas of the Cape, Bellville and Simonstown. The report states 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. The report adds that it is the policy of the Union Government to encourage employers and employees to organise so that they may be enabled to

control their own affairs under the Industrial Conciliation Act.

*Uruguay.* — See introductory note.

#### ARTICLE 5.

Each Member which ratifies this Convention shall communicate annually to the International Labour Office a general statement giving a list of the trades or parts of trades in which the minimum wage-fixing machinery has been applied, indicating the methods as well as the results of the application of the machinery and, in summary form, the approximate numbers of workers covered, the minimum rates of wages fixed, and the more important of the other conditions, if any, established relevant to the minimum rates.

*If existing statistics permit, please indicate separately, in the statement required by this Article, the number of men and women as well as of adults and young persons covered by the minimum wage-fixing machinery and the minimum rates of wages fixed for these different categories of workers.*

*Australia.* — The report states that the statistical information required in pursuance of this Article should be obtained from the Bureau of Census and Statistics. The information supplied by the Government 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 24 October 1934, fixed the living wage of male employees at £3.7.6. per week and that of female employees at £1.16.6. per week, no change being made on the existing rates; and the second, dated 18 April 1935, fixed the rates at £3.8.6. and £1.17. per week respectively. The report adds that no statistics are available showing the exact number of employees affected. The declarations apply, however, to all persons under industrial awards, which cover practically all industries, with the exception of rural workers and domestic employment, and employees whose conditions are regulated by the awards of the Commonwealth Court of Conciliation and Arbitration.

*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. Racquet makers: £3. 8. 0., the approximate number of workers in the last named industry covered by the regulations being 180. 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.

*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. The report states that the number of trades subject to Wages Boards in Victoria is approximately 180, at the present time. Under the powers conferred § 40 (18), Trade Tribunals with similar powers have now been set up in other trades in which it has been found that Wages Board determinations are being evaded by various forms of contracts and agreements. The trades, other than the bread trade, in which Tribunals have been set up are: the butchering trade; the fibrous plaster trade; the sale of radio and electrical appliances; the carters and drivers trade; and the boot trade. At the present time there is one case awaiting hearing by the Butchers Trade Tribunal and one by the Fibrous Plasterers Trade Tribunal, proceedings in each case having been referred by the Courts of Petty Sessions to the new Tribunals.

*Chile.* — A report of the General Labour Inspectorate states that Minimum Wage Boards of a provincial or departmental nature have been set up for and in the following industries and towns: nitrates industry in Tarapaca y Antofagasta; bakeries in Copiapo, Coquimbo, Ovalle,

Quillota and Rengo; docking in Coquimbo; agriculture in Coquimbo, candle-making in Valparaiso; paper-box industry in Santiago; printing and bookbinding trades in Santiago; milling in Santiago, Talca, Chillan, Victoria, Osorno and Puerto Montt; and copper industry in Rancagua. 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 several cases, including that of the nitrates industry, they have ignored the rules laid down in § 44 of Legislative Decree No. 178 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 Decree 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. Statement appended to the report give some typical examples of the rates fixed for various trades in different parts of the country. In bakeries, minimum rates of wages vary according to the class of work between 14 and 19 pesos per day at Iquique, between 8 and 10 pesos per day at Coquimbo, and at Copiapo between 18 and 20 pesos per day in establishments producing up to 1,000 kilos of dough and between 15 and 23 pesos per day in those producing more than 1,000 kilos. In the province of Coquimbo the following minimum daily wages for agricultural workers have been fixed: unmarried workers, 3 pesos; married, 3.50; head farm servants, 4. The fixing of these rates does not in any way involve the reduction of current wages on a higher scale, nor affect certain perquisites enjoyed by agricultural workers. Old men, women, and children under 10 years of age may be engaged by employers and will receive a wage fixed by agreement proportionate to the work they undertake. Documents appended to the report give, further, minimum wages and family allowances and the appropriate regulations governing them as approved in a Public Service (the municipality of Valparaiso), and as applied in two undertakings in the earth and stone and foodstuffs industries.

*China.* — The report supplies the following information with regard to the undertakings in which minimum wage rates have been fixed:

Undertaking	Class of worker	No. of workers (male)	Wages (in dollars)
Tientsin-Pukow Railways	—	14,508	10.5 a month
Kiaochow-Tsinan Railways	Workers of Engine, Publishing, and Material Departments, Boys of the General Affairs Department	6,572	14 a month
Taokow-Chinghua Railways	(1) Engine Department workers	456	0.3 a day
	(2) Transporting Department workers	481	0.36 a day
Nanchang-Kiukiang Railways	(1) Apprentices of Engine Department (young persons)	—	0.26 a day
	(2) Low grade workers of Train Department	—	11 a month
Canton-Kouloon	Engine Department workers	381	0.80 a day
China Merchant's Steam Navigation Company	Boys of four steamships	88	16 a month with room and boarding

Mines of Huai-Nan	Underground workers (low grade pit and mines workers, mechanics)	200	9 a month
Cloth Manufactory of Peiping	Low grade workers	78	8 a month
Weights and Measures Manufactory	Low grade workers	65	0.75 a day

*Colombia.* — See introductory note.

*France.* — French legislation determining the methods of fixing the minimum wage is at present applicable to male and female home workers in the following industries :

(4) *Under the Decree of 25 July 1935:* work connected with the weaving of fabrics containing at least 25% of silk or rayon, or having silk or rayon warp, woof, or pile.

As regards the minimum wage rates fixed under the Act, the report states that these are published in the *Recueil des Actes administratifs* of the departments concerned. As regards the approximate number of home workers covered by these regulations, the report supplies the following statistics, which have been drawn up by the labour inspection service for the year 1934 :

Industries	Less than 10 workers		From 10 to 100 workers		100 or more workers	
	No. of undertakings	No. of workers	No. of undertakings	No. of workers	No. of undertakings	No. of workers
Clothing . . . . .	2,731	9,616	977	19,505	56	9,717
Hats . . . . .	309	1,170	107	3,025	8	987
Footwear . . . . .	559	2,449	174	5,360	6	2,046
Underclothing of all kinds . . . . .	854	3,493	578	16,222	104	5,565
Embroidery . . . . .	210	1,252	679	18,739	24	4,052
Lace . . . . .	106	696	131	2,438	2	487
Feathers . . . . .	18	60	3	45	—	—
Artificial flowers . . . . .	57	355	32	658	1	230
Work subsidiary to the clothing industry . . . . .	34	189	40	925	2	480
Knitting and machine knitting . . . . .	140	546	60	1,545	2	500
Rosaries and jewellery . . . . .	8	10	10	143	2	315
Umbrellas . . . . .	18	70	6	200	3	311
Wigs, hair work, etc. . . . .	6	26	10	180	—	—
Tapestry . . . . .	3	16	—	—	—	—
Bead work . . . . .	20	101	14	263	—	—
Paper and cardboard goods . . . . .	83	328	67	1,449	3	302
Advertisement work (addressing, copying, folding) . . . . .	4	10	4	68	—	—
Basket making, straw and rush work . . . . .	47	285	62	1,363	1	108
Bristle work and brushmaking . . . . .	47	212	26	546	2	350
Case making and fancy leather goods . . . . .	53	383	31	387	—	—
Sorting, finishing and carding of buttons . . . . .	4	32	15	199	—	—
Totals . . . . .	5,306	21,299	3,026	73,255	216	25,395

*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 1935 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.



## 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.)	1,483	7	1. 1
Aerated Waters (Scotland)			
(1) Orkney and Shetlands	184	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	151	7 <sup>1</sup> / <sub>2</sub>	1. 1 <sup>1</sup> / <sub>2</sub>
Boot and Shoe Repairing	13,112	10 <sup>1</sup> / <sub>4</sub> (c)	1. 2 <sup>1</sup> / <sub>4</sub>
* Brush and Broom	552	6 <sup>1</sup> / <sub>4</sub> (c)	— 10 <sup>1</sup> / <sub>2</sub>
* Button Manufacturing	159	6 <sup>1</sup> / <sub>2</sub>	1. 1 <sup>1</sup> / <sub>2</sub>
* Chain Making (m)	143	5 <sup>3</sup> / <sub>10</sub>	1. 1
Coffin Furniture and Cerement Making	48	6 <sup>38</sup> / <sub>47</sub> (c)	1. 0 <sup>42</sup> / <sub>47</sub> (h)
Corset	260	7 <sup>1</sup> / <sub>4</sub> (c) (g) (h)	— —
Cotton Waste Reclamation	181	7	1. 1 (d)
(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	1,013	6 (c)	— 11
* Dressmaking and Women's Light Clothing (E. and W.)	11,598		
(1) Retail Bespoke Section		6 <sup>1</sup> / <sub>4</sub> , 7, 7 <sup>1</sup> / <sub>2</sub> (g) (k)	1. — (d)
(2) Other Sections		7 (g)	1. — (d)
* Dressmaking and Women's Light Clothing (Scotland)	987		
(1) Retail Branch		7, 7 <sup>1</sup> / <sub>2</sub> (g) (k)	1. — (d)
(2) Other Branches		6 <sup>1</sup> / <sub>2</sub>	1. — (d)
Drift Nets Mending	180	6 (f)	— —
Flax and Hemp	96	6	— 10 <sup>1</sup> / <sub>2</sub>
Fur	1,539	7 <sup>1</sup> / <sub>2</sub> (b)	1. 1
Fustian cutting	37	5 <sup>3</sup> / <sub>4</sub>	— 10 (a)
General Waste Materials Reclamation	1,955	6	— 10 <sup>1</sup> / <sub>4</sub>
Hair, Bass and Fibre	66	6 <sup>1</sup> / <sub>4</sub>	— 10 <sup>3</sup> / <sub>4</sub>
Hat, Cap and Millinery (England and Wales)	4,554	7 (g)	1. — (d)
Hat, Cap and Millinery (Scotland)	324		
(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> (g) (k)	1. 2 (d)
Hollow-ware	111	6 <sup>3</sup> / <sub>4</sub>	— 11 <sup>1</sup> / <sub>2</sub>
Jute	95	6	— 9 <sup>3</sup> / <sub>8</sub>
Keg and Drum	116	7	1. —
* Lace Finishing (m)	260	6 <sup>1</sup> / <sub>4</sub>	— —
Laundry	6,689		
(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	391	6 <sup>1</sup> / <sub>4</sub>	— 11 <sup>1</sup> / <sub>2</sub>
Made-up Textiles	390	5 <sup>3</sup> / <sub>4</sub>	— 9 <sup>3</sup> / <sub>4</sub>
Milk Distributive:			
England and Wales	14,283	6 <sup>5</sup> / <sub>8</sub> , 7 <sup>1</sup> / <sub>2</sub> , 8 <sup>5</sup> / <sub>8</sub> (c) and (k)	10 <sup>1</sup> / <sub>2</sub>
Scotland	2,135	6 <sup>1</sup> / <sub>8</sub> (c)	1.1, 1.2 (k)
Ostrich and Fancy Feather and Artificial Flower	135	7	1. — (d)
Paper Bag	423	7 <sup>1</sup> / <sub>4</sub>	1. 1 <sup>1</sup> / <sub>8</sub>
* Paper Box	1,221	7 <sup>3</sup> / <sub>8</sub>	1. 0 <sup>1</sup> / <sub>4</sub> (d)
Perambulator and Invalid Carriage	112	6 <sup>3</sup> / <sub>4</sub> (c)	— 11 <sup>1</sup> / <sub>2</sub>
Pin, Hook and Eye and Snap Fastener	37	6 <sup>1</sup> / <sub>2</sub> (c)	— 10 <sup>3</sup> / <sub>4</sub>
* Readymade and Wholesale Bespoke Tailoring	6,024	7 (g)	— 11 (d)
* Retail Bespoke Tailoring			
England and Wales:	9,742		
London Area		8 to 9 <sup>1</sup> / <sub>2</sub> (i) (k)	1.0 <sup>1</sup> / <sub>8</sub> to 1.3 (j) (k)
Eastern Area		8 to 9 (i) (k)	1.0 <sup>1</sup> / <sub>8</sub> to 1.2 (j) (k)
South Eastern Area		8 to 9 (i) (k)	1.0 to 1.2 (j) (k)
Central Southern Area		8 to 9 (i) (k)	1.1 to 1.3 (j) (k)
South Western Area		8 to 9 (i) (k)	0.11 <sup>1</sup> / <sub>8</sub> to 1.2 (j) (k)
North Midland Area		7 <sup>3</sup> / <sub>4</sub> to 8 <sup>3</sup> / <sub>4</sub> (i) (k)	1.0 to 1.2 <sup>3</sup> / <sub>4</sub> (j) (k)
Central Midland Area		7 <sup>1</sup> / <sub>2</sub> to 9 <sup>1</sup> / <sub>2</sub> (i) (k)	0.11 <sup>1</sup> / <sub>4</sub> to 1.3 (j) (k)
South Midland Area		8 to 9 <sup>1</sup> / <sub>2</sub> (i) (k)	1.1 to 1.3 <sup>1</sup> / <sub>4</sub> (j) (k)
Northern Area		7 <sup>3</sup> / <sub>4</sub> to 8 <sup>3</sup> / <sub>4</sub> (i) (k)	0.11 to 1.1 <sup>3</sup> / <sub>4</sub> (j) (k)
Yorkshire Area		8 to 9 (i) (k)	1.0 to 1.3 (j) (k)
East Lancashire Area		8 <sup>7</sup> / <sub>8</sub> to 9 <sup>1</sup> / <sub>8</sub> (i) (k)	1.1 <sup>1</sup> / <sub>2</sub> to 1.3 <sup>3</sup> / <sub>8</sub> (j) (k)
West Lancashire Area		8 to 8 <sup>7</sup> / <sub>8</sub> (i) (k)	1.0 <sup>1</sup> / <sub>8</sub> to 1.2 (j) (k)
North Wales Area		9 (i) (k)	1.1 to 1.2 <sup>1</sup> / <sub>4</sub> (j) (k)
South Wales Area		8 to 9 (i) (k)	0.11 <sup>1</sup> / <sub>8</sub> to 1.2 (j) (k)
Scotland:	1,374	7 to 7 <sup>1</sup> / <sub>8</sub> (g) (k)	11 to 1.0 (h) (k)

\* 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	424	6 <sup>1</sup> / <sub>4</sub>	10
Sack and Bag	316	6 <sup>1</sup> / <sub>8</sub>	10 <sup>7</sup> / <sub>8</sub>
* Shirtmaking	1,074	7 (g)	1. 1 (d)
Stamped or Pressed Metal Wares	373	6 <sup>1</sup> / <sub>4</sub>	— 11
Sugar Confectionery and Food Preserving	1,799	6 <sup>3</sup> / <sub>4</sub>	1. — (e)
Tin Box	223	7 <sup>1</sup> / <sub>4</sub>	1. 1
Tobacco	218	9 <sup>5</sup> / <sub>8</sub> (c)	1. 3 <sup>3</sup> / <sub>8</sub>
* Toy Manufacturing	420	6 <sup>3</sup> / <sub>4</sub> (c)	1. 0 <sup>1</sup> / <sub>2</sub>
Wholesale Mantle and Costume	5,017	7	11 <sup>1</sup> / <sub>2</sub> (d)

(a) At 18 years of age.

(b) At 19 years of age.

(c) At 21 years of age.

(d) At 22 years of age.

(e) At 24 years of age.

(f) On completion of 2 years' employment in the trade.

(g) On completion of 4 years' employment in the trade.

(h) On completion of 5 years' employment in the trade.

(i) On completion of 7 years' employment in the trade.

(j) On completion of 8 years' employment in the trade.

(k) Dependent on Area as graded by the Trade Board.

(l) In respect of the period 1 April 1935 to 30 September 1935 inclusive.

(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	— 11 (a)
Boot and Shoe Repairing	750		
(1) Belfast and Londonderry		9 <sup>7</sup> / <sub>8</sub> (b)	1. 2 <sup>1</sup> / <sub>4</sub>
(2) Other Areas		9 <sup>1</sup> / <sub>4</sub> (b)	1. 1 <sup>1</sup> / <sub>4</sub>
Brush and Broom	100	7 (b)	— 11 <sup>1</sup> / <sub>2</sub>
* Dressmaking etc.			
Factory Branch	4,500	6	— 11 (a)
Retail Branch	900		
Belfast and Londonderry		7	—
Other areas		5, 5 <sup>1</sup> / <sub>2</sub> (c)	—
General Waste Materials	300	5 <sup>5</sup> / <sub>47</sub> (c)	— 10 <sup>34</sup> / <sub>47</sub> (a)
Hat, Cap and Millinery	300		
Factory Branch		7	
Retail Branch			
Belfast and Londonderry		6 <sup>3</sup> / <sub>4</sub>	1. 0 <sup>1</sup> / <sub>2</sub> (a)
Other areas		6 <sup>1</sup> / <sub>4</sub>	
Laundry	1,100	6 <sup>1</sup> / <sub>2</sub> (c) A	—
* Linen and Cotton Embroidery	2,000	2 <sup>1</sup> / <sub>2</sub> to 4 <sup>1</sup> / <sub>2</sub> B	—
Linen and Cotton Handkerchief, etc.			
Belfast and districts not more than 30 miles by rail from Belfast	20,000	6	10 c 8
Other Areas		6	9 c 7 <sup>1</sup> / <sub>4</sub>
Milk Distributive	500		
Belfast and Londonderry		8 <sup>9</sup> / <sub>16</sub> (d)	1. 0 <sup>3</sup> / <sub>4</sub> (d)
Other areas		6 <sup>5</sup> / <sub>16</sub> to 7 <sup>3</sup> / <sub>4</sub> (d)	9 <sup>9</sup> / <sub>16</sub> to 11 <sup>11</sup> / <sub>16</sub> (d)
Paper Box	900	6 <sup>1</sup> / <sub>2</sub>	8 to 9 <sup>3</sup> / <sub>4</sub>
Readymade & Wholesale Bespoke Tailoring	3,300	5 <sup>3</sup> / <sub>4</sub>	— 10 <sup>1</sup> / <sub>4</sub> (a)
* Retail Bespoke Tailoring :	1,800		
Belfast and Londonderry		5 <sup>7</sup> / <sub>8</sub>	— 11 <sup>3</sup> / <sub>8</sub> (a)
Other Areas		5 <sup>1</sup> / <sub>8</sub>	— 10 <sup>9</sup> / <sub>10</sub> (a)
Rope, Twine and Net :	2,000		
Belfast		4 <sup>1</sup> / <sub>2</sub>	— 8
Other Areas		3 <sup>3</sup> / <sub>4</sub>	— 7 <sup>1</sup> / <sub>2</sub>
* Shirtmaking	8,500	6	— 11 <sup>3</sup> / <sub>4</sub> (a)
Sugar Confectionery and Food Preserving	400	6 <sup>1</sup> / <sub>4</sub>	— 11 (a)
Tobacco	1,800	8 <sup>32</sup> / <sub>47</sub> (b)	1. 13 <sup>37</sup> / <sub>47</sub> (b)
Wholesale Mantle and Costume	200	6	— 10 <sup>1</sup> / <sub>2</sub> (a)

(a) At age of 22

(b) " " " 21

(c) " " " 20

(d) " " " 19

A After 6 months' experience.

B According to class of work.

C With 2 years' experience in preceding 5 years.

\* Trades marked with an asterisk provide employment for an appreciable number of home workers.

... 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 1935 the number of holders of permits of exemption in Great Britain was 2,953.

*Hungary.* — The report states that a Board set up under the terms of Order No. 52,000 of 30 July 1935 fixed, by resolution dated 21 August 1935 and approved by the Minister of Industry, minimum rates of wages as set out in the following table for the carpentry and wood-working trades in Budapest, Budafok, Albertfalva, Csepel, Kispest, Pestszentersébet, Pestszentlőrinc, Pestszentimre, Rakospalota, Pestujhely and Ujpest.

Nature of Work	Degree of skill	Hourly wage in fillers
Carpenters and Joiners	With less than one year's experience	36
	With more than one year's experience	46
	Experienced in mass production	56
	Unsupervised	70
Building Joiners	Same categories and carpenters and joiners	wages as
Wood workers	Semi-skilled	46
	Skilled	56
	Unsupervised	70
Building work	Joinery fitter (windows and doors):	
	Semi-skilled	46
	Skilled	56
	Unsupervised	70
Polishers	Cleaner	24
	Polisher:	
	Semi-skilled	32
	Skilled	46

The report adds that preliminary steps are being taken towards the introduction of minimum rates of wages in the joinery trade in other parts of the country, also that Boards constituted for the purpose have recently fixed minimum rates of wages in other branches of industry including rough carpentry and stone masonry. The resolutions have not yet been approved by the Minister of Industry. Minimum Wage Boards will shortly be set up in the men's and women's ready-made clothing industries. Lastly, the Government states that no statistical information is yet available as to the approximate number of workers, including adults, young persons and women, covered by the carpentry and joinery trades minimum wage resolution for Budapest and district.

*Irish Free State.* — The report states that Trade Boards have been set up in the Irish Free State for the following trades: aerated waters; boot and shoe repairing; brush and broom; general waste materials reclamation; linen and cotton embroidery; milk distributive; packing; paper box; rope twine and net; shirt making; sugar confectionery and food-preserving; tailoring; tobacco; women's clothing and millinery. A copy of the Order applying the Trade Boards Act to the handkerchief and household piece goods trade is appended to the report; also a copy of the regulations governing the constitution and proceedings of the Rope Twine and Net Trade Board. Copies of the determinations of the Aerated Waters, Boot and Shoe Repairing, Sugar Confectionery and Food-preserving, and Tailoring Trade Boards during the period under review are also appended to the report. The only changes to be noted are 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,  $1/1\frac{1}{4}$  to  $1/1\frac{1}{2}$ ; females,  $6\frac{1}{4}$ d. These index numbers having changed, the rates have been increased, as from 17 July, 1934, as follows: males,  $1/1\frac{3}{4}$  to  $1/2\frac{1}{4}$ ; females,  $7\frac{1}{2}$ d. to  $6\frac{3}{4}$ d. In the tailoring trade (headgear branch excepted) minimum hourly rates of wages effective from 1 June 1935 were fixed as follows: male workers,  $1/0\frac{1}{2}$ d. to  $1/5$ d; female workers, 8d. to 9d. Minimum rates in the headgear branch of the trade effective since 30 October 1933 are as follows: male workers'  $1/3\frac{1}{2}$ d. to  $1/4\frac{1}{2}$ d; female workers, 11d. 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 1,002 males and 4,057 females. Arrears of wages recovered as a result of inspection totalled £411.9.2.

*Nicaragua.* — See introductory note.

*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; Skippers' 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.

*Union of South Africa.* — The Government states that wage regulating measures which came into force during the period under review consist entirely of agreements and notices under the Industrial Conciliation Act. Copies of all these measures are appended to the report, which further states that no determinations were made by the Minister of Labour and Social Welfare under the Wage Act. 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. Separate figures in regard to the number of men and women, and adults and young persons covered by the minimum wage-fixing machinery are not available, but the rates fixed for these categories of workers are indicated in the table given below. The following statistics for September 1935 were taken from the statement in question :

Number of industrial councils registered	39
„ „ agreements of industrial councils in force	26
„ „ conciliation boards granted	4
„ „ agreements of conciliation boards in force	2
„ „ arbitration awards in force	5
Total number of employers affected	3,543
„ „ „ employees affected	46,041
Approximate number of employers affected by determinations under the Wage Act	14,284
Approximate number of employees affected by determinations under the Wage Act	72,285

The Government states that it is not possible to summarise the minimum wages and other conditions of employment in operation owing to the numerous detailed provisions. The principal points covered are: rates of pay for various classes of work in the industry concerned, with special conditions in regard to piece work, deductions from wages, method of payment, etc.; conditions under which short time may be worked and the payment of extra wages for overtime and work on Sundays and certain holidays; travelling allowances for employees who are required to work away from the employer's establishment, e.g., in the building industry; the ordinary hours of work: usually 44-48 per week; paid holidays; notice of termination of service. The following table gives comparative information in regard to minimum weekly rates of pay prescribed in terms of the laws relating to apprentice-

ship, industrial conciliation and wages in certain industries. The information reflects the position as at 31 March 1935. Numerous rates of pay are in operation, varying in each area according to the conditions prevailing in individual occupation. This summary is, therefore, intended to serve merely as an indication of the minimum rates of pay for certain classes of work. In nearly all cases, the wage rates are associated with a ratio designed to prevent undue exploitation of the lower wage payable to learners and similar classes of employees.

(See table on following page.)

*Uruguay.* — See introductory note.

### 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* (Or-

## Union of South Africa: Minimum Weekly Rates of Pay.

Industry	Skilled work		Apprentices and Learners		Semi-skilled work		Unskilled work	
	A <sup>1</sup>	B <sup>2</sup>	A	B	A	B	A	B
Baking trade ..	£4.10. <sup>3</sup>	£3 to £5 <sup>4</sup>	£1 to £3.7.6.	£1 to £3	—	£2	15/- to £1	15/- to £1.4s.
Building (Hourly rates are prescribed) .....	£7.14s.	£5.17.4. to £6.12s.	10/- to £3.15s.	10/- to £3.5s.	£2.10s.	£2.15.	17/8	£1.8.9. to £1.14.6.
Clothing Manufacture :								
Males .....	£6.10s.	£3	£1 to £5.10s.	17/6 to £2.10s.	—	—	1	—
Females .....	£2.10s. to £3.5s.	£2	£1 to £2.5s.	15/- to £1.12.6.	—	—	—	—
Commercial Distributive Trade (Shop Assistants) :								
Males .....	£4.3.1.	—	£1.3.1. <sup>5</sup>	£1.3.1. <sup>5</sup>	—	—	—	—
Females .....	£2.3.10.	—	—	—	—	—	—	—
Engineering General (Hourly rates prescribed) .....	£6.12s.	£5 to £6.4s.	13/3 to £2.2.9.	12/6 to £3	£4.4s. to £5. <sup>7</sup>	£3.12. to £4.4.	£1.4s.	£1.4s.
Engineering-Motor Trade .....	£6.13.6. and £6. 10s.	£6 to £6.4s.	14/- to £3.5s.	12/6 to £3.	£3 to £4.16.	£2.8s. to £4.	18/- and £2.	£1.4. to £1.15s.
Furniture Manufacture (Hourly rates are prescribed) .....	£6.12.6. and £6.17.6.	£5.8s.	£1.5s. to £1.10s.	16/2 to £3.	£3 to 4.10s. <sup>8</sup>	£3 (Females £1 to £3)	£1.4s. and £1.14s.	£1.4s. and £1.12.6
Leather industry		(See footnote 9)						
Printing industry	£6.16.6 to £9.1.6.	£4.11s. to £8.14.6. (and see footnote 10).	£1.6s. to £4.9.3.	15/- to £4.3.6.	£2.10s. to £6.1s.	£1.5. to £4.10.9.	—	—
Sweetmaking ..	£6	£6	£1 to £2.16s.	£1 to £2.16s.	£3	£3	£1.2s. to £1.10s.	£1.2s. to £1.10s.
Tailoring :								
Males .....	£6 to £8	£3	£1 to £5.10s.	17/6 to £2.10s.	£2.10. to £4.10.	—	£1.4s.	—
Females .....	—	£2	£1 to £2.15s.	15/- to £1.12.6.	—	—	—	—
Textile industry	£1.10s.	£1.10s.	£1 and £1.4s. <sup>11</sup>	£1 and £1.4s. <sup>11</sup>	£1.10s.	£1.10.	£1	£1

<sup>1</sup> Main inland industrial areas (principally Witwatersrand).<sup>2</sup> Coastal towns and smaller inland centres.<sup>3</sup> Foremen : £6.13.6d.<sup>4</sup> Foremen : £6.<sup>5</sup> The prescribed rate applies to all the principal towns.<sup>6</sup> Applicable to all employees with less than 5 years' experience.<sup>7</sup> Operatives.<sup>8</sup> Seamstresses £2.10s.<sup>9</sup> The rates prescribed vary from £1.10s. to £6 per week, the industry being sub-divided into a number of operations. The rates of pay for apprentices range from 15/- in the first year to £3.5.0 in the last six months.<sup>10</sup> Note : In addition to the wages prescribed for apprentices, who are required to serve seven years, there are several scales of pay for employees who are learning semi-skilled work.<sup>11</sup> Six months' learnership.

dinance 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); *Trengganu* (Labour Enactment, 1352); *Fiji* (Ordinance 14 of 1935); *Grenada* (Ordinance 18 of 1934); *Trinidad* (Ordinance 6 of 1935); *Saint Lucia* (Ordinance 5 of 1935); *Saint Vincent* (Ordinances 14 and 26 of 1935); *Sierra Leone* (Ordinance 30 of 1934) and *Zanzibar* (Decree No. 1 of 1935). In *Kedah* and *Perlis* the Enactments Nos. 2 and 3 of 1945 have been supplemented by Enactments Nos. 19 and 10 of 1951 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.

*Italy.* — The Government states that by Royal Decree No. 2,006 of 29 April 1935 trade union regulations have been extended to *Lybia*, and that Royal Decree

No. 2,007 of the same date provides for the formation and organisation of colonial boards and offices in the corporative economy.

*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.* — The Commonwealth Conciliation and Arbitration Act and Regulations, 1904-1934, are administered by the Attorney-General's Department. An Industrial Registrar and Deputy Industrial Registrars have been appointed under § 51 of the Act. Part IV of the Act relates to the enforcement of orders and awards. Under § 49, it is an offence punishable by a fine of £20 wilfully to make default in compliance with any order or award. With regard to the recovery of wages, § 49 A of the Act provides that an employee who is entitled to the benefit of an award may at any time within 12 months from any payment by way of wages in accordance with the award becoming due to him, but no later, sue for the same in any Court of competent jurisdiction. § 50 A of the Act provides for the appointment of Inspectors for the purpose of securing the observance of the Act and of awards and orders made thereunder. The report observes that one such Inspector has been appointed and he is at present engaged in investigating the matter of the observance of awards relating to banking and insurance officials and to other employees in similar occupations. The Arbitration (Public Service) Act, 1920-1934, is also administered by the Attorney-General's Department. With regard to the enforcement of determinations of the Public Service Arbitrator, § 16 of the Act requires the Public Service Board, Chief Officers of Departments and all persons in the Public Service, to comply with the provisions of such determinations. The information supplied by the Government with regard to the States of the Commonwealth is as follows :

*Territory for the Seat of Government.* — The Industrial Board Ordinance, 1922-1933, is administered by the Attorney-General's Department. § 8 A of the Ordinance provides that a decision of the Board shall be binding on the workmen to whom it relates. By § 8 B, the Public Service Board, Permanent Heads and Chief Officers of the Departments of State, and persons in the Commonwealth Public Service, are to comply with the provisions of any determination made by the Industrial Board. Determinations also bind contractors with the Commonwealth under § 8 C. Any contractor who commits a breach

or non-observance of a determination is liable to a fine not exceeding £50. Any person employed by the contractor may at any time within nine months from any payment by way of wages in accordance with any determination binding on the contractor becoming due to him, but not later, sue for and recover the same in any court of competent jurisdiction. See also introductory note.

*Northern Territory of Australia.* — See introductory note.

*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.

*Victoria.* — The report states that supervision of the application of the Factory and Shops Acts of 1928 and 1934 is entrusted to the Department of Labour, attached to which are 8 female and 28 male inspectors. Their duties, under § 18 of the 1928 Act, include, in addition to the inspection of factories and shops, investigations as to compliance with Wages Board determinations. In the course of their inspection, they question employees as to their duties, hours of work and wages, and in order to reduce the risk of misrepresentation they may require employees to make sworn statements. § 176 of the 1928 Act requires employers to post in work places, in such a position as to be easily read by the employees, a true copy of the determination of the Wages Board. Under § 232, the employer is bound to pay his employee the price or rate determined by the Wages Board, and the employee if he has made demand in writing on such employer within two months after such money became due may take proceedings in any court of competent jurisdiction to recover from the employer the full amount or any balance due in accordance with the determination, any smaller payment or any express or implied agreement or contract to the contrary notwithstanding. Every person who employs or authorises to be employed any person at a lower rate of wages than the rate determined; or who is guilty of a contravention of any of the provisions with relation to any Wages Board determination shall under § 233 of the 1928 Act be liable to a penalty of not less than five nor more than one hundred pounds, according to the number of contraventions; and, under § 40 of the 1934 Act, to a penalty of not less than twenty and not more than two hundred pounds. § 40 of the 1934 Act 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 Trade 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. The report refers to the very important effect of this § 40, which is designed to prevent evasions of Wages Board determinations, and adds that, as a result of this legislation, the contracting evil in the bread trade appears to have been eradicated. The Bread Trade Tribunal has inflicted heavy penalties in two cases referred to it by the Courts.

*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 Decree No. 875 of 15 November 1933 which consolidates in a single text the Decrees concerning the regulations and organisation of the General Labour Inspectorate amended and completed by Decree No. 996 of 21 November 1934. 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 procedure for supervision is in accordance with the general principles for the organisation of factory inspection services contained in the Recommendation adopted by the International Labour Conference at its Fifth Session in 1923. § 48 of Act No. 5350 of 8 January 1934 provides that 'nitrates undertakings which contravene the awards of the Wage Board or Labour Court of Appeal will be called upon to pay the difference due under the terms of the award. They will moreover be liable to a fine of from 100 to 500 pesos for each infringement and to twice the amount in the case of a second offence. Complaint must be lodged with the competent Court within 30 days of receiving the payment to which objection is made.

*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 National Office of Weights and Measures, the Offices of Management of the Tientsin-Pukow, Kiaochow-Tsinan, Taokow-Chinghua, Nanchang-Kiukiang and Canton-Kouloon Railways, and the China Merchants' Steam Navigation Com-

pany. § 5 of the Provisional Regulations lays down that Government undertakings shall post the minimum wage rates in force in generally accessible parts of the workplaces, 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. § I of the Second Order of 20 February 1935 issued in application of the Act of 23 March 1934 completes the provisions concerning the drawing up of lists. These should state, on the one hand, by whom home work is given out or redistributed, and on the other, what persons are engaged in home work. §§ 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. The report adds that § II of the Second Order of 20 February 1935 issued in application of the Act of 23 March 1934 restricts the use of loose wage or work cards and stipulates that only wage registers or wage books initialled and stamped by the Employment Office shall be accepted as wage vouchers within the meaning of the Act.

*Great Britain.* — . . . The report states that during the year ended 30 September 1935 the number of inspections made in Great Britain was 22,280. The number of workers whose wages were examined was 215,312 and the number of prosecutions undertaken was 26. The amount of arrears of wages collected by the Minis-

try of Labour for the same period was £26,546. In Northern Ireland during the same period the number of workers whose wages were examined was 10,757 and one prosecution was undertaken. The amount of arrears of wages collected was £1,075.0.3¾.

*Hungary.* — The report states that supervision of the carrying out of the provisions in force in undertakings subject to inspection is entrusted in the first instance to the industrial authorities and is carried out by labour inspectors. The authorities exercise direct supervision by inspection and investigation on the spot. Under § 10 of Order 52,000 of 30 July 1935, every employer to whose undertaking the fixed minimum rates of wages apply shall be bound to display a legible notice of the minimum rates of wages in force in a position readily accessible to the employees in every work place where they are employed or where work is given out to them for performance off the premises, or where the work given out is returned on completion, or where the wages due for it are paid. The notice shall state the date of the publication and that of the coming into operation of the rates and shall be signed by the employer. Under § 12 an employee may claim from his employer the difference between the wage fixed by a contract or other agreement and the minimum rate of wages fixed in pursuance of this Order and compensation for the loss incurred by him in consequence of delay in payment of the wages due. Every agreement whereby an employee renounces the right to claim the differences between the stipulated wage and the minimum rate fixed in pursuance of this Order shall be null and void. The report adds that no special time limit is laid down in the Order for the exercise of this right, and the general provisions for the recovery of balance of wages due apply therefore to the minimum rates of wages. § 13 lays down that except where the action is covered by more stringent penal provisions, the following among others shall be deemed to be guilty of a contravention and shall be liable to a fine: ... (3) an employer who fails to display as stipulated a statement of the minimum rates of wages in force for his undertaking; ... (5) an employer who pays or offers as a condition of employment a wage below the minimum rate fixed for his undertaking or who dismisses or threatens to dismiss an employee because the latter is not satisfied with the fixed minimum rate. The penalty for a contravention shall be detention for not more than 15 days if the contravention has been committed by a person who has already been sentenced for a contravention of the same kind and a period of two years has not elapsed since the sentence was undergone. An action covered by (5) shall be

deemed to constitute a separate contravention in respect of each employee affected thereby. Proceedings in respect of the contraventions mentioned in this section shall be within the competence of the administrative authorities acting as police courts. See also introductory note.

*Irish Free State.* — ... During the year 1934 Court proceedings were taken against two employers.

*Nicaragua.* — 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 and Social Welfare, 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 and Social Welfare in so far as persons who are non-members are concerned. Where wages and hours are fixed by the Minister of Labour and Social Welfare 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 and Social Welfare. 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.

*Uruguay.* — See introductory note.

## V.

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

*Chile.* — The report states that cases of judgments applying the legislation relating to this Convention have grown more frequent in the past year. Copies of seven of these judgments are transmitted with the report. Of these, four sentence employers to pay their employees the difference between the wages actually paid and the minimum rates fixed for the industry in question. One further sentences an employer to a fine for having omitted to make with the employee the written contract which the Act demands.

*Germany.* — The report states that a decision was given by the Federal Labour Court on 13 July 1935 to the effect that workers may not waive their right to piece rates. (*Reichsarbeitsgericht 16/35*).

*Union of South Africa.* — The Government states that many decisions have been given by courts of law on technical points in connection with the enactment and enforcement of wage-regulating measures, but none of these directly affect the application of the Convention.

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.* — The Commonwealth Government states that, broadly speaking, the objects of the Convention are being carried out in the Commonwealth. All States have introduced legislation upon industrial matters and various methods have been used, including the appointment of Arbitration Courts and other Industrial Tribunals consisting generally of independent persons; Conciliation Committees and Wage Boards consisting generally of representatives of employers and employees with a Chairman who is neither an employer nor an employee. The Government adds that it is not aware of any observations referring specifically to the Convention or legislation implementing it. 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. The report states that the workers' organisations concerned have pointed out that Chilean legislation contains no machinery for fixing a wage sufficient to provide the necessities of life. The Government has set up a committee to study this problem and report during the current year on: (1) the cost of living and present wage levels; (2) methods of fixing minimum wages; (3) the paying power of industry in connection with a general wage revision policy; and (4) means of obtaining the satisfactory investment or other use of wages. The Government adds that as soon as this committee has completed the duties referred to it, steps will be taken to give legislative form to its conclusions.

*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. The report adds that there is nothing particular to report with regard to the application of the Convention. No observations have been received from the organisations of workers concerned.

*Colombia.* — See introductory note.

*France.* — The report states that the labour inspection service instituted proceedings, during 1934, in 27 cases arising out of 81 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	26
§ 33 b	5	5
§ 33 c	11	50
§ 33 n	—	—
	27	81

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. At the request of an employers' organisation, the scope of the machinery has been extended to include silk and rayon fabric weaving, under the terms of the Decree of 25 July 1935.

*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), and the article by Hans Nehls, published in the *Reichsarbeitsblatt* 1935, VI p. 197. 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.* — The Government states that it is not yet possible to furnish information as to the manner in which the Convention is applied in Hungary. The report adds that no observations have been received from the employers' or workers' organisations concerned regarding the practical fulfilment of the conditions prescribed by the Convention.

*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 Government intends to forward information, when published, on the conciliation function of corporative bodies, and on the work of magistrates in labour disputes. No complaints have been made by the trade union organisations concerned with regard to the practical application of the Convention.

*Nicaragua.* — See introductory note.

*Norway.* — The Government 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 or the application of the national law implementing the Convention.

*Union of South Africa.* — The report of the Government refers to the Report of the Department of Labour for the year ended December, 1933, pages 36-45, 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 1933 there were 46 registered industrial councils, and that during the year four new councils were established and eight were de-registered. The Report adds that the depression in trade continued during the earlier part of 1933, and there was in consequence a further decline in the number of wage agreements entered into under the Act and in the number of persons affected by wage regulation. During periods of depression, with their accompanying unemployment, the organisation among employers and more especially among employees tends to relax, with the result that wage agreements in the case of weaker Councils are allowed to lapse. Where, however, wage regulation continues, the tendency which exists during periods of depression for wages to become unduly lowered is held in check. It is not surprising that with the improvement in trade and the unemployment position, increased interest in the regulation of wages and other conditions of labour became apparent towards the end of the year. Forty-seven agreements were in operation during 1933, and 23 were still in force at the end of the year, at which date there were 2,854 employers and 27,777 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 of the Department of Labour states that six notices in terms of § 9 (4) of the Act were published. With regard to the administration of the Wage Act, the Report of the Department of Labour states that at the end of the year 19 determinations were in operation

affecting approximately 13,798 employers and 66,739 employees. The Report adds that, generally speaking, employers appreciate the fixation of minimum wages under the law which protects the employer who prefers to pay a fair wage from unfair competition. It might be expected that once a minimum wage was fixed it could be left to the worker to ensure that he received at least the wage prescribed. In practice the underpaid worker does not protest for fear of being discharged. Where unions exist, a high degree of co-operation generally follows; but in many of those industries in which determinations operate, organisation among the workers is either poor or non-existent and it becomes necessary for the State to try to ensure that the law is complied with. Collusion does exist between the employer and the employee under which the worker agrees to accept a wage lower than that to which he is entitled. Such agreements are seldom detected until the employee is discharged. Although the Department's officers often succeed in recovering underpaid wages,

the Courts are generally not disposed to convict the employer on the ground that the discharged worker has been a party to the evasion of the law. There is reason to hope, however, that with continued co-operation from organisations of employers and employees, this evil will become less prevalent. 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 have been under consideration by a Commission appointed to investigate and report on the effects of these statutes. Reference is made to the report of this Commission, which was presented at the end of the year 1934, and which deals with various aspects of the administration and enforcement of the industrial laws of the Union. The Government also forwards, as an appendix to the report, a copy of the amended instructions at present issued to the inspection staff.

*Uruguay.* — See introductory note.

## 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 22 of the International Labour Organisation, were called upon to submit reports for the period 1 October 1934-30 September 1935 or for part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Australia . . . . .	9. 3.1931	29.11.1935
Belgium . . . . .	6. 6.1934	24.10.1935
Chile . . . . .	31. 5.1933	20.12.1935
China . . . . .	24. 6.1931	30. 1.1936
Czechoslovakia . . .	26. 3.1934	12. 2.1936
Estonia . . . . .	18. 1.1932	19.10.1935
Finland . . . . .	8. 8.1932	1.11.1935
Germany . . . . .	5. 7.1933	26.10.1935
India . . . . .	7. 9.1931	14.12.1935
Irish Free State . . .	5. 7.1930	3.12.1935
Italy . . . . .	18. 7.1933	11. 2.1936
Japan . . . . .	16. 3.1931	29. 1.1936
Luxemburg . . . . .	1. 4.1931	10. 2.1936
Mexico . . . . .	12. 5.1934	
Netherlands . . . . .	4. 1.1933	18.11.1935
Nicaragua . . . . .	12. 4.1934	5.12.1935
Norway . . . . .	1. 7.1932	15.10.1935
Poland . . . . .	18. 6.1932	28.11.1935

COUNTRIES	Date of registration of ratification	Reports received
Portugal . . . . .	1. 3.1932	16. 1.1936
Rumania . . . . .	7.12.1932	23. 3.1936
Spain . . . . .	29. 8.1932	
Sweden . . . . .	11. 4.1932	5.11.1935
Uruguay . . . . .	6. 6.1933	16. 3.1936
Venezuela . . . . .	17.12.1932	15.10.1935
Yugoslavia . . . . .	22. 4.1933	11.11.1935

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

The Government of *Nicaragua* states in its report that the text of the Convention and of the Congressional Decree approving it, have been communicated to the Head Office of the General Customs Service of the Republic, in order that appropriate measures may be taken to enforce their provisions.

The *Rumanian* Government states in its report that the Ministry of Labour in agreement with the Ministry of Communications has prepared a Bill giving legislative form to the provisions of the Convention. This Bill will shortly be submitted to the Legislative Council, and will then be laid upon the table in Parliament.

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

The ratification of this Convention by *Switzerland* was registered on 8 November 1934. The Convention should therefore under ARTICLE 3 come into force in Switzerland twelve months after this date. The Federal Council, however, fixed an earlier date for the Federal Act implementing the Convention, namely, 1 October 1934, and the Council has submitted a voluntary annual report on the measures taken to implement the provisions of the Convention. This report was received by

the International Labour Office on 1 November 1935.

The Government of *Uruguay* states in its report that the Decree issued on 22 January 1936 in application of the Act of 21 July 1914 concerning the prevention of industrial accidents provides in Chapter XVIII that any package or object of one thousand kilograms or more gross weight consigned within Uruguyan territory 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, these provisions allow an approximate weight to be marked.

The Government of *Venezuela* states in its report that it considers that there is no need to introduce any amendments to the Labour Act of 23 July 1928 (L. S. 1928, Ven. 2), since the provisions of that Act are, generally speaking, in accordance with the Conventions ratified by Venezuela. The report states further that it is impossible to supply the detailed information required, because Venezuela is not a genuinely industrial country.

## 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.

### *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, No. 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. 4 A).

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. 4 B).  
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. 4 C).

### *Belgium.*

Act of 2 July 1899 concerning the safety and health of workpeople in industrial and commercial undertakings.

Royal Order of 31 December 1932 requiring the marking of the weight on heavy packages transported by vessels (L. S. 1932, Belg. 7).

### *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.

### *Czechoslovakia.*

Act of 18 December 1934 concerning the marking of the weight on heavy articles transported by vessels. (L. S. 1934, Cz. 10).

Transport Regulations of the Czechoslovakia Railways.

### *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.*

Act of 21 December 1934 making compulsory the marking of gross weight on packages and articles of 1000 kilograms or more gross weight consigned for transport by sea or inland waterway. (L. S. 1934, I.F.S. 4).

*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. 2 A).

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. 2 B).

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. 2 C).

Decree of 1 December 1932 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. 2 D).

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. 2 E).

*Nicaragua.*

See introductory note.

*Norway.*

Act of 22 April 1932 concerning the marking of the weight on heavy packages transported by vessels (L. S. 1932, Nor. 1).

*Poland.*

Act of 31 January 1935 concerning the marking of the weight on packages transported by vessels. (L. S. 1935, Pol. 1.)

*Portugal.*

Decree No. 20,611 of 11 December 1931, to provide for the marking of the weight on packages or objects of more than one thousand kilograms gross weight transported by vessels (L. S. 1931, Por. 5).

Decree No. 21,024 of 24 March 1932 to settle the procedure to be followed in cases infringement of the provisions of the preceding Decree.

*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.

See also introductory note.

*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).

*Switzerland.*

Federal Act of 28 March 1934 concerning the marking of the weight on heavy packages consigned for transport by vessels. (L. S. 1934, Switz. 2.)

Circular, dated 8 November 1934, from the Federal Department of Public Economy to the cantonal Governments concerning the implementing of the above Act.

Various cantonal measures of an organising and administrative nature.

See also introductory note.

*Uruguay.*

See introductory note.

*Venezuela.*

See introductory note.

*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.).

*Belgium.* — § 1 of the Royal Order of 31 December 1932 provides that any package of one thousand kilograms (one metric ton) or more gross weight consigned for transport by sea or inland waterway shall have its weight plainly, conspicuously and durably marked upon it on the outside before it is loaded on a ship or vessel. The weight thus marked shall not differ from the actual weight by more than five per cent. The above obligation shall not apply to packages coming from abroad either in transit or under an exemption permit. Under § 2, the obligation to mark the weight on the package shall be incumbent upon every consignor acting either for himself or for another. If the consignor is acting for another, the obligation to mark the weight shall be incumbent upon the latter, who shall be bound to comply therewith before handing over the package if he is aware that it is being consigned for transport by sea or inland waterway. Under § 4, the Minister of Industry and Labour may grant exemptions from the provisions of this Order, after consultation with the competent technical department. The report adds that no advantage has as yet been taken of this exception.

*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.

*Czechoslovakia.* — Under § 1, the Act of 18 December 1934 provides that any package of 1,000 kilograms or more gross weight consigned in the territory of the Czechoslovak Republic for transport by sea or inland waterway shall have its gross weight in kilograms marked upon it on the outside. The weight shall be marked plainly and durably. The consignor of the goods shall be responsible for the marking of the weight, which shall be done at the time when the package is consigned to the first carrier, even if only for conveyance on land over a part of its journey. The report adds that provisions have been added to the transport Regulations of the Czechoslovak Railways requiring that any package of 1,000 kilograms or more gross weight consigned for transport by rail shall have its gross weight marked upon it as required, in the case of heavy packages transported by vessels, by the international Convention concerning the marking of the weight.

*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.* — Under § 1 (1) of the Act of 1934 concerning carriage by sea (heavy articles), it shall not be lawful to load or attempt to load into any ship, barge, or other vessel for transport by sea or inland waterway from a port or other place in the Irish Free State (whether to a port or other place in, or to a port or other place outside, the Irish Free State) any package or object the gross weight of which equals or exceeds one thousand kilograms, unless the true gross weight of such package or object is plainly and durably marked on the outside of such package or object when such package or object is so loaded into such ship, barge, or other vessel. Under § 1 (2), it shall not be lawful to export or attempt to export from the Irish Free State across a land

frontier, for transport (commencing outside the Irish Free State) by sea or inland waterway, any package or object the gross weight of which equals or exceeds one thousand kilograms, unless the true gross weight of such package or object is plainly and durably marked on the outside of such package or object when such package or object is so exported. Where by reason of the size, nature, or shape of the package or object or for any other cause it is not reasonably practicable to ascertain the exact gross weight of a package or object required by this section to be marked with the true gross weight thereof, it shall be a sufficient compliance with this section to mark on such package or object in accordance with this section the approximate gross weight thereof ascertained or estimated with as close an approach to accuracy as is reasonably practicable in the circumstances (§ 1 (3)). Under § 1 (4), whenever a package or object is loaded or attempted to be loaded into a ship, barge, or other vessel or is exported or attempted to be exported in contravention of this section, the person who by himself, his servant, or agent consigns in the Irish Free State such package or object for transport in such vessel or for such export shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £10.

*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).

*Nicaragua*. — See introductory note.

*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*. — § 1 (1) of the *Act* of 31 January 1935, concerning the marking of the weight on goods transported by vessels provides that any partly or completely packed consignment of one thousand kilograms or more gross weight or any other object of the said weight which is consigned within the territory of the Republic for transport by sea or inland waterway shall have had its weight marked upon it on the outside or in some other

place where it can easily be seen, in figures and letters not less than 8 centimetres high, of a colour readily distinguishable from that of the packing of the goods or from that of the goods and such that it will not wash off, before the object in question is loaded on a ship or vessel. § 2 authorises the consignor or forwarding agent in exceptional cases where it is difficult to determine the exact weight of the goods, to mark the approximate weight. Under § 1 (2) the obligation to mark the weight in the manner specified falls on the consignor, unless the goods are despatched by the forwarding agent, in which case the said obligation shall fall upon the forwarding agent.

*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. See also introductory note.

*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.

*Switzerland.* — See introductory note. § 1 (1) of the Federal Act of 28 March 1934 requires that any package or object of one thousand kilograms or more gross weight which is consigned within the territory of the Swiss Confederation for transport by sea or inland waterway shall have its gross weight in kilograms plainly and durably marked upon it on the outside. § 2 (1) requires that the weight shall be marked before the package or object is loaded on a vessel and before it leaves the territory of the Swiss Confederation. § 1 (2) provides, by way of exception that, if it is impossible for special reasons to ascertain the exact weight, the approximate weight may be marked instead of the exact weight, provided that it is clearly stated on the package that the weight marked is merely approximate. Under § 3 the provisions of this Act do not apply to goods transported in bulk; nor to goods in transit, unless they are reconsigned from Switzerland with new bills of lading. Under § 2 (2) the consignor and his representatives are made responsible for the marking of the weight.

*Uruguay.* — See introductory note.

*Venezuela.* — See introductory note.

*Yugoslavia.* — The report states that, in order to enforce the Order of the Minister of Communications of 31 December 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 following territories: In the Mandated Territory of *New Guinea*, Ordinance No. 17 of 1932, dated 31 August 1932, concerning the marking of the weight on heavy packages transported by vessels (L. S. 1932, L. N. 4) gives effect to the provisions of the Convention. The obligation for having the weight marked falls upon the consignor. The master of a vessel who permits unmarked heavy packages to be loaded is also liable to a penalty. The Ordinance provides that the master of any ship shall arrange for some competent person to give to the workers actually employed in unloading from such ship any package or article of cargo which has been loaded outside the Territory and which is not marked in the required manner, verbal advice as to the approximate weight of each such package or article about to be unloaded. Customs and Port Authorities supervise and enforce the Ordinance. In all cases of heavy packages arriving in this Territory from Overseas, the full requirements of the Ordinance have been observed and no prosecution has been necessary. With regard to the Mandated Territory of *Nauru*, the Marking of Weight on Heavy Packages Ordinance, 1932 (L.S. 1932 L.N. 7) is fully in harmony with the provisions of the Convention. The report states that "the application of the Convention on a small island such as Nauru is a matter of extreme simplicity. There is only one loading point on the island and little or no cargo is shipped other than phosphate, which is loaded in bulk on mechanical conveyors. All cargo both inwards and outwards is handled by the British Phosphate Commissioners, and this circumstance, combined with adequate police and other supervision by the Administration, renders risk of breaches of the law applying the Convention quite non-existent." No observations were received from organisations of workers or employers regarding the conditions prescribed by the Convention or the application of the national law implementing it. The Convention has been applied to the Territory of *Norfolk Island* by Ordinance No. 5 of 1932

dated 31 August 1932, concerning the marking of the weight on heavy packages transported by vessels (L. S. 1932, Austral. 2). The obligation of seeing that a package is marked as required is placed on the consignor, with a further penalty on the master if he permits unmarked heavy packages to be loaded. The Administrator of Norfolk Island states that no instances of contravention have come under the notice of the Administration during the period covered by the report. With regard to the territory of *Papua*, the provisions of the Convention are applied by Ordinance No. 4 of 13 July 1931 and Regulation No. 14 of 18 July 1931 on Navigation (Loading and Unloading) (L. S. 1931, Austral. 4), as modified by Regulation No. 18 of 5 September 1933. The report states that "there are no weighbridges in Papuan ports, nor appliances suitable for weighing heavy compact lifts unless of small dimensions in length and breadth, which could be placed on the machines used for weighing products for export such as copra." The application of the legislation and regulations is entrusted to the Customs Branch of the Treasury Department. It is the duty of the Collector of Customs at each port to inspect markings on heavy packages and report any failure to so mark. Local Courts have so far not dealt with any case of failure to observe regulations, nor was any case of infringement brought to the notice of the Lieutenant Governor. There are no organisations of employers or employees in *Papua*. The report adds that "it will be understood that the native workmen are primitive, and do not know anything about weight markings. They merely know that something is 'heavy' or 'very heavy'. Perhaps for this reason the strict enforcement of regulations is more desirable. There is reason to believe, however, that the actual care taken to protect workmen in respect of heavy lifts is adequate".

*Belgium.* — The provisions of this Convention have not as yet been applied to the *Belgian Congo* nor to the Mandated Territories. The Government states that the possibility of making this Convention applicable in the African territories under Belgian mandate is being examined.

*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, since in practice it does not occur in that heavy packages of the kind dealt

with in the Convention are required to be transported. The Governor of *Curaçao* is considering in what manner this question can be included in existing legislation. The Governor of the *Netherlands Indies* states that the full application of this Convention is not considered possible. At present an enquiry is being made into the deviations that are necessitated by local circumstances.

*Portugal.* — The provisions of the Decree which implements the Convention apply only to the home country and to the adjacent islands (the Azores and Madeira) and consequently exclude the Portuguese colonies. The report states that when the Government ratified the Convention it reserved the right to take a decision later with regard to its application to the colonies; the report also refers to the statements on this point which have been made by the Portuguese Government Delegates at various Sessions of the International Labour Conference.

#### IV.

*Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.*

*Belgium.* — § 3 of the Royal Order of 31 December 1932 requires labour inspectors and labour inspections delegate, to verify the accuracy of the weight marked on packages. For this purpose they may require the production of the manifests or bills of lading relating to the packages undergoing verification by them.

*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 Decree No. 875 of 15 November 1933, consolidating in a single text the Decrees concerning the organisation of the general Labour Inspectorate amended and completed by Decree No. 996 of 21 November 1934. 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 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.

*Czechoslovakia.* — The Act of 18 December 1934 concerning the marking of the weight of heavy articles transported by vessels provides, under § 2, that contraventions of the provisions laid down in § 1 shall be punished by a fine of not less than 20, nor more than 200 Czechoslovak crowns, or, in default of payment, detention for not less than six or more than forty-eight hours. Under § 3, the Ministers of Social Welfare, Public Works and Railways, in agreement with the other Ministers concerned, shall be responsible for its administration.

*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.* — The report states that Department of Industry and Commerce Inspectors of Factories and Workshops, who have extensive statutory functions in respect of docks, wharves and quays, report contraventions of the Act. Under § 1 (5) of the Act of 21 December 1934, offences against the Act may be prosecuted by the Minister for Industry and Commerce.

*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 inspect-

ors 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.

*Nicaragua.* — See introductory note.

*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.* — The application of the provisions of the Act of 31 January 1935 concerning the marking of the weight on goods transported by vessels will be supervised, under § 3 by the Maritime Office at Gdynia, or the Labour Inspectorate, and, in inland navigation, by the authorities responsible for supervising this class of navigation, or the Labour Inspectorate. § 4 provides that, if the consignor or forwarding agent has failed to mark the weight, the maritime office at Gdynia or the authority responsible for supervising inland navigation, as the case may be, shall mark the weight at the expense of the consignor or forwarding agent concerned. § 5 provides that, in cases of obstinate contravention of the provisions of this Act, the director of the maritime office at Gdynia or the authority responsible for supervising inland navigation, as the case may be, may impose a fine not exceeding 200 zloty on the consignor of forwarding agent concerned.

*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. See also introductory note.

*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. See also under VI.

*Switzerland.* — See introductory note. § 4 of the Federal Act of 28 March 1934 provides that the Cantons shall be responsible for the supervision of the administration of this Act, and shall designate the administrative authorities. The Federal Council shall exercise supreme supervision through the Department of Public Economy (Federal Office of Industry, Arts and Crafts, and Labour). By circular dated 8 November 1934 this Department instructed the cantonal governments on the origin and objects of the Act and on their responsibilities in the matter. The Cantons have provided in different ways for the necessary supervision which in some cases has been entrusted to the police, in others to the authorities dealing with economic questions, in yet others, to inspectors of weights and measures. The provisions of the Act have been made known to the public through the cantonal Gazettes, and circulars have also been delivered direct to the firms particularly concerned, while some Cantons have distributed notices to business and transport firms, railway stations and ports. § 5 provides that : any person who either wilfully or through negligence fails to mark the weight in conformity with the provisions of §§ 1 and 2 shall be punished by a fine not exceeding 500 francs ; and that the Cantons shall be responsible for prosecution and judgment in respect of contraventions.

*Uruguay.* — See introductory note.

*Venezuela.* — See introductory note.

*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 and no observations as to their working have been received from employers or employees.

*Belgium.* — The Government states that no statistics are available on the number and nature of infringements reported by the Inspectorate. The report adds that so far no observations have been made by either employers' or workers' organisations on the practical fulfilment of the provisions of the Convention, or the application of the national law implementing it.

*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. The Government adds that there is nothing particular to report with regard to the application of the Convention, and that no observations have been received from the organisations of employers or workers concerned.

*Czechoslovakia.* — No information.

*Estonia.* — The report states that there is nothing particular to report on the application of the Convention, since this presents no difficulties. The Government has received no observations from the organisations of employers or workers concerned regarding the practical fulfilment of the provisions of the Convention.

*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.* — In reply to the request of the Committee of Experts for particulars as to the practical working of the exception allowed under § 2 of the Act of 28 June 1933, in the case of goods transported in bulk, the Government states that the exception is allowed only in the case of goods transported in bulk which are not packed, and it applies more particularly to products of the iron and steel industry which are consigned in large quantities in invariable form and the weight of which is easy to estimate and is generally known to the dockers, for instance, rails, girders, metal plates, and so on. The Government refers to the discussions of the Committee on the Prevention of Accidents which drafted the Convention, and quotes the Record of the Twelfth Session, held on 15 June 1929, and the Report of the Chairman, Sir Malcolm Delevingne. The report adds that the exception was allowed because in the opinion of the heavy iron industry it was impossible to mark the exact weight of each item in the case of products despatched in large quantities daily. The exception does not apply to individual products of the iron and steel industry and the mechanical engineering industry, or to tree trunks, etc. 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. Six cases have been reported



in which heavy packages were tendered for shipment without having had the gross weight marked upon them. They were however, accepted for shipment after the weight had been duly stencilled on them by the shippers. 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.* — The Government states that the Carriage by Sea (Heavy Articles) Act became law on 21 December 1934; and that no reports of contraventions have since been received. The provisions of the Act have been brought to the notice of persons concerned through the Press. No observations have been received from organisations of employers or workers.

*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 Government states that the observance of the measures implementing the Convention is not entirely satisfactory, partly because their provisions are not sufficiently well known. Eighty inspections have been carried out on sea-going vessels and fourteen on vessels engaged in inland navigation. In 46 and 10 cases respectively the weight was not marked on heavy packages. The Government states that difficulties sometimes arise in the case of goods coming from abroad from the way in which the Convention is interpreted in different countries. In some, for example, it is not

considered compulsory to mark the weight on steel beams, girders or similar goods, each of which weighs more than 1,000 kilograms, because these are goods transported in bulk (*onverpakte massagoedern*). This interpretation does not take into consideration the possibility that consignments may subsequently be broken up and the articles be transported separately. The Government is unaware of any observations from employers' or workers' organisations.

*Nicaragua.* — See introductory note.

*Norway.* — The Government states that the Convention is strictly applied; no observations have been received from employers' or workers' organisations on the practical fulfilment of the conditions prescribed by the Convention, or the application of the national law implementing it.

*Poland.* — The Government states that no cases of infringement of the Act have been brought to its notice; nor have any observations been received from the organisations of employers or workers concerned.

*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. See also introductory note.

*Sweden.* — The Government states that an enquiry carried out during the year 1934 showed that there were certain cases of failure to mark the weight on heavy packages consigned for transport by vessels as required under the Act of 11 March 1932. This was generally due to ignorance of the measures in force. In order to make the provisions of the Act better known the Department of Labour and Social Welfare sent a memorandum giving the necessary information to the Swedish Association of Shipowners to be forwarded to the masters of vessels belonging to the affiliated shipowners, and to the Swedish Association of Industrial Employers, the Swedish Port Association, and the Southern Sweden and Norrland Associations of Consignors, for transmission to the members of these Associations. The



Department also asked the Swedish Association of Shipowners, the Swedish Port Association and the two Associations of Consignors to invite their members and the masters of vessels to report to the district Labour Inspectorate any cases which come to their notice of failure to observe the regulations. At the request of the Department of Labour, the Department of Commerce on the one hand asked inspectors of vessels to assist in supervision, and the Customs Department, on the other, issued as part of its rules and regulations a circular requiring local customs authorities to take part in supervision. The Labour Department also asked labour inspectors and inspectors of mines to help in making the provisions of the Act known. Labour inspectors have been urged to prosecute offenders against the Act unless there are special reasons for leniency. Prosecutions have occurred and sentences have been passed. In cases where the provisions of the Convention have not been observed in regard to goods loaded abroad, the Labour Department has brought these infringements to the notice of the foreign authority concerned through the Ministry for Foreign Affairs. During the year 1935, four such reports were made by the local customs or port authority to the labour inspector concerned and forwarded to the Department of Labour. Ratifications of the Convention registered with the Secretariat of the League of Nations are brought to the notice of the authorities and associations mentioned above as soon as they are reported to the Labour Department. 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.

*Switzerland.* — See introductory note. The report states that the Federal Act in question has only recently come into force and that it is not yet possible to give information on the result of measures adopted by the Cantons. No penal sentence for infringement of the Federal Act has as yet been reported to the Federal authorities. During the period under review the Federal authorities have received no suggestions, complaints or observations from employers' or workers' organisations regarding the application of the provisions of the Convention, or the national laws and regulations implementing it.

*Uruguay.* — See introductory note.

*Venezuela.* — See introductory note.

*Yugoslavia.* — The report states that the Minister of Communications has not reported any cases of infringement.

## 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 1935 and which, in accordance with Article 22 of the Constitution of the International Labour Office, were called upon to submit reports for the period 1 October 1934-30 September 1935 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Irish Free State . .	5. 7. 1930	20. 1. 1936
Luxemburg . . . .	1. 4. 1931	10. 2. 1936
Nicaragua . . . .	12. 4. 1934	5. 12. 1935
Spain <sup>1</sup> . . . . .	29. 8. 1932	

The Convention was subjected to a partial revision by the International Labour Conference at its Sixteenth Session, and the revised draft Convention was adopted by the Conference on 27 April 1932.

\* \* \*

The *Irish Free State* Government, by letter dated 10 January 1936, states that "... the Docks Regulations, 1928 indicate the protective measures prescribed in Saorstát Éireann for the safety of such workers (i.e. workers employed in loading or unloading ships). These Regulations, made under § 79 of the Factory and Workshop Act, 1901, are enforced by inspectors of factories and workshops. The Regulations provide an extensive code of protective measures for the safeguarding of the life and limb of workers engaged in occupations certified as dangerous. The Minister notes that by Article 23 of the Convention in question 'the ratifi-

<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.

cation by a Member of the new revising Convention shall, *ipso jure*, involve denunciation of this Convention'. The Minister has had under consideration the revised Convention adopted in this matter at the Sixteenth Session of the International Labour Conference, and the revision of the Docks Regulations for the purpose of implementing the latter Convention. Consideration of the obligations entailed by ratification indicate the possibility of serious difficulties and the matter is accordingly being further explored. The position has been clarified by the Report of the Reciprocity Conference held in London in July 1935 at which the Irish Free State was represented. Regulations on the lines recommended are under consideration, but the fulfilment of the requirements of Article 9 (1) and (3) of the Convention as outlined in paragraph 3 of the Report still presents difficulties.

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 Government of *Nicaragua* refers in its report to §§ 41, 42 and 43 (Part IV) of the Act of 13 May 1930 respecting industrial accidents (L.S. 1930, Nic. 1), which relate to compensation for accidents occurring in the course of employment at sea.

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

## 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 22 of the Constitution of the International Labour Organisation, were called upon to submit reports for the period 1 October 1934-30 September 1935 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Australia . . . . .	2. 1.1932	27.11.1935 9.12.1935 6. 3.1936
Bulgaria. . . . .	22. 9.1932	15.11.1935
Chile . . . . .	31. 5.1933	20.12.1935
Denmark . . . . .	11. 2.1932	12.11.1935
Great Britain . . .	8. 6.1931	11. 2.1936
Irish Free State . .	2. 3.1931	7.10.1935
Italy . . . . .	18. 6.1934	22. 2.1936
Japan. . . . .	21.11.1932	29. 1.1936
Liberia . . . . .	1. 5.1931	3. 2.1936
Mexico . . . . .	12. 5.1934	
Netherlands . . . .	31. 3.1933	17.12.1935
Nicaragua . . . . .	12. 4.1934	5.12.1935
Norway . . . . .	1. 7.1932	15.10.1935
Spain . . . . .	29. 8.1932	30. 1.1936
Sweden . . . . .	22.12.1931	5.11.1935
Yugoslavia. . . . .	4. 3.1933	11.11.1935

The ratification of the Convention by *Australia* applies to the Commonwealth of Australia and the territories of *Papua* and *Norfolk Island*, and to the Mandated Territories of *New Guinea* and *Nauru*.

The Government of *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 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 Government of *Italy* states in its report that the Act of 29 January 1934 implemented the Convention in the Kingdom of Italy and in her colonies and possessions. The Royal Decree of 18 April 1935, which regulated forced or compulsory labour in the colonies, applies the Convention to all the colonies, without exception.

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 Government of *Liberia*, in a letter attached to its report, observes that "the form of report adopted by the Governing Body is very ill-suited to portray labour conditions in *Liberia*".

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

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 *Curaçao*. (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 '*particuliere landerijen*' in the *Island of Java*." The report states that Under Ordinance No. 661 of 1934, "*heerendiensten*" (compulsory labour for general public purposes) have been altogether abolished in the provinces of *West Java, Central Java* and *East Java*, except on "*particuliere landerijen*". In the *Outer Provinces*, "*heerendiensten*" for the transport of individuals and troops on the march and of their baggage have also been abolished. By the complete abolition of "*heerendiensten*" in the territories under direct administration in *Java* and *Madura*, such services can no longer be required in emergencies by the authorities, except for averting general danger. Under § 525 of the Penal Code, however, the authorities have a general power, among other things, to requisition assistance "in the event of danger, to the general safety of persons and goods", and this power naturally covers all sections of the population. It is held that this § 525 affords adequate safeguards in *Java* for obtaining the necessary labour in cases of emergency. In the *Outer Provinces*, it is still possible to requisition the assistance of the Native population in the event of forest fires, the breaking of dykes, and similar emergencies, on the basis of the existing "*heerendiensten*" Ordinances in force there. It is considered unnecessary to make a change in the circumstances prevailing in the *Outer Provinces*, in view of the fact that the "*heerendiensten*" regulations are still in force practically everywhere. An incidental amendment on these lines would make no change in the circumstances. The abolition of "*heerendiensten*" for the transport of troops on the march and their baggage is based on the argument that the granting of such assistance is dealt with separately by Ordinance No. 472 of 1933, and placed under penal sanctions. This same Ordinance defines the giving of such assistance as a normal civic duty incumbent on the whole population, so that services of this kind may be demanded of any person irrespective of nationality. The report adds that neither of the above-mentioned Ordinances has yet come into operation, but it may be expected that the date for their coming into force will be fixed shortly. The report adds further that negotiations with the self-governing authorities of the Native States in *Java* with a view to the amendment of their

"*heerendiensten*" regulations in the light of the above-mentioned requirements of the Convention have also led to agreement, so that the settlement of this matter may be expected in the near future.

The Government of *Nicaragua* states in its report that there is no forced or compulsory labour in Nicaragua, except that required by way of taxation under § 21 of the Act of 14 May 1930, and entitled the road tax. The section in question provides that every person possessing a fortune of less than 1,000 córdobas shall contribute one day's work for the construction of roads, provided that any person may purchase exemption for the sum of 50 centavos. The report adds that persons with a fortune of over 1,000 córdobas pay the tax at the rate of 1 córdoba per thousand.

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. §§ 24 and 74 of the Regulations of 6 August 1906 concerning Native labour in the

Spanish territories on the *Gulf of Guinea* are no longer in force. In accordance with the exceptions provided in Article 2 of the Convention (military service and minor services performed by the members of a community in the latter's direct interest) the work done last year, by reason of its nature, is not covered by the expression "forced or compulsory labour". Nor does forced labour for private persons exist, the provisions on the subject which might have been taken in conjunction with the above-mentioned §§ 24 and 74 having been repealed by other and later measures. § 17 of a Decree of 27 September 1934 lays down that from 1 January 1935 the proposition of contracts of employment to, or the conclusion of such contracts with, workers not registered at the employment exchanges or to whom employment has already been offered under § 7 of the Decree, shall be prohibited. The report adds that it is therefore clear that private persons are concerned solely with the employment of Natives who freely undertake such employment. In these territories, persons of native race are not subject to obligations exceeding those placed on citizens of Spain, in which country there are provisions prescribing personal service in specified circumstances. This service forms part of normal civic obligations and provision for it is also to be found in the Vagrants and Evildoers Act of 4 August 1933; it is covered by Article 2, paragraph (b) of the Convention. Apart from the cases provided for in Article 14 of the Convention, wages are paid in all cases to the workers themselves, there being no provision to the contrary. This rule was laid down explicitly in § 7 of a Decree of the Governor-General of Spanish Guinea relating to conditions of employment, dated 12 February 1935.

For the fourth 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 11 December 1935.

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* or in *Norfolk Island*. The report for the territory of *Papua* states that "forced or compulsory labour does not exist; it is therefore not necessary to suppress it." The report adds that "compulsory carriage for the Government does not, it is assumed, come under this head.

In *New Guinea*, the only legislation dealing with labour that could be classed under the heading of "forced or compulsory labour" is Part V. a. of the Native Administration Regulations, 1924, which provides for the compulsory planting, harvesting and stowing of food crops.

With regard to the mandated territory of *Nauru*, the report states: "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)."

**Great Britain.** — The Government states that there is no law or custom permitting the exaction of forced or compulsory labour as defined for the purpose of the Convention in the *United Kingdom*, *Newfoundland*, and *Southern Rhodesia*.

In the following British dependencies which are not fully self-governing there is stated to be no law or custom permitting the exaction of forced or compulsory labour as defined by the Convention:

*Bahamas, Barbados, Bermuda, British Guiana, British Honduras, Ceylon, Cyprus, Falkland Islands and Dependencies, Fiji, 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, Trans-Jordan, 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 Trans-Jordan to the above list results from the adoption of the Forced Labour (Prohibition) law of 1934, which was enacted on 8 December 1934. This Law prohibits the exaction of all forced or compulsory labour. "Forced or compulsory labour" is defined as all work or service which is exacted from any person under the menace of material or moral injury and for which the person has not offered himself voluntarily, but does not include the work or service exempted under paragraphs (c) and (d) of Article 2 of the Convention, and any work or service exacted under and by virtue of the Locust Destruction Law, 1929, or the Road Tax Law, in the places where this law is still in force. The penalties provided by the law for cases of infringement are imprisonment for a term not exceeding

six months or a fine not exceeding £50, or both penalties.

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, Uganda Protectorate.*

Below is given a list of the relevant laws in these territories.

#### *Gold Coast.*

Gold Coast Colony Labour Ordinance (No. 21 of 1935); this applies also to the Southern Section of Togoland under British Mandate.

Ashanti Labour Ordinance (No. 32 of 1935).

Northern Territories Labour Ordinance (No. 33 of 1935); this applies also to the Northern Section of Togoland under British Mandate.

Roads Amendment Ordinance, 1935 (No. 22 of 1935).

Towns Amendment Ordinance, 1935 (No. 23 of 1935), § 2, being a second amendment of § 38 (1) of the Towns Ordinance.

Criminal Code and Extension Ordinance, 1935 (No. 17 of 1935), § 16.

These six Ordinances were brought into force on 1 July 1935 by means of Proclamation.

Criminal Code, § 449 (7).

Roads Ordinance, Cap. 149.

Roads Maintenance Rules of Ashanti.

Roads Maintenance Rules of the Northern Territories.

Native Authority Ordinance of the Northern Territories, which applies also in the Northern Section of Togoland under British Mandate, § 9.

Towns Ordinance, Cap. 170, § 38 (1).

Sanitary bye-laws made under the Native Jurisdiction Ordinance.

#### *Kenya.*

Penal Code, § 243.

Native Authority Ordinance (Cap. 129), as amended by The Revised Edition of the Laws (Operation) Ordinance, 1926.

Native Authority (Amendment) Ordinance, 1928.

Native Authority (Amendment) Ordinance, 1930.

Native Authority (Amendment) Ordinance, 1931.

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. 18 of 1934) made under § 16 of the above Ordinance.

Regulations (No. 23 of 1935) made under § 16 of the above Ordinance.

The Ordinance and Regulations apply to the Protectorate, including the Cameroons under British Mandate, and §§ 1, 2, 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).

Native Tax Ordinance (No. 20 of 1934).

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.

#### *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.

#### *Italy.*

Royal Decree No. 917 of 18 April 1935 to issue regulations for forced or compulsory labour in the colonies (L. S. 1935, It. 7).

#### *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."

### 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 (amended 1935).

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, Nicaragua, 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.

*Italy.* — § 2 of the Royal Decree of 18 April 1935 prohibits the exaction of forced or compulsory labour for the benefit of private persons, in all cases and in whatever form. Under § 4, such labour may be allowed during the transitional period provided for in this Article of the Convention, for public purposes only, and as an exceptional measure, subject to the provisions laid down in the subsequent sections. The authorisation requisite for this purpose shall be given by the Minister of the Colonies on the recommendation of the Governor, accompanied by reasons. The decision of the Minister shall not be subject to appeal either by administrative procedure or in a court of law. See also below, under the different Articles.

For the other countries which have submitted reports, 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. For certain territories the reports supply the following information:

*Papua.* — The report states that this Article of the Convention does not call for action.



*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*).

*Gold Coast.* — The report states that the employment of compulsory labour in case of emergency is now provided for in § 13 of the Colony Labour Ordinance and in § 16 of the Ashanti and Northern Territories Ordinances. § 7 of the latter Ordinances provides also for compulsory cultivation in case of famine. The employment of compulsory labour in respect of minor communal services is governed by § 12 of the Colony Ordinance and § 15 of the Ashanti and Northern Territories Ordinances. Regulations are in process of being made to implement the provisions of the law in this regard.

*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. Regulations have also been made under § 16 of the Forced Labour Ordinance with regard to the exaction and employment of labour to prevent the spread of sleeping sickness in areas where there is a high incidence of that disease. The Regulations only apply to the Northern Provinces of the Protectorate and those parts of the Cameroons under British Mandate which are administered with the Northern Provinces and will only be used in cases of an extraordinary nature. Under these Regulations (No. 23 of 1935) the power to decide that the emergency is sufficient to justify the exaction of labour is vested in the Governor. Thereafter the power to exact labour from able-bodied adult males for work within the limits of the land occupied by the inhabitants of their town or village 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 able-bodied adult males who are subject to their jurisdiction. The employment of more than fifty per cent. of the adult male inhabitants of a town or village at any one time is prohibited and the maximum period for which any male may be required to labour under these Regulations in any one year is limited to six weeks. Provision is also made for adequate time to be allowed for food and rest. No forced labour under these Regulations has yet been exacted. The report adds that prior to the making of these Regulations in July 1935 sanction was given under § 14 of the Forced Labour Ordinance to exact forced labour in several Provinces for urgent anti-sleeping sickness work. In fact such Labour was only exacted in the Mirriam District of the Plateau Province, where 450 men of the village

of Kwong were employed in clearing vegetation and forest for one or two days each over a period of six days. In the Kaita and Mashi Districts of the Katsina Province, a number of adult males were employed for five days under the provisions of the Regulations concerning the exaction and employment of labour to deal with invasions of locusts (No. 13 of 1934). (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 1933-1934 Native Authorities in the Northern Provinces, 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.

*Italy.* — §§ 1 and 3 (a) to (e) of the Royal Decree of 18 April 1935 contain provisions similar to those contained in this Article of the Convention.

*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."

*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 § 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 Madura, with the exception of the so-called "*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, Nicaragua, 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. For certain territories, the reports supply the following information:

*Papua.* — The report states that this Article of the Convention does not call for action.

*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*.

*Italy.* — The report states that, for the purposes of the Royal Decree of 18 April 1935, the term "competent authority" includes the authority of the metropoli-

tan country and the highest central authority of each colony, in accordance with the terms of this Article of the Convention.

*Liberia.* — The “competent authority” for the purposes of this Convention is the Interior Department of the Republic.

*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, Nicaragua, 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. For certain territories, the reports supply the following information:

*Papua.* — The report states that the competent authority does not impose and never has imposed such forced or compulsory labour.

*Italy.* — Forced or compulsory labour for the benefit of private individuals is prohibited by § 1 of the Royal Decree of 18 April 1935 in all cases and in whatever form. The report adds that this provision ensures the permanent observance of the obligations imposed by this Article of the Convention.

*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.

*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 “*particuliere landerijen*” in the Island of Java. The report for the year October 1933 to September 1934 stated that this reservation was made in view more particularly of the unsatisfactory condition of the public Exchequer of the Netherlands Indies, which made it impossible to contemplate an expenditure of millions of florins for the purpose of purchasing the estates in question. The report for the period October 1934 to September 1935 states that, since the state of the Treasury still prevents the direct purchase of the “*particuliere landerijen*”, and it is nevertheless of importance to remove, so far as possible, the objections to such private ownership, which include forced labour, a plan has been made for the purchase of these estates through the medium of a semi-official body, with the help of funds which need not be directly supplied by the Treasury. It is proposed to effect such purchases through a limited company, to be established by the State together with the province of West Java. The value of purchase through the company is that it makes it possible to control the management of the estates bought, and an attempt can be made gradually to reduce the dues and services required of the persons on these estates, for — so far as the State finances allow — the estates bought will be gradually brought back into State ownership. In this way at least something can be done during the present unfavourable circumstances to lighten the burdens on the persons in question. The financial consequences to the State of sharing in the capital of the company it is proposed to set up are taken into account in the supplementary estimates.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Nicaragua, 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. For certain territories, the reports supply the following information :

*Papua.* — The report states that no concession exists of the kind mentioned.

*Italy.* — Since the Royal Decree of 18 April 1935 contains a general prohibition of all forced or compulsory labour for the benefit of private individuals, and mentions no exceptions, it is not possible to grant any concession to private individuals which might involve the exaction or continuance of any form of forced or compulsory labour.

*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.

*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, Nicaragua, 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. For certain territories, the reports supply the following information :

*Papua.* — The report states that "officials do not put restraint upon any one to work for private individuals, companies or associations".

*Great Britain.* — . . . In *Nyasaland*, § 17 of the Forced Labour Ordinance, 1933 lays down that "no . . . person in authority shall directly or indirectly put any constraint upon the population over which he exercises authority or upon any individual member thereof, to work for any private person."

*Gold Coast.* — The report states that an officer putting constraint on persons to work for private individuals is liable to punishment under § 5 of the three Labour Ordinance of 1935. § 449 of the Criminal Code has accordingly been amended by § 16 of the Criminal Code Amendment and Extension Ordinance of the Gold Coast, No. 17 of 1935, to conform with the three Labour Ordinances in question.

*Italy.* — The report states that the general scope of the prohibition laid down by the Royal Decree of 18 April 1935 excludes any possibility of officials of the administration putting constraint either upon populations or upon any individual members thereof to work for the benefit of private individuals, or even to encourage populations, for the object indicated in this Article of the Convention, to engage in such work.

*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.

*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, Nicaragua, 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. For certain territories, the reports supply the following information :

*Papua.* — The report states that chiefs are practically non-existent in Papua. Those who do exist do not have recourse to forced or compulsory labour.

*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.

*Gold Coast.* — § 3 of The Gold Coast Colony Labour Ordinance (No. 21 of 1935) provides that "from and after the coming into operation of this Ordinance the exaction or employment of forced labour, except under the provisions of the Roads Ordinance and of Part III of this Ordinance, shall be unlawful." § 3 of the Ashanti and of the Northern Territories Labour Ordinances (Nos. 32 and 33 of 1935) prescribe that from and after the coming into operation of the Ordinances the exaction or employment of forced labour of all kinds shall be unlawful "except as hereinafter provided." Under § 6(1) of the same two Ordinances, a chief may, subject to the provisions of any regulations made by the Governor in Council, have the enjoyment of such personal services as are reserved to him by native law and custom. The Gold Coast Colony Labour Ordinance (No. 21 of 1935) does not appear to contain any provision of this nature. See also under ARTICLE 10.

*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.

*Italy.* — The report states that, under § 4 of the Royal Decree of 18 April 1935, the granting of an authorisation for forced or compulsory labour, within the limits and for the objects admitted by the Convention, is within the competence of the Minister of the Colonies. Such an authorisation is given by the Minister on the

recommendation of the Governor of a colony, accompanied by reasons; in view of the above, therefore, chiefs — whether they exercise administrative functions or not — are implicitly prohibited from having recourse to forced or compulsory labour in accordance with this Article of the Convention.

*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.

*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 that the custom itself shall be neither abused nor extended.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Nicaragua, 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. For certain territories, the reports supply the following information:

*Papua.* — The report states that this Article does not call for action.

*Great Britain.* — The situation is summarised below.

*Gold Coast.* — In the Gold Coast Colony, §§ 6 and 7 of the Labour Ordinance (No. 21 of 1935) gives the District Commissioners the powers delegated to them under the Roads Ordinance. In Ashanti and the Northern Territories no such delegation of authority appears to be made, except in the case of work which is exempt under Article 2 (d) and (e) of the Convention.

*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.

*Italy.* — The report states that the responsibility for all decisions with regard to forced or compulsory labour for the purposes admitted by the Convention rests with the Minister of the Colonies, who takes such decisions on the recommendations of the Governor of the colonies. No delegation of this power to the local authorities is permissible in any case whatever.

*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.

*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, Nicaragua, 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. For certain territories, the reports supply the following information:

*Papua.* — The report states that in the absence of forced or compulsory labour this Article does not apply.

*Great Britain.* — The situation is summarised below.

*Gold Coast.* — See under ARTICLE 10.

*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.

*Italy.* — § 5 (a) and (b) to the Royal Decree of 18 April 1935 provides that, before making a recommendation for a permit for forced or compulsory labour as provided under § 4, the Governor shall satisfy himself that the labour to be exacted is of important direct interest for the community called upon to perform it, and that it is of present and imminent necessity. Under § 6, forced or compulsory labour as admitted under § 4 shall not be ordered unless it is impossible to procure sufficient voluntary labour at wage rates and under conditions of labour not less favourable than those prevailing in the area concerned for similar work or services voluntarily undertaken. § 5 (c) lays down that the Governor shall satisfy himself in advance that the work in question will not lay too heavy a burden upon the population, having regard to the labour available and its capacity to undertake the work.

*Liberia.* — See under other Articles and particularly under ARTICLE 8.

*Netherlands (Netherlands Indies).* — See under ARTICLE 10.

*Sudan (Voluntary Report).* — . . . See also under ARTICLE 10.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Nicaragua, 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. For certain territories, the reports supply the following information :

*Papua.* — The report states that this Article does not apply.

*Great Britain.* — The situation is summarised below.

*Gold Coast.* — The three Labour Ordinances (Nos. 21, 32 and 33 of 1935) contain similar provisions to those contained in this Article of the Convention (§ 7 of Ordinance No. 21, and § 6(2) of Ordinances Nos. 32 and 33). With regard to the Gold Coast Colony, the report adds that, as regards the construction and maintenance of roads, the enactment of the Labour Ordinance, No. 21 of 1935 and the Roads (Amendment) Ordinance, No. 22 of 1935 has rendered illegal in the Colony the employment of other than fully paid labour under proper conditions, in all cases where the work is not a minor communal service. In Ashanti and the Northern Territories, the upkeep of chiefs' roads is regulated by Road Maintenance Rules made by the two Chief Commissioners. Steps will be taken to amend the Rules to conform with the Labour Ordinances which were enacted in 1935 for the two territories in question.

*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 every effort has been, and continues to be, made to reduce the number of men who liquidate their tax liabilities by labour instead of cash. It will be noted that the number who paid their taxes by labour during the period under review is 17,707 less than that for the corresponding period last year. With the gradual return to prosperity which has been noticeable throughout the Territory during recent months, the measures set forth above have become increasingly effective in facilitating payment of tax in cash. § 11(1) of the new Native Tax Ordinance (No. 20 of 1934), which came into force on 1 January 1935, provides that any able-bodied male person from whom house tax or poll tax, or any instalment thereof, is due who has not the means of payment of the tax or instalment and who in the opinion of any collector, being an Administrative Officer, Financial Assistant, or Tax Officer, has not taken such reasonable steps as may have been within his power to procure the means of payment of the tax or the instalment, or is unable to procure the means of such payment without undue interference with his customary mode of life, may, subject to any directions in that behalf which may be given by the Commissioner, be required by such collector to discharge his obligation to pay the tax by labour instead of by cash payment. Under § 17, any person who refuses or wilfully neglects to pay any tax for which he is liable under the Ordinance, or who evades or attempts to evade such a payment, or who obstructs or hinders any collector or other officer in the discharge of his duty under the Ordinance, shall be guilty of an offence and shall be liable to a fine not exceeding 500 shillings or to imprisonment with or without hard labour for a term not exceeding three months. A taxpayer shall be deemed to have wilfully neglected to pay his tax if, after a period of nine months from the date when the same became due, the tax remains unpaid, and he has not obtained a certificate of exemption in respect thereof. The report adds that, since this provision does not come into effect until 1 October 1935, it has not been possible as yet to gauge to what extent it will be effective in reducing default amongst 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 to the Kigezi District. This right now prevails in every District of the Protectorate except the primitive and remote Karanja District of the Eastern Province. . .

*Italy.* — The Royal Decree of 18 April 1935 admits the possibility of recourse to forced labour only as an exceptional measure and for public purposes, after authorisation from the Minister of the Colonies. The Decree does not provide for the exaction of forced labour as a tax by chiefs who exercise administrative functions, as admitted by this Article of the Convention. The stricter conditions prescribed by the Article in question are, however, all contained in § 5 (a), (b), (c), (d) and (e) of the Royal Decree, which regulates the granting of all authorisations for recourse to forced labour. § 5 the Decree lays down that, before submitting a recommendation to the Minister of the Colonies for the grant of an authorisation to exact forced or compulsory labour, the Governor must satisfy himself that the work : (a) is of important direct interest for the community called upon to perform it ; (b) is of present and imminent necessity ; (c) will not lay too heavy a burden upon the population, having regard to the labour available and its capacity to undertake the work ; (d) will not as a rule entail the removal of the workers from their place of habitual residence, or, if this is absolutely necessary, will not entail their removal to a place more than three days' journey from their place of habitual residence ; (e) will be carried out in accordance with the exigencies of religion, social life and agriculture.

*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."

*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 payment of taxes. Only a very small proportion of adult able-bodied males is employed, free rations are issued during work, parties work in the immediate vicinity of their homes, and there is no interference with the exigencies of religion, social life or agriculture. No chief has any power to exact such labour which can only be authorised and is always strictly controlled by a British official. All labour on new works, as opposed to maintenance work, is paid for at full local rates. The report adds that, in accordance with the spirit of the Convention, progress has been made during the year October 1934-September 1935 towards the assessment of the herds of such tribes for the payment of taxes in cash, and towards the employment on paid road work of natives of such tribes, in order that the demands of the tax collector may be satisfied with the wages paid by the road overseer, and the herds left untouched.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Nicaragua, 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. For certain territories the reports supply the following information :

*Papua.* — The report states that provisions of this kind are already in force in cases under Article 18 ; otherwise, this Article has no application.

*Great Britain.* — The situation is summarised below.

*Gold Coast.* — Effect is given to the stipulations of this Article by § 8 (1) and (2) of the three Labour Ordinances enacted in 1935 (Nos. 21,32 and 33 of 1935). The report states that Regulations will be made under § 8 (3) of these Ordinances (prescribing the proportion of adult able-bodied males who may be taken at any one time for the work).

*Nyasaland.* — § 5 (1) of the Forced Labour Ordinance, 1933, lays down that a District Commissioner may order any able-bodied male native of an apparent age of not less than 18 and not more than 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.

*Italy.* — § 5 of the Royal Decree of 18 April 1935 provides that, before making a recommendation to the Minister of the Colonies for an authorisation to exact forced or compulsory labour, the Governor must satisfy himself that the work : (f) will be performed only by adult males aged not less than 18 nor more than 45 years ; (g) will not be performed by school teachers, pupils or any other persons belonging to public schools ; (h) will not remove from the family and social life of the community more than 25 per cent. of the total able-bodied male population specified under (f) of this section ; (i) as far as possible will not be exacted from persons with family liabilities incumbent upon them alone ; (l) will not in general be detrimental to the economic and social necessities of the normal life of the community from which the work is exacted ; (m) is not exacted from persons who owing to illness or to their physical condition are unfit for the work required and for the

conditions under which it is to be carried out.

*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."

*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, Nicaragua, 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. For certain territories, the reports give the following information :

*Papua.* — The report states that, in the absence of forced and compulsory labour, this Article does not apply.

*Great Britain.* — The situation is summarised below.

*Gold Coast.* — The Labour Ordinances of Ashanti (No. 32 of 1935) and of the Northern Territories (No. 33 of 1935) lay down in § 9 that the maximum period for which any person may be taken for forced labour of any kind in any one period of twelve months shall not exceed 24 days. In the Gold Coast Colony, the Roads Ordinance fixes a maximum period of 24 days for every twelve months (§ 4). § 14 of the two Ordinances of Ashanti and the Northern Territories and § 11 of the Gold Coast Colony Ordinance (No. 21 of 1935) prescribe

that any person from whom forced labour is exacted shall receive a certificate indicating the periods of such labour which he has completed.

*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.

*Italy.* — § 7 of the Royal Decree of 18 June 1935 provides that 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 the place of work and returning therefrom to the worker's place of habitual residence. Every person from whom forced or compulsory labour is exacted shall be furnished, if he so requests, with a certificate indicating the periods of forced or compulsory labour which he has completed, the nature thereof, the distance covered in going to the work place and the wages received.

*Liberia.* — See under ARTICLE 10 above.

*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, Nicaragua, 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. For certain territories, the reports supply the following information :

*Papua.* — The report states that, in the absence of forced and compulsory labour, this Article does not apply.

*Great Britain.* — The situation is summarised below.

*Gold Coast.* — § 9 of the Gold Coast Colony Labour Ordinance (No. 21 of 1935) and § 12 of the Ordinances of Ashanti and of the Northern Territories (Nos. 32 and 33 of 1935) contain similar provisions to those contained in this Article of the Convention.

*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.

*Italy.* — § 7 of the Royal Decree of 18 April 1935 provides that the normal working hours for forced or compulsory labour shall be the same as those prevailing in the case of voluntary labour, and the hours worked in excess of the normal working hours shall be remunerated at the rates prevailing in the case of overtime for voluntary labour. A break sufficient for the taking of a meal shall be allowed during the hours of work. At least one rest day shall be granted every seven days, taking into account as far as possible local customs and varieties of religious belief.

*Liberia.* — See under ARTICLE 18 below.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Nicaragua, 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. For certain territories, the reports supply the following information :

*Papua.* — The report states that provisions of this kind are already in force in the only form of forced labour which exists in Papua, i.e. carrying for the Government in accordance with Article 18 of the Convention. But payment is not always made in cash and it is not desirable that it should be. Where there are no stores, cash is useless.

*Great Britain.* — The situation is summarised below.

*Gold Coast.* — The report does not refer specifically to this point. See, however, under ARTICLE 10.

*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.

*Italy.* — § 6 of the Royal Decree of 18 April 1935 provides that forced or compulsory labour shall in all cases be remunerated, as a rule in cash, at rates not less than those prevailing either in the district in which the labour is employed or in the district from which the labour is recruited. The wages shall be paid to each worker individually and not to his tribal chief or in any other indirect manner.

For the purpose of payment of wages, the days spent in travelling to and from the place of work shall be counted as working days. If ordinary rations are given to the workers as a part of wages, such rations shall be at least equivalent in value to the money payment for which they are substituted. 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.

*Liberia.* — See under ARTICLE 2 above.

*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 south ern 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, Nicaragua, 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. For certain territories, the reports supply the following information :

*Papua.* — The report states that, in the absence of forced and compulsory labour, this Article does not apply. The report adds that if a carrier conscripted under the terms of Article 18 died or was injured the Government would recompense him or his family, but that legislation on this point seems unnecessary.

*Great Britain.* — The situation is summarised below.

*Gold Coast.* — § 10 (1) of the Gold Coast Colony Ordinance (No. 21 of 1935) lays down that the

subsistence of any worker who, by accident or sickness arising out of employment under the Roads Ordinance, is rendered wholly or partially incapable of providing for himself, and the maintenance of any persons actually dependent upon such a worker in the event of this incapacity or decease arising out of such employment, shall be provided for out of the public revenue. § 13 (1) and (2) of the Ordinances of Ashanti and the Northern Territories (Nos. 32 and 33 of 1935) contain provisions in accordance with those of this Article of the Convention; they specify that any Chief who employs any worker on forced labour shall give subsistence to any such worker who suffers either an accident or sickness arising out of his employment. Under the three Ordinances (§ 10 (2) and 13 (3) respectively), such subsistence or maintenance shall be in accordance with the rates prescribed by regulations made under the Ordinances.

*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.

*Italy.* — § 8 of the Royal Decree of 18 April 1935 provides that the regulations in force in each Colony for voluntary labour shall be observed in respect of accidents or sickness arising out of employment on forced or compulsory labour.

*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.

*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, Nicaragua, 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. For certain territories, the reports supply the following information:

*Papua.* — The report states that, in the absence of forced and compulsory labour, this Article does not apply.

*Great Britain.* — The situation is summarised below.

*Nyasaland.* — § 16 of the Forced Labour Ordinance, 1933, embodies the provisions of this Article of the Convention.

*Italy.* — § 6 of the Royal Decree of 18 April 1935 provides that in the cases specified in Articles 16 and 17 of the Geneva Convention of 10-28 June 1930, the rules laid down in that Convention shall be observed.

*Liberia.* — See under ARTICLE 11 above.

*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, Nicaragua, 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 and at fixed intervals during the period of service, (b) that there is an adequate medical staff, provided with the dispensaries, infirmaries, hospitals, and equipment necessary to meet all requirements, and (c) that the sanitary conditions of the workplaces, the supply of drinking water, food, fuel, and cooking utensils, and, where necessary, of housing and clothing, are satisfactory:

(2) that definite arrangements are made to ensure the subsistence of the families of the workers, in particular by facilitating the remittance, by a safe method, of part of the wages to the 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. For certain territories, the reports supply the following information:

*Papua.* — The report states that, in the absence of forced and compulsory labour, this Article does not apply.

*Italy.* — § 6 of the Royal Decree of 18 April 1935 lays down that in the cases specified in Articles 16 and 17 of the Geneva Convention of 10-28 June 1930, the rules laid down in that Convention shall be observed.

*Liberia.* — See under ARTICLE 11 above.

*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, Nicaragua, 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 workers 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. For certain territories, the reports supply the following information:

*Papua.* — The report states that Natives are obliged when required to carry for the Government. They are paid, and steps are being taken to introduce other means of transport where possible. Eight hours would be considered a long day for loaded carriers. Fifty pounds is the limit for the load. Motor transport and mules are being used so far as possible; where human portage is unavoidable prisoners are used as much as possible.

*Great Britain.* — The situation is summarised below.

*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 or 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).

*Italy.* — The report states that, owing to the system contained in the regulations adopted by the Royal Decree of 18 April 1935, and also to the fact that the form of compulsory labour specified in Article 18 of the Convention has never been applied in the Italian colonies, the suppression of this forced labour in the colonies themselves is already an accomplished fact, and no special measures are necessary on this point.

*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".

*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, Nicaragua, 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. For certain territories, the reports supply the following information:

*New Guinea.* — The report states that the Native Administration Regulations of 1924 provide for the compulsory planting, harvesting and storing of food crops. The compulsory cultivation, however, is purely a precaution against a deficiency of food supplies, and the produce is always the property of the individual producing it. Although the Regulations contain a penal sanction, it is never applied. It has never been necessary to apply it, for the simple reason that the method of applying the "compulsion" is to show the individual or community the necessity for additional food supplies and the benefits to be derived therefrom. There is never any difficulty in obtaining the co-operation of the people in this matter.

*Papua.* — The report states that, in the absence of forced and compulsory labour, this Article does not apply.

*Great Britain.* — The situation is summarised below.

*Gold Coast.* — § 7 (1) of the Labour Ordinances of Ashanti and of the Northern Territories (Nos. 32 and 33 of 1935) provides that, whenever in any division there is, or is likely to be, such a shortage of food that in the opinion of the Divisional Council a famine exists or is likely to ensue, the Head Chief may, with the approval of the Governor, issue orders (a) requiring any able-bodied male Native to work on irrigation works or any other

works approved by the District Commissioner as being undertaken for the relief of famine for such period as the District Commissioner may prescribe; and (b) requiring any Native within his jurisdiction to cultivate land within the State to such reasonable extent as he may direct. § 13 of the Gold Coast Colony Ordinance (No. 21 of 1935) authorises chiefs to exact labour in cases of famine as specified in Article 2 of the Convention. The three Ordinances stipulate that any food or produce produced shall remain the property of the individuals producing the same.

*Nigeria.* — There is no power in the Forced Labour Ordinance to order compulsory cultivation, but sub-section 8 (n) of a new Native Authority Ordinance which 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.)

*Italy.* — The report states that the provisions of the Royal Decree of 18 April 1935 taken as whole form a guarantee for the exact observance of this Article of the Convention in the event of a case arising as specified in this Article.

*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".

*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, Nicaragua, 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. For certain territories, the reports supply the following information:

*Papua.* — The report states that collective punishment is not applied in Papua.

*Italy.* — § 2 (b) of the Royal Decree of 18 April 1935 prohibits forced or compulsory labour as a collective punishment imposed upon a whole community for offences committed by any of its members.

*Liberia.* — The report states that the Government does not adopt the procedure of collective punishment.

*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, Nicaragua, 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. For certain territories, the reports supply the following information:

*Papua.* — The report states that, in the absence of forced and compulsory labour, this Article does not apply.

*Great Britain.* — The reports in respect of the following territories state that such labour is not authorised, or point out that, as there are no Government mines, mining labour is exclusively employed by private companies or individuals so that



compulsion would be an offence under the Penal Codes: *Kenya, Nigeria, North Borneo, Nyasaland, Sierra Leone, Tanganyika Territory and Uganda.*

*Gold Coast.* — § 3 of the Labour Ordinance of the Gold Coast Colony (No. 21 of 1935) lays down that the exaction or employment of forced labour, except under the provisions of the Roads Ordinance, shall be unlawful. § 10 of the Ordinances of Ashanti and the Northern Territories (Nos. 32 and 33 of 1935) lays down that no person shall be called upon to perform any forced labour underground in mines.

*Italy.* — § 2 (e) of the Royal Decree of 18 April 1935 prohibits forced or compulsory labour for work underground in mines.

*Liberia.* — The report states that the Government does not engage in any commercial enterprises.

*Netherlands (Netherlands Indies).* — Persons liable to "heerendiensten" are never employed in mines.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Nicaragua, 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. For certain territories, the reports supply the following information:

*Papua.* — Reports collected from the different districts show the extent to which forced labour is used under Article 18 for compulsory carriage. In the Central Division, 8 carriers were engaged compulsorily for six days, and 14 for five days in the Kairuku district; the returns of the Rigo and Moresby districts of the Central Division do not indicate any employment of compulsory portage. In the Eastern Division compulsion was used in eight cases for a few days. No cases are indicated in the North-Eastern, South-Eastern and Western Divisions. Returns from the Gulf Division, the Northern Division, and the Delta Division have not yet been received.

*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 3,427, representing a total of 4,855 man-days of labour. This represents a substantial decrease in comparison with the numbers 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 among those called out for compulsory labour. The hours of work and rates of pay were those obtaining in the various districts.

*Nigeria.* — On one occasion during the year covered by the report forced labour was used for transport. Owing to a misunderstanding of the Forced Labour Ordinance, the prior permission of the Governor was not obtained as is required by Regulation 1 of the Schedule to that Ordinance. No delegation of powers had been made by the Governor to the Lieutenant-Governor or Resident concerned. The incident occurred in the Afikpo Division of the Ogoja Province. Eighteen men were employed to transport the loads of an Administrative Officer on tour. The men were employed for two hours only and were taken seven miles from their homes. They were paid at the current local rate for voluntary carrier labour of one halfpenny per mile.

*North Borneo.* — The report supplies the following statistical information:

	Sandakan Residency	Tawau Residency	West Coast Residency	Interior Residency	Whole State
Total number of persons compulsorily employed as carriers	1,255	15	3,317	6,358	10,945
Average number of days each person employed	3.57	80 <sup>1</sup>	9.14	2.83	4.93
Normal working hours	6-8	6-7	5-8	6-8	5-8
Rate of daily remuneration	30 cents	40 cents	30 to 35 cents	30 cents (15 cents returning empty)	30 to 40 cents
How paid	In cash through Government Officers	In cash through Government Officers	In cash through Government Officers	In cash through Government Officers	In cash through Government Officers
Deaths	Nil	Nil	Nil	Nil	Nil
Sickness	Nil	Nil	Nil	Nil	Nil

<sup>1</sup> These carriers were employed on a special expedition performed by the Conservator of Forests through an uninhabited area where it was impossible to change the carriers, this accounts for the number of days. Apart from this one journey, no carriers were compulsorily employed in the Tawau Residency throughout the year under review.



*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) *Maintenance of Motor-roads (Article 10, labour unpaid)*: In the Northern province the daily average number of men employed was 485.5 or 1.9 a mile, and in the Southern Province 1,016.3 or 1.91 a mile. This labour was all employed on maintenance except for 1945 man-days on constructional work in the Southern Province. It has been decided

to introduce payment for labour on public motor roads with effect from 1 January 1936, and it is anticipated that this step will lead to the total abolition in Sierra Leone, except in unusual circumstances, of the labour specified in Article 10 of the Convention. (B) *Maintenance and construction of Government buildings*: All labour recruited for work on Government buildings was paid, and even though recruited through Chiefs, cannot be considered forced labour, for economic conditions rendered the people willing to work for the pay offered. The Chiefs have become merely agents to advertise the fact that labour is required. Figures are not therefore given. (C) *Carrier transport labour*: All carriers were paid and, even though recruited through Chiefs, cannot be considered as compelled for the reasons given above under (B).

*Tanganyika Territory.* — A summary of the information supplied by the report is given in the following table:

Total number of workers recruited during the period 1 October 1934 to 30 September 1935.

	Central Province	Eastern Province	Iringa Province	Lake Province	Northern Province	Tanga Province	Western Province	Southern Province	Totals
<b>A. Labour requisitioned on behalf of Government Departments.</b>									
(a) <i>Porters</i> :									
Number employed ....	—	4,866	242	38	97	1,095	74	—	6,412
Total number of man-days worked .....	—	12,279	2,554	84	874	1,334	536	—	17,661
Convictions: fines ....	—	—	—	1	—	—	—	—	1
„: imprisonment ..	—	—	—	—	—	—	2	—	2
(b) <i>Others</i> :									
Number employed ....	—	81	—	—	—	—	—	—	81
Total number of man-days worked .....	—	285	—	—	—	—	—	—	285
Convictions .....	—	—	—	—	—	—	—	—	—
<b>B. Labour requisitioned on behalf of Native Authorities.</b>									
(a) <i>Porters</i> :									
Number employed ....	81	—	—	327	—	38	—	—	446
Total number of man-days worked .....	42	—	—	625	—	49	—	—	716
Convictions: fines ....	—	—	—	44	—	—	—	—	44
(b) <i>Others</i> :									
Number employed ....	—	—	—	—	—	—	160	—	160
Total number of man-days worked .....	—	—	—	—	—	—	642	—	642
Convictions: fines ....	—	—	—	—	—	—	9	—	9
<b>C. Labour exacted in lieu of payment of tax.</b>									
Number employed <sup>1</sup> ...	5,524	10,081	459	6,066	3,410	5,951	2,513	7,605	41,609
Total number of man-days worked .....	213,524	321,057	16,215	209,714	155,980	218,397	79,118	209,369	1,423,374
Convictions: fines ....	—	—	—	—	—	—	—	1	1
„: imprisonment ..	43	242	—	73	89	108	73	7	635

<sup>1</sup> These workers were employed in 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 and § 11 of the Native Tax Ordinance, in lieu of payment of tax in cash. See also under ARTICLE 10.

*Uganda.* — The report supplies the following statistical information. It adds that, owing to the increased number of men who have taken advantage

of the right to commute their labour obligations, there has been an appreciable decrease in the numbers called out:

	Buganda Province	Eastern Province	Northern Province	Western Province
1. Labour called out under Article 10 exacted by chiefs who perform administrative functions.	53,046	181,288	75,741	89,266
2. Labour called out under Article 18 for transport	1,039	8,299	10,187	5,229
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.	<i>Good.</i> No deaths arising out of employment.	<i>Good.</i> No deaths arising out of employment.	<i>Good.</i> No deaths.	<i>Good.</i> 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 up for shorter periods. Under head 2, the majority of those shown as employed will have performed no more than 1 day's portorage, from his own area to the next camp, from which he returns home.

(c) Head 5. Sick men are not called out for employment and those becoming sick during their employment are usually either discharged or, in cases in which the place of employment is within reach of a hospital or dispensary, sent to one of the latter for treatment.

(d) Payments in all cases are made direct to the men performing the work.

*Italy.* — The report states that there is no particular information to be supplied, apart from what has already been given, with regard to the measures adopted for the abolition of forced or compulsory labour. See also above under the other Articles.

*Liberia.* — See under other Articles above.

*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, Nicaragua, 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 regulations made in pursuance of this Article, in so far as this has not already been done in connection with other Articles.*

*Australia.* — See under I. For certain territories, the reports supply the following information :

*Papua.* — The report states that, in the absence of forced and compulsory labour, this Article does not apply. It adds that every Native has an absolute right to make any complaint to the competent authority. Instructions to this effect have been issued.

*Great Britain.* — The information with regard to the first paragraph of the above Article is given under other Articles. The following are the comments given on the second paragraph in certain of the reports :

*Gold Coast.* — § 16 of the Gold Coast Colony Ordinance (No. 21 of 1935) and § 19 of the Ordinances of Ashanti and of the Northern Territories (Nos. 32 and 33 of 1935) contain provisions relating to the promulgation of regulations concerning the employment of forced or compulsory labour and, in particular, complaints with regard to labour conditions.

*Italy.* — The report states that the regulations prescribed by the second paragraph of this Article of the Convention for States which have ratified the Convention have been promulgated in the form of the Royal Decree of 18 April 1935. Under § 9 (3) of this Decree any person from whom forced or compulsory labour is exacted shall be entitled to submit to the regional authorities and the native chiefs, in the manner already sanctified by customs, complaints relating to the conditions of labour imposed upon him. The regional authorities shall take the measures within their competence and shall refer the matter at once to the superior hierarchical authority.

*Liberia.* — See under other Articles above.

*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, Nicaragua, 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. For certain territories, the reports supply the following information :

*Papua.* — The report states that it is not clear whether the provisions of this Article would apply to carriers who work under compulsion. Not one-half per cent. of them can read.

*Great Britain.* — The situation is summarised below.

*Gold Coast.* — The report does not refer to this point.

*Italy.* — § 9 (1) of the Royal Decree of 18 April 1935 lays down that the regional authorities and the officials responsible in the colony for the supervision of voluntary labour shall be specially responsible for supervision of forced or compulsory labour. § 10 prescribes that all the provisions relating to forced or compulsory labour shall be brought to the knowledge of the native population in the customary manner.

*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.

*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).

*Sudan (Voluntary Report).* — ... During the period October 1934 to September 1935, visits have been made by officials of the provincial administrations to every

notable sphere of intensive agricultural activity, in each of which labourers have been found satisfied with their payment and the conditions of work, and in none of which have protests or requests for assistance been made.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Nicaragua, 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. For certain territories, the reports supply the following information :

*Papua.* — The report states that, in the absence of forced and compulsory labour, this Article does not apply.

*Great Britain.* — ... In *Southern Rhodesia*, the liberty of the subject is safeguarded at common law. As forced labour is not permitted, the system of inspection in *Southern Rhodesia* is concerned with voluntary labour. On 10 May 1935, the Secretary of State made enquiries concerning an allegation that Natives of the *Sabi Reserve* had been subjected to compulsory labour for making roads. The Chief Native Commissioner proceeded to the Reserve and made an enquiry, furnishing a report which discredited the accusation and satisfied the Secretary of State. 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.

*Gold Coast.* — See under ARTICLE 6.

*Nigeria.* — ...

*Italy.* — § 11 of the Royal Decree of 18 April 1935, which provides for serious penalties and also provides that offences shall be punished by the judicial authorities in each colony, ensures the observance of the provisions laid down in this Article of the Convention.

*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.

*Netherlands (Netherlands Indies).* — § 425 of the Penal Code of the Netherlands Indies lays down that "any official who, in the performance of his duties (1) exacts, receives or retains as due to himself, to another official or to public funds, anything in connection with a payment which he knows not to be so due, or (2) exacts or accepts as due personal services or benefits that he knows not to be so due, shall be deemed guilty of embezzlement and punished by imprisonment for a term not exceeding seven years."

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Nicaragua, Norway, Spain, Sweden, Yugoslavia.* — See introductory note.

#### III.

*Please give a general appreciation of the manner in which the Convention is applied in the several territories, and of the progress made towards the suppression of forced or compulsory labour in all its forms.*

*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. The reports for certain territories supply the following information :

*New Guinea.* — The report states that the only Article of the Convention applying to the Territory is Article 19, and, in view of the present stage of development of the Native inhabitants of the Territory, it is not proposed to alter existing conditions, which are producing very satisfactory results.

*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."

*Great Britain.* — The following comments are taken from certain of the reports submitted by the British Government.

*Nigeria.* — With the exception of the incident referred to under ARTICLE 22 above, no forced or compulsory labour was employed during the period under review otherwise than on the services mentioned under ARTICLE 2 which are exempt from the stipulations of the Convention.

*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.

*Italy.* — The report states that the prohibition of forced and compulsory labour has been extended to all Italian colonies and possessions without any exception, and that the prohibition itself is scrupulously observed.

*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."

*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.

## 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.*

*Sudan (Voluntary Report).* — Nine contraventions, in each case by private individuals, of the law forbidding kidnapping with intent to exact labour against the will of the person kidnapped, were reported during the year October 1934 to September 1935. Five convictions were obtained in accordance with the penalties laid down by the Sudan Penal Code.

The remaining reports supplied do not mention any such decisions.

### 80. 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 1935 and which, in accordance with Article 22 of the Constitution of the International Labour Organisation, were called upon to submit reports for the period 1 October 1934-30 September 1935 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Bulgaria. . . . .	22. 6.1932	15.11.1935
Mexico . . . . .	12. 5.1934	28. 3.1936
Nicaragua . . . . .	12. 4.1934	5.12.1935
Spain . . . . .	29. 8.1932	
Uruguay . . . . .	6. 6.1933	16. 3.1936

The Government of *Nicaragua* refers in its report to §§27-33 (Chapter II) of the draft Labour Code which was submitted to Congress on 29 January 1934. With regard to this Code, see *Convention No. 1 (Hours of work, industry)*, introductory note.

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

The Government of *Uruguay* refers in its report to the Act of 22 November (10 December) 1920 concerning the weekly rest. While this Act does not regulate hours of work in commerce and offices, it makes provision for a Sunday rest and for a day off in compensation when the weekly rest cannot be granted on Sunday.

## 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).

#### *Mexico.*

Political Constitution of the United States of Mexico, dated 1917.

Federal Labour Act of 18 August 1931 (L. S. 1931, Mex. 1).

See also, under *Convention No. 17 (Workmen's compensation, accidents)*, point I, the information supplied by Mexico.

#### *Nicaragua.*

See introductory note,

#### *Uruguay.*

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.

(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.

**Mexico.** — The report states that no measures have been taken to establish a distinction in the law between commercial

establishments and industrial and agricultural undertakings. The Federal Labour Act distinguishes only between the following kinds of employment: work of domestic servants, employment at sea and on navigable waterways, employment on railways, agricultural work, and small-scale industries, family undertakings and home work. Other classes of employment are covered by the general provisions of the Act, the scope of which may be easily deduced from the spirit of § 3, which states that a worker is any person who performs for another a material or intellectual service, or both, under a contract of employment.

**Nicaragua.** — See introductory note.

**Uruguay.** — See introductory note.

## 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.

**Mexico.** — The report states that Mexican law contains no explicit provision defining hours of work as the time during which the persons employed are at the disposal of the employer, but it is obvious that the interpretation of the working day coincides with the provisions of the Convention, on the understanding also that the working day excludes rest periods during which the persons employed are not at the disposal of the employer. The report adds that the Act does not define the working day exactly but merely limits its length.

**Nicaragua.** — See introductory note.

**Uruguay.** — See introductory note.

## 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.

**Mexico.** — The report states that they eight-hour day is established as a fundamental principle in head I of § 123 of the Constitution, which is repeated in § 69 of the Federal Labour Act.

**Nicaragua.** — See introductory note.

**Uruguay.** — See introductory note.

#### 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.

**Mexico.** — The report states that § 69 of the Federal Labour Act of 18 August 1931, while establishing the eight-hour day, allows the employer and worker to agree to distribute the hours of work over a week of forty-eight hours with a view to granting employees a rest on Saturday afternoon or any equivalent arrangement. Subject to agreement, they may also distribute the eight hours of work over a longer period.

**Nicaragua.** — See introductory note.

**Uruguay.** — See introductory note.

#### 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.

**Mexico.** — The report states that Mexican legislation does not provide for the case of work lost owing to accident, in consequence of which the worker is required to work more than eight hours in order to make up for the work he was unable to do on account of the accident and for the time lost by the employer. An employer who for reasons of this kind wishes to keep his workers at work may do so for not more than three hours a day on not more than three days of the week under § 74 of the Act, and must pay double rates under § 92 of the Act.

**Nicaragua.** — See introductory note.

**Uruguay.** — See introductory note.

#### 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.

**Mexico.** — The report states that the final paragraph of § 69 of the Labour Act of 18 August 1931 provides that by agreement between the employer and worker the hours of work may be dis-



tributed over a week of 48 hours with a view to granting employees a rest on Saturday afternoon or any equivalent arrangement. Subject to agreement, the eight hours may also be distributed over a longer period. The report adds that there are as yet no detailed regulations.

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

#### 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 cus-

toms 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 during the season (1 June to 15 September) 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 occurring at intervals such as stock-taking, the preparation of financial statements, the balancing of accounts, the winding-up of business, 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).

*Mexico.* — The report states that § 69 of the Federal Labour Act of 18 August 1931 excepts from its fundamental provision establishing the eight-hour day persons engaged in domestic service, but states that this exception does not apply to domestic servants employed in hotels, inns, hospitals and other similar commercial establishments. Mexican legislation contains no other exception properly speaking than that laid down in § 75 of the Federal Labour Act, which requires the worker to work a longer period than the eight-hour day without receiving double wages in the event of a catastrophe or imminent danger in which his own life, the lives of his fellow-workers or employers, or the very existence of the undertaking are imperilled. The report adds that there are as yet no detailed regulations.

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

#### 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.

*Mexico.* — The report states that there is in the Federal Labour Act of 18 August 1931 no provision that where the employer and worker conclude an agreement for spreading hours of work in accordance with the provisions of the second paragraph of § 69 of the Act, they shall consult the employers' and workers' organisations; but it should be remembered that in general the workers' union supervises the contract of employment and that the Government inspector also watches over the contract. As regards the regulations referred to in this Article of the Convention, it has already been stated that they do not as yet exist in Mexico.

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

#### 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.

*Mexico.* — The report states that occasion to suspend the existing legal provisions referred to in the report has not arisen.

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

#### 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.

*Mexico.* — The report states that neither the Convention nor the legislation can affect a special custom or agreement advantageous to the workers. Custom can be cited as an explicit contract and the contract is categorically binding on the parties.

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

#### 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 ac-

cordance 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.

*Mexico.* — The report states that, by the obligations imposed by the Federal Labour Act of 18 August 1931 on employers under § 111 and the relevant regulations, the provisions of this Article of the Convention are in effect satisfied. Supervision of administration is carried out through the labour inspectors who are subordinate to the Labour Department, their functions being defined in §§ 403-405 of the Act.

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

#### 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 § 80 of the Health and Safety of Workers' Act.

*Mexico.* — The Eleventh Part of the Federal Labour Act of 18 August 1931 lays down the penalties which may be imposed for failure to comply with the provisions of the Act.

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

### 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 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, in so far as such information has not already been supplied under Article 11 above.*

*Bulgaria.* — The report states that the labour inspectors are responsible for supervising the enforcement of the relevant legislation.

*Mexico.* — The report states that supervision is exercised by the Federal Labour Department, the conciliation and arbitration boards, and the labour inspectors.

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

## V.

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

The reports supplied do not mention any such decisions.

## VI.

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

*Mexico.* — The report states that no statistics are available, and that no observations have been made by employers' or workers' organisations.

*Nicaragua.* — See introductory note.

*Uruguay.* — See introductory note.

## SIXTEENTH SESSION (GENEVA, 1932).

**32. Convention concerning the protection against accidents of workers employed in loading or unloading ships (revised 1932).**

Article 20 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 30 October 1934. The following table shows the countries for which the Convention was in force before 1 July 1935 and which, in accordance with Article 22 of the Constitution of the International Labour Organisation, were called upon to submit reports for the period 1 October 1934-30 September 1935 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Italy . . . . .	30.10.1933	22. 2.1936
Mexico . . . . .	12. 5.1934	
Uruguay . . . . .	6. 6.1933	16. 3.1936

The Government of *Italy* states in its report that Regulations to consolidate and supplement the provisions and Orders relating to the obligations prescribed by the Convention are at present under consideration. In the methods of enforcement of these Regulations account will be taken of the reciprocal agreements mentioned in Article 18 of the Convention.

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

The report of the Government of *Uruguay* states that the provisions of the Convention are contained in an Act of 21 July 1914 concerning the prevention of accidents and in Administrative Regulations issued since 14 April 1915. These Regulations have been consolidated in the Administrative Regulations of 22

January 1936, which are at present in force. Under the Act, employers are required to introduce in their undertakings detailed accident prevention measures set out in the Administrative Regulations. Failure to observe the provisions of the Act is punished by heavy fines, while an employer who does not introduce the necessary safety measures loses his rights under any insurance policy taken out by him against occupational accidents. In such cases the insurance institute may, in spite of the insurance contract, hold the employer liable for the amount of the compensation due to his workers. The practical application of the Act of 21 July 1914 has been strengthened by the stipulations of the Penal Code in regard to personal safety. In virtue of these provisions the public authorities may forbid any work performed under conditions which do not ensure the workers' safety.

## 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.*

*Italy.*

Royal Decree No. 1,319 of 21 September 1933 to give effect to the Convention in Italy.

Mercantile Marine Code.

Regulations issued under the above Code.

Royal Decree No. 361 of 13 July 1903 concerning the loading and unloading of inflammable and dangerous material.

Royal Decree No. 719 of 23 May 1932 to approve the Regulations for the safety of merchant vessels and of life at sea (L.S. 1932, It. 4).

Provisions edicted by the Italian Shipping and Aircraft Register, the central Mercantile Marine Department and the Ministry of Communications.

Orders issued by the harbour masters.

#### Uruguay.

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 :

(1) the term "processes" means and includes all or any part of the work performed on shore or on board ship of loading or unloading any ship whether engaged in maritime or inland navigation, excluding ships of war, in, on, or at any maritime or inland port, harbour, dock, wharf, quay or similar place at which such work is carried on ; and

(2) the term "worker" means any person employed in the processes.

*Italy.* — The Government states in its report that the terms "processes" and "worker" as defined by Article 1 of the Convention have the same meaning and consequently the same weight in Italian maritime law as in the Convention.

*Uruguay.* — See introductory note.

### ARTICLE 2.

Any regular approach over a dock, wharf, quay or similar premises which workers have to use for going to or from a working place at which the processes are carried on and every such working place on shore shall be maintained with due regard to the safety of the workers using them.

In particular,

(1) every said working place on shore and any dangerous parts of any said approach thereto from the nearest highway shall be safely and efficiently lighted ;

(2) wharves and quays shall be kept sufficiently clear of goods to maintain a clear passage to the means of access referred to in Article 3 ;

(3) where any space is left along the edge of any wharf or quay, it shall be at least 3 feet (90 cm.) wide and clear of all obstruction other than fixed structures, plant and appliances in use ; and

(4) so far as is practicable having regard to the traffic and working,

(a) all dangerous parts of the said approaches and working places (e.g. dangerous breaks, corners and edges) shall be adequately fenced to a height of not less than 2 feet 6 inches (75 cm.) ;

(b) dangerous footways over bridges, caissons and dock gates shall be fenced to a height of not less than 2 feet 6 inches (75 cm.) on each side,

and the said fencing shall be continued at both ends to a sufficient distance which shall not be required to exceed 5 yards (4 m. 50).

(5) The measurement requirements of paragraph (4) of this Article shall be deemed to be complied with, in respect of appliances in use at the date of the ratification of this Convention, if the actual measurements are not more than 10 per cent. less than the measurements specified in the said paragraph (4).

*Italy.* — The Government states in its report that, throughout the whole kingdom, the approaches to places where loading or unloading of ships is carried on are in such condition as to ensure the safety of the workers. The Royal Corps of Civil Engineers is responsible for the enforcement of paragraph (1) of this Article, in accordance with § 36 of Act No. 3,095 of 2 April 1885 and § 859 of the Administrative Regulations of the Mercantile Marine Code. Under § 163 (d) of the Mercantile Marine Code and §§ 801, 812, 835 to 846, 860 and 863 of its Administrative Regulations, the harbour masters who are entrusted with the practical supervision are responsible for the enforcement of the other paragraphs of this Article (clear passages, safety of passages, etc.).

*Uruguay.* — See introductory note.

### ARTICLE 3.

(1) When a ship is lying alongside a quay or some other vessel for the purpose of the processes, there shall be safe means of access for the use of the workers at such times as they have to pass to or from the ship, unless the conditions are such that they would not be exposed to undue risk if no special appliance were provided.

(2) The said means of access shall be ;

(a) where reasonably practicable, the ship's accommodation ladder, a gangway or a similar construction ;

(b) in other cases a ladder.

(3) The appliances specified in paragraph (2)

(a) of this Article shall be at least 22 inches (55 cm.) wide, properly secured to prevent their displacement, not inclined at too steep an angle, constructed of materials of good quality and in good condition, and securely fenced throughout to a clear height of not less than 2 feet 9 inches (82 cm.) on both sides, or in the case of the ship's accommodation ladder securely fenced to the same height on one side, provided that the other side is properly protected by the ship's side.

Provided that any appliances as aforesaid in use at the date of the ratification of this Convention shall be allowed to remain in use :

(a) until the fencing is renewed if they are fenced on both sides to a clear height of at least 2 feet 8 inches (80 cm.) ;

(b) for two years from the date of ratification if they are fenced on both sides to a clear height of at least 2 feet 6 inches (75 cm.).

(4) The ladders specified in paragraph (2) (b) of this Article shall be of adequate length and strength, and properly secured.

(5) (a) Exceptions to the provisions of this Article may be allowed by the competent authorities when they are satisfied that the appliances specified in the Article are not required for the safety of the workers.

(b) The provisions of this Article shall not apply to cargo stages or cargo gangways when exclusively used for the processes.

(6) Workers shall not use, or be required to use, any other means of access than the means specified or allowed by this Article.

*In addition, please give detailed information regarding the exceptions, if any, allowed by the competent authorities under paragraph (5) (a) of this Article, forwarding the texts of any regulations etc., which may have been issued for this purpose.*

*Italy.* — The Government states in its report that provisions similar to those contained in this Article are enforced in Italian harbours. In particular, §§ 832 and 833 of the Administrative Regulations of the Mercantile Marine Code deal with two kinds of moorings and § 835 lays down that loading and unloading processes carried out by means of boats, tenders or pontoons must be made under reasonable and safe conditions. With regard to the appliances to be used (ladders, gangways, etc.) the following distinction must be made: if the appliances are ship's property, the technical staff of the Italian Shipping and Aircraft Register is responsible for supervising their strength, under § 30 of Regulations No. 719 of 23 May 1932. If the appliances in question do not belong to the ship, a still further distinction must be drawn: flying bridges (*scalandroni*) are tested by the Royal Corps of Civil Engineers, other appliances (gangways, ladders, etc.) are supplied by the lightermen's companies, which are directly responsible for the work. All processes carried out in harbours are supervised by the dock labour offices in accordance with § 2 (f) of Royal Legislative Decree No. 232 of 1 February 1925 concerning the institution of dock labour offices.

*Uruguay.* — See introductory note.

#### ARTICLE 4.

When the workers have to proceed to or from a ship by water for the processes, appropriate measures shall be prescribed to ensure their safe transport, including the conditions to be complied with by the vessels used for this purpose.

*Please give full information regarding the measures which have been prescribed under this Article, forwarding the texts of the relevant legislation, administrative regulations, etc.*

*Italy.* — The Government states in its report that § 187 *et seq.* of the Mercantile Marine Code and §§ 839, 908 *et seq.* of its Administrative Regulations ensure the application of the provisions of this Article. Special instructions have been edicted by the competent marine authorities with regard to the loads of merchant ships, the determining of the number of their passengers, etc.; these instructions also apply to dock workers engaged in loading and unloading vessels.

*Uruguay.* — See introductory note.

#### ARTICLE 5.

(1) When the workers have to carry on the processes in a hold the depth of which from the level of the deck to the bottom of the hold exceeds 5 feet (1 m. 50), there shall be safe means of access from the deck to the hold for their use.

(2) The said means of access shall ordinarily be by ladder, which shall not be deemed to be safe unless it complies with the following conditions:

(a) provides foothold of a depth, including any space behind the ladder, of not less than 4½ inches (11½ cm.) for a width of not less than 10 inches (25 cm.) and a firm handhold;

(b) is not recessed under the deck more than is reasonably necessary to keep it clear of the hatchway;

(c) is continued by and is in line with arrangements for secure handhold and foothold on the coamings (e.g. cleats or cups);

(d) the said arrangements on the coamings provide foothold of a depth, including any space behind the said arrangements, of not less than 4½ inches (11½ cm.) for a width of not less than 10 inches (25 cm.);

(e) if separate ladders are provided between the lower decks, the said ladders are as far as practicable in line with the ladder from the top deck.

Where, however, owing to the construction of the ship, the provision of a ladder would not be reasonably practicable, it shall be open to the competent authorities to allow other means of access, provided that they comply with the conditions laid down in this Article for ladders so far as they are applicable.

In the case of ships existing at the ratification of this Convention the measurement requirements of sub-paragraphs (a) and (d) of this paragraph shall be deemed to be complied with, until the ladders and arrangements are replaced, if the actual measurements are not more than 10 per cent. less than the measurements specified in the said sub-paragraphs (a) and (d).

(3) Sufficient free passage to the means of access shall be left at the coamings.

(4) Shaft tunnels shall be equipped with adequate handhold and foothold on both sides.

(5) When a ladder is to be used in the hold of a vessel which is not decked it shall be the duty of the contractor undertaking the processes to provide such ladder. It shall be equipped at the top with hooks or with other means for firmly securing it.

(6) The workers shall not use, or be required to use, other means of access than the means specified or allowed by this Article.

(7) Ships existing at the date of ratification of this Convention shall be exempt from compliance with the measurements in paragraph (2) (a) and (d) and from the provisions of paragraph (4) of this Article for a period not exceeding four years from the date of ratification of this Convention.

*In addition, please state whether advantage has been taken of the exemption provided for in paragraph (7) of this Article in respect of ships existing at the date of ratification of this Convention.*

*Italy.* — The Government states in its report that Regulations No. 719 of 23 May 1932 ensure the application of this Article. § 39 (8) of the Regulations lays down that as means of access to holds and between-decks for cargo there must be provided at least a fixed cross-bar ladder (*tarozzi*) for each hatchway, such as to allow safe and convenient descent. It should be remembered that when such appliances belong to the vessel, all the measures prescribed by this Article are

taken under the supervision of the technical officials and inspectors of the Italian Register ; when it is a question of movable ladders, the workers' organisations of the harbours instal them under the supervision of the dock labour offices.

*Uruguay.* — See introductory note.

#### ARTICLE 6.

(1) While the workers are on a ship for the purpose of the processes, every hatchway of a cargo hold accessible to the workers which exceeds 5 feet (1 m. 50) in depth from the level of the deck to the bottom of the hold, and which is not protected to a clear height of 2 feet 6 inches (75 cm.) by the coamings, shall, when not in use for the passage of goods, coal or other material, either be securely fenced to a height of 3 feet (90 cm.) or be securely covered. National laws or regulations shall determine whether the requirements of this paragraph shall be enforced during meal times and other short interruptions of work.

(2) Similar measures shall be taken when necessary to protect all other openings in a deck which might be dangerous to the workers.

*In addition please indicate any provisions contained in national laws or regulations for the purpose of determining whether the requirements of paragraph (1) of this Article shall be enforced during meal-times and other short interruptions of work.*

*Italy.* — The Government states in its report that the provisions of this Article are enforced on board Italian merchant ships. § 38 (6) of Regulations No. 719 of 23 May 1932 lays down that the openings in uncovered decks which give access to closed parts of the ship must be supplied with a strong means of closing them. The doors of these openings, the height of their sills and, in general, all the structural conditions, must conform to the conditions laid down by the technical rules of the Italian Register and to the rules of freeboard.

*Uruguay.* — See introductory note.

#### ARTICLE 7.

When the processes have to be carried on on a ship, the means of access thereto and all places on board at which the workers are employed or to which they may be required to proceed in the course of their employment shall be efficiently lighted.

The means of the lighting shall be such as not to endanger the safety of the workers nor to interfere with the navigation of other vessels.

*Italy.* — The Government states in its report that the master provides adequate lighting on board ship during processes of loading and unloading at the request of the lightermen's companies previously mentioned. In the event of a difference of opinion, the competent maritime authorities (dock labour offices or harbour masters) intervene.

*Uruguay.* — See introductory note.

#### ARTICLE 8.

In order to ensure the safety of the workers when engaged in removing or replacing hatch coverings and beams used for hatch coverings,

(1) hatch coverings and beams used for hatch coverings shall be maintained in good condition ;

(2) hatch coverings shall be fitted with adequate hand grips, having regard to their size and weight, unless the construction of the hatch or the hatch coverings is of a character rendering the provision of hand grips unnecessary ;

(3) beams used for hatch coverings shall have suitable gear for removing and replacing them of such a character as to render it unnecessary for workers to go upon them for the purpose of adjusting such gear ;

(4) all hatch coverings and fore and aft and thwart-ship beams shall, in so far as they are not interchangeable, be kept plainly marked to indicate the deck and hatch to which they belong and their position therein ;

(5) hatch coverings shall not be used in the construction of cargo stages or for any other purpose which may expose them to damage.

*Italy.* — The Government states in its report that the application of the provisions of this Article is ensured in principle by § 38 (2 and 3) of Regulations No. 719 of 23 May 1932.

*Uruguay.* — See introductory note.

#### ARTICLE 9.

Appropriate measures shall be prescribed to ensure that no hoisting machine, or gear, whether fixed or loose, used in connection therewith, is employed in the processes on shore or on board ship unless it is in a safe working condition.

In particular,

(1) before being taken into use, the said machines, fixed gear on board ship accessory thereto as defined by national laws or regulations, and chains and wire ropes used in connection therewith, shall be adequately examined and tested, and the safe working load thereof certified, in the manner prescribed and by a competent person acceptable to the national authorities ;

(2) after being taken into use, every hoisting machine, whether used on shore or on board ship, and all fixed gear on board ship accessory thereto as defined by national laws or regulations shall be thoroughly examined or inspected as follows :

(a) to be thoroughly examined every four years and inspected every twelve months : derricks, goose necks, mast bands, derrick bands, eyebolts, spans and any other fixed gear the dismantling of which is specially difficult ;

(b) to be thoroughly examined every twelve months : all hoisting machines (e.g. cranes, winches), blocks, shackles and all other accessory gear not included in (a).

All loose gear (e.g. chains, wire ropes, rings, hooks) shall be inspected on each occasion before use unless they have been inspected within the previous three months.

Chains shall not be shortened by tying knots in them and precautions shall be taken to prevent injury to them from sharp edges.

A thimble or loop splice made in any wire rope shall have at least three tucks with a whole strand of rope and two tucks with one half of the wires cut out of each strand ; provided that this requirement shall not operate to prevent the use of



another form of splice which can be shown to be as efficient as the form hereby prescribed.

(3) Chains and such similar gear as is specified by national laws or regulations (e.g. hooks, rings, shackles, swivels) shall, unless they have been subjected to such other sufficient treatment as may be prescribed by national laws or regulations, be annealed as follows under the supervision of a competent person acceptable to the national authorities:

(a) In the case of chains and the said gear carried on board ship:

(i) half inch (12½ mm.) and smaller chains or gear in general use once at least in every six months;

(ii) all other chains or gear (including span chains but excluding bridle chains attached to derricks or masts) in general use once at least in every twelve months;

Provided that in the case of such gear used solely on cranes and other hoisting appliances worked by hand, twelve months shall be substituted for six months in sub-paragraph (i) and two years for twelve months in sub-paragraph (ii);

Provided also that, if the competent authority is of opinion that owing to the size, design, material or infrequency of use of any of the said gear the requirements of this paragraph as to annealing are not necessary for the protection of the workers, it may, by certificate in writing (which it may at its discretion revoke), exempt such gear from the said requirements subject to such conditions as may be specified in the said certificate.

(b) In the case of chains and the said gear not carried on board ship:

Measures shall be prescribed to secure the annealing of the said chains and gear.

(c) In the case of the said chains and gear, whether carried on board ship or not, which have been lengthened, altered or repaired by welding, they shall thereupon be tested and re-examined.

(4) Such duly authenticated records as will provide sufficient *prima facie* evidence of the safe condition of the machines and gear concerned shall be kept, on shore or on the ship as the case may be, specifying the safe working load and the dates and results of the tests and examinations referred to in paragraphs (1) and (2) of this Article and of the annealings or other treatment referred to in paragraph (3).

Such records shall, on the application of any person authorised for the purpose, be produced by the person in charge thereof.

(5) The safe working load shall be kept plainly marked on all cranes, derricks and chain slings and on any similar hoisting gear used on board ship as specified by national laws or regulations. The safe working load marked on chain slings shall either be in plain figures or letters upon the chains or upon a tablet or ring of durable material attached securely thereto.

(6) All motors, cogwheels, chain and friction gearing, shafting, live electric conductors and steam pipes shall (unless it can be shown that by their position and construction they are equally safe to every worker employed as they would be if securely fenced) be securely fenced so far as is practicable without impeding the safe working of the ship.

(7) Cranes and winches shall be provided with such means as will reduce to a minimum the risk of the accidental descent of a load while in process of being lifted or lowered.

(8) Appropriate measures shall be taken to prevent exhaust steam from and, so far as practicable, live steam to any crane or winch obscuring any part of the working place at which a worker is employed.

(9) Appropriate measures shall be taken to prevent the foot of a derrick being accidentally lifted out of its socket or support.

In addition, please indicate

(1) The arrangements made for securing that the tests, etc., mentioned in paragraphs (1) and (3) are carried out by "a competent person acceptable to the national authorities";

(2) The fixed gear on board ship which is required to be thoroughly examined or inspected in the manner prescribed by paragraph (2);

(3) The kinds of gear specified, and the "other sufficient treatment" prescribed, by national laws or regulations under paragraph (3).

(4) The measures which have been prescribed under paragraph (3) (b).

*Italy.* — The Government states in its report that similar provisions to those contained in this Article may be found in the following sections of Regulations No. 719 of 23 May 1932: § 48 (2, 3 and 5) concerns loading and unloading gear; § 26 (1) concerns masts and moorings; § 28 (2) (c) concerns chains; § 19 (6) relates to the drafting and keeping of reports (technical reports) of testing and supervision; § 48 (5) concerns the rules prescribed by paragraph (5) of this Article; § 39 (6) concerns paragraph (6) of this Article. The strict technical supervision which is constantly being carried out by the officials of the Italian Register (on board ship) and by the harbour authorities (for processes carried out on land) ensure the strict observance of the remaining rules covered by paragraphs (7) and (9) of this Article. The large docks also possess appliances for stopping cranes automatically, with the object of preventing accidents to workers engaged in loading and unloading ships. § 125 of the Administrative Regulations of the Act concerning harbours, shores and lighthouses, approved by Royal Decree No. 713 of 26 September 1904, provides a further safeguard in this matter.

*Uruguay.* — See introductory note.

#### ARTICLE 10.

Only sufficiently competent and reliable persons shall be employed to operate lifting or transporting machinery whether driven by mechanical power or otherwise, or to give signals to a driver of such machinery, or attend to cargo falls on winch ends or winch drums.

*Italy.* — The Government states in its report that expert and competent workers (winchmen, signallers, etc.) are employed to operate lifting machinery. Further, all loading and unloading processes both on board ship and on land are carried out under the direct supervision of a special staff.

*Uruguay.* — See introductory note.

#### ARTICLE 11.

(1) No load shall be left suspended from any hoisting machine unless there is a competent

person actually in charge of the machine while the load is so left.

(2) Appropriate measures shall be prescribed to provide for the employment of a signaller where this is necessary for the safety of the workers.

(3) Appropriate measures shall be prescribed with the object of preventing dangerous methods of working in the stacking, unstacking, stowing and unstowing of cargo, or handling in connection therewith.

(4) Before work is begun at a hatch the beams thereof shall either be removed or be securely fastened to prevent their displacement.

(5) Precautions shall be taken to facilitate the escape of the workers when employed in a hold or on 'tween decks in dealing with coal or other bulk cargo.

(6) No stage shall be used in the processes unless it is substantially and firmly constructed, adequately supported and where necessary securely fastened.

No truck shall be used for carrying cargo between ship and shore on a stage so steep as to be unsafe.

Stages shall where necessary be treated with suitable material to prevent the workers slipping.

(7) When the working space in a hold is confined to the square of the hatch, and except for the purpose of breaking out or making up slings,

(a) hooks shall not be made fast in the bands or fastenings of bales of cotton, wool, cork, gunny bags, or other similar goods;

(b) can-hooks shall not be used for raising or lowering a barrel when, owing to the construction or condition of the barrel or of the hooks, their use is likely to be unsafe.

(8) No gear of any description shall be loaded beyond the safe working load save in exceptional cases and then only in so far as may be allowed by national laws or regulations.

(9) In the case of shore cranes with varying capacity (e.g. raising and lowering jib with load capacity varying according to the angle) an automatic indicator or a table showing the safe working loads at the corresponding inclinations of the jib shall be provided on the crane.

*In addition, please indicate with reference to paragraph (8) in what exceptional cases gear may be loaded beyond the safe working load, and to what extent.*

*Italy.* — The Government supplies the following information in its report. Paragraphs (1) and (2): while hoisting machinery is being used the processes are directed and supervised by a special technical staff. Paragraphs (3) and (4): stowing and unstowing of cargo is carried out by workers working under the supervision of their technical supervisors, either on land or on board ship. The processes and safety measures mentioned in the other paragraphs of this Article are regulated and supervised by the dock labour offices.

*Uruguay.* — See introductory note.

#### ARTICLE 12.

National laws or regulations shall prescribe such precautions as may be deemed necessary to ensure the proper protection of the workers, having regard to the circumstances of each case, when they have to deal with or work in proximity to goods which are in themselves dangerous to life or health by reason either of their inherent nature

or of their condition at the time, or work where such goods have been stowed.

*Please indicate in detail the precautions prescribed by national laws or regulations in pursuance of this Article.*

*Where this has not already been done, please forward the texts of the relevant legislation, administrative regulations, etc.*

*Italy.* — The Government states in its report that provisions similar to those contained in this Article may be found in Royal Decree No. 561 of 13 July 1903 and in the Administrative Regulations of the Mercantile Marine Code (§§ 849-858 as regards the loading and unloading of inflammable and explosive materials in harbours, and § 818 as regards the unloading of arms and munitions).

*Uruguay.* — See introductory note.

#### ARTICLE 13.

At docks, wharves, quays and similar places which are in frequent use for the processes, such facilities as having regard to local circumstances shall be prescribed by national laws or regulations shall be available for rapidly securing the rendering of first-aid and in serious cases of accident removal to the nearest place of treatment. Sufficient supplies of first-aid equipment shall be kept permanently on the premises in such a condition and in such positions as to be fit and readily accessible for immediate use during working hours. The said supplies shall be in charge of a responsible person or persons, who shall include one or more persons competent to render first-aid, and whose services shall also be readily available during working hours.

At such docks, wharves, quays and similar places as aforesaid appropriate provision shall also be made for the rescue of immersed workers from drowning.

*Italy.* — The Government states in its report that there is a first-aid service for accidents in every harbour in the kingdom. The principal harbours also possess special infirmaries. As a general rule these health services are managed either directly by the institutions and associations in the harbours or by means of the local health relief organisations (Italian Red Cross, etc.).

*Uruguay.* — See introductory note.

#### ARTICLE 14.

Any fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing whatsoever required to be provided under this Convention shall not be removed or interfered with by any person except when duly authorised or in case of necessity, and if removed shall be restored at the end of the period for which its removal was necessary.

*Italy.* — The Government states that strict observance of the rules prescribed by this Article of the Convention is assured by the supervision exercised by the competent maritime authorities (harbour masters, dock labour offices), by the organi-

sations concerned, and by the Royal Corps of Civil Engineers, the Italian Register, etc.

*Uruguay.* — See introductory note.

#### ARTICLE 15.

It shall be open to each Member to grant exemptions from or exceptions to the provisions of this Convention in respect of any dock, wharf, quay or similar place at which the processes are only occasionally carried on or the traffic is small and confined to small ships, or in respect of certain special ships or special classes of ships or ships below a certain small tonnage, or in cases where as a result of climatic conditions it would be impracticable to require the provisions of this Convention to be carried out.

The International Labour Office shall be kept informed of the provisions in virtue of which any exemptions and exceptions as aforesaid are allowed.

*Please describe the cases in which advantage has been taken of the exemptions or exceptions provided for in this Article.*

*If exemptions or exceptions have been granted in view of climatic conditions, please indicate the nature of those exemptions or exceptions and the grounds on which they have been granted.*

*Please forward the texts of all relevant legislation, administrative regulations, executive orders, etc.*

*Italy.* — The Government states that the question of the exemptions contained in this Article will be dealt with in the Regulations which are at present being considered by the central Mercantile Marine Department. A certain number of these exemptions are already provided for in Regulations No. 719 of 23 May 1932.

*Uruguay.* — See introductory note.

#### ARTICLE 16.

Except as herein otherwise provided, the provisions of this Convention which affect the construction or permanent equipment of the ship shall apply to ships the building of which is commenced after the date of ratification of the Convention, and to all other ships within four years after that date, provided that in the meantime the said provisions shall be applied so far as reasonable and practicable to such other ships.

*Italy.* — The Government states that the Convention has become an administrative instrument throughout the kingdom; it is therefore applicable to all ships the building of which was begun after the date of ratification. For all other ships, the Italian Government undertakes to apply the measures which affect their equipment, in accordance with the text of this Article, during the four years prescribed by the Article and with the proviso contained therein.

*Uruguay.* — See introductory note.

#### ARTICLE 18.

Each Member undertakes to enter into reciprocal arrangements on the basis of this Convention

with the other Members which have ratified this Convention, including more particularly the mutual recognition of the arrangements made in their respective countries for testing, examining and annealing and of certificates and records relating thereto;

Provided that, as regards the construction of ships and as regards plant used on ships and the records and other matters to be observed on board under the terms of this Convention, each Member is satisfied that the arrangements adopted by the other Member secure a general standard of safety for the workers equally effective as the standard required under its own laws and regulations;

Provided also that the Governments shall have due regard to the obligations of paragraph (11) of Article 405 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

*Please indicate the steps taken to carry out the provisions of this Article.*

*Please indicate any difficulties encountered in this respect.*

*Italy.* — The Government states in its report that it was represented at the second meeting of the London Conference for reciprocal agreements as prescribed by the Convention; it is willing to conclude the necessary agreements to ensure the application of the Convention.

*Uruguay.* — See introductory note.

### 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, 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.*

*Italy.* — The Government states that the question of applying the Convention to the colonies is under examination and will be taken into consideration in the Regulations which are being drafted with a view to consolidating and supplementing the rules relating to the application of the Convention.

## IV.

*Article 17 of the Convention is as follows :*

In order to ensure the due enforcement of any regulations prescribed for the protection of the workers against accidents,

(1) The regulations shall clearly define the persons or bodies who are to be responsible for compliance with the respective regulations ;

(2) Provision shall be made for an efficient system of inspection and for penalties for breaches of the regulations ;

(3) Copies or summaries of the regulations shall be posted up in prominent positions at docks, wharves, quays and similar places which are in frequent use for the processes.

*Please indicate the measures taken in conformity with the various provisions of this Article.*

*Italy.* — The Government states that the measures prescribed by this Article are applied in a general way in the harbours of the kingdom and that the competent authorities exercise an adequate supervision in the matter. See also above under ARTICLES 3 and 5.

*Uruguay.* — 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 inspectors' reports, 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, and the number, nature and causes 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.*

*Italy.* — The Government states in its report that no complaints or observations have been submitted by the trade union organisations concerned.

*Uruguay.* — See introductory note.

### 33. Convention concerning the age for admission of children to non-industrial employment.

Article 11 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 6 June 1935. The following table shows the countries for which the Convention was in force before 1 July 1935 and which, in accordance with Article 22 of the Constitution of the International Labour Organisation, were called upon to submit reports for the period 1 October 1934-30 September 1935 or for part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Belgium. . . . .	6. 6.1934	24.10.1935
Spain. . . . .	22. 6.1934	6. 3.1936
Uruguay . . . . .	6. 6.1933	

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

## I.

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

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

*Belgium.*

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

Royal Order of 27 April 1927 concerning the employment of women and children (L.S. 1927, Bel. 2).

*Spain.*

Act of 13 March 1900 concerning the employment of women and children.

Regulations of 13 November 1900, for the enforcement of the above Act of 13 March 1900.

Act of 21 November 1931 respecting contracts of employment (L.S. 1931, Sp. 14).

## II.

*Please indicate in detail for the several provisions of 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 any employment not dealt with in the following Conventions adopted by the International Labour Conference at its First, Second and Third Sessions respectively:

Convention fixing the minimum age for admission of children to industrial employment (Washington, 1919);

Convention fixing the minimum age for admission of children to employment at sea (Genoa, 1920);

Convention concerning the age for admission of children to employment in agriculture (Geneva, 1921).

The competent authority in each country shall, after consultation with the principal organisations of employers and workers concerned, define the line of division which separates the employments covered by this Convention from those dealt with in the three aforesaid Conventions.

(2) This Convention shall not apply to:

(a) employment in sea-fishing;

(b) work done in technical and professional schools, provided that such work is essentially of an educative character, is not intended for commercial profit, and is restricted, approved and supervised by public authority.

(3) It shall be open to the competent authority in each country to exempt from the application of this Convention:

(a) employment in establishments in which only members of the employer's family are employed, except employment which is harmful, prejudicial or dangerous within the meaning of Articles 3 and 5 of this Convention;

(b) domestic work in the family performed by members of that family.

*In addition,*

(a) please state what decisions, if any, have been taken, in accordance with the last sub-paragraph of paragraph (1) of this Article, defining the line of division which separates the employments covered by this Convention from those dealt with in the three other Conventions mentioned, and indicate what methods were employed to consult the principal organisations of employers and workers concerned.

(b) please supply detailed information on the exemptions (if any) allowed under paragraph (3) of this Article, indicating in particular the precise definition of the term "family" which has been adopted for the purpose of such exemptions.

*Belgium.* — Under § 1 of the Act concerning the employment of women and children, the provisions of the Act apply to work: (1) in the undertakings which are subject to the Act to provide for an eight-hour day and a forty-eight-hour week<sup>(1)</sup>; (2) in establishments which are classed as dangerous, unhealthy or noxious; (3) in connection with transport by water. The Act applies to both public and private undertakings, even when they serve the purposes of trade instruction or are of a philanthropic nature, with the exception, however, of trade schools, provided that such schools are approved and supervised by public authority. The following is exempted: work carried on in undertakings in which only members of the family are employed, under the supervision of the father, mother or guardian, provided that such work is not classed as dangerous, unhealthy or noxious, and that no steam boilers or mechanical power are used. The report adds that it is not necessary to define the line of division between the scope of this Convention and that of the Convention fixing the minimum age for admission of children to industrial employment, since in Belgium the question of the age of admission is regulated by a single Act which covers non-industrial work together with other work and regulates both kinds uniformly.

*Spain.* — The Act of 13 March 1900 and Regulation for its enforcement of 30 November 1900 apply to all forms of employment with the exception, under § 3 of the Regulations, of agricultural work, and employment in family workshops, i.e., those where only members of the family or persons taken into the family are employed under the direction of one of their number. The Act of 21 November 1931 respecting contracts of employment provides in § 2 that the contract of employment to which this Act relates shall apply to all employment or work on account of and under the authority of another person, and to all service rendered under the same conditions inclusive of domestic service. The following shall not be covered by the rules respecting contracts laid down in this Act: (a) work of a family nature the only persons engaged in which are members of the family or persons taken into the family, working under the direction of one of the members of the family, provided that the persons engaged in the work do not consider themselves to be employees; (b) work which, while not of a family nature, is carried out from time

<sup>(1)</sup> For the scope of this Act, see under Convention No. 1, (Hours of work, industry), ARTICLE 1.

to time by so-called friendly, charitable or neighbourly services. The report adds that no line of division has been defined for the purpose of applying the three Conventions mentioned in the last sub-paragraph of paragraph (1) of this Article.

#### ARTICLE 2.

Children under fourteen years of age, or children over fourteen years who are still required by national laws or regulations to attend primary school, shall not be employed in any employment to which this Convention applies except as hereinafter otherwise provided.

*Belgium.* — § 3 of the Act concerning the employment of women and children prohibits the employment of children under the age of 14 years. This prohibition applies even in the case of home-work done on behalf of a contractor. The report states that the prohibition applies to all children under 14 years of age without exception, whether in relation to industrial or non-industrial occupations.

*Spain.* — Under § 1 of the Act of 13 March 1900, children of either sex under 10 years of age shall be excluded from all kinds of employment. § 15 of the Act of 21 November 1931 respecting contracts of employment provides that the following persons may enter into individual contracts for the hiring of their services: (a) persons over eighteen years of age, on their own account, whether they live with their parents or not; (b) persons over fourteen and under eighteen years of age, subject to the authorisation of one of the following, in the order in which they are mentioned, viz., father, mother, paternal or maternal grandfather, guardian; in default of the said persons or in their absence, the person who or institution which has assumed responsibility for the maintenance or care of the minor, or the local authority; (c) for the purposes of this Act, persons over fourteen and under eighteen years of age who are unmarried, and who with the consent of their parents or grandparents live independently of them, shall be deemed to be emancipated and shall not need any authorisation.

#### ARTICLE 3.

(1) Children over twelve years of age may, outside the hours fixed for school attendance, be employed on light work;

(a) which is not harmful to their health or normal development;

(b) which is not such as to prejudice their attendance at school or their capacity to benefit from the instruction there given; and

(c) the duration of which does not exceed two hours per day on either school days or holidays, the total number of hours spent at school and on light work in no case to exceed seven per day.

(2) Light work shall be prohibited:

(a) on Sundays and legal public holidays;

(b) during the night, that is to say during a period of at least twelve consecutive hours comprising the interval between 8 p.m. and 8 a.m.

(3) After the principal organisations of employers and workers concerned have been consulted, national laws or regulations shall:

(a) specify what forms of employment may be considered to be light work for the purpose of this Article;

(b) prescribe the preliminary conditions to be complied with as safeguards before children may be employed in light work.

(4) Subject to the provisions of sub-paragraph (a) of paragraph (1) above,

(a) national laws or regulations may determine work to be allowed and the number of hours per day to be worked during the holiday time of children referred to in Article 2 who are fourteen years of age;

(b) in countries where no provision exists relating to compulsory school attendance, the time spent on light work shall not exceed four and a half hours per day.

*In addition, if the employment of children over twelve years of age on light work, under the conditions laid down in this Article, is permitted, please state what methods were adopted for consulting the principal organisations of employers and workers for the purpose of paragraph (3).*

*Please indicate any application that may have been made of the provisions of paragraph (4).*

*(See also under Article 8).*

*Belgium.* — Belgian legislation contains no exception to allow children over 12 years of age to be employed on light work. The report adds that this Article of the Convention has therefore no application in Belgium.

*Spain.* — The report does not refer specifically to this question. See under ARTICLE 2.

#### ARTICLE 4.

In the interests of art, science or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the provisions of Articles 2 and 3 of this Convention in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films;

Provided that:

(a) no such exception shall be allowed in respect of employment which is dangerous within the meaning of Article 5, such as employment in circuses, variety shows or cabarets;

(b) strict safeguards shall be prescribed for the health, physical development and morals of the children, for ensuring kind treatment of them, adequate rest, and the continuation of their education;

(c) children to whom permits are granted in accordance with this Article shall not be employed after midnight.

*(See also under Article 8).*

*Belgium.* — The Royal Order of 27 April 1927 regulates the question of the employment of children in undertakings for public entertainment. The Order in question prohibits in principle the employment of children under 16 years of age in theatres, music halls, night bars, dancing and other similar establishments. The

only exception to this prohibition is for theatres, and the exception is not authorised unless the piece in question requires the inclusion of children in the cast, and only provided that all necessary measures are taken for protecting the health and moral welfare of the children in question. During the period 1 October 1934 to 30 September 1935 only fourteen temporary authorisations of this kind were granted to heads of theatrical undertakings, affecting a total of 75 children.

*Spain.* — The report does not refer specifically to this question. See under ARTICLE 2.

#### ARTICLE 5.

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to any employment which, by its nature, or the circumstances in which it is to be carried on, is dangerous to the life, health or morals of the persons employed in it.

(See also under Article 8).

*Belgium.* — The report states that the Royal Order of 27 April 1927 represents the first example of additional regulations which limit still more severely the admission of children to non-industrial work in the sense of this Article of the Convention. The minimum age of admission is in principle raised from 14 to 16 years of age in the Order.

*Spain.* — Under § 6 of the Act of 13 March 1900, it is forbidden to employ children under 16 years of age in any place of employment producing leaflets, advertisements, illustrations, paintings, designs, pictures, etc., of a kind which, while not infringing the penal code, are nevertheless dangerous to morals.

#### ARTICLE 6.

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to employment for purposes of itinerant trading in the streets or in places to which the public have access, to regular employment at stalls outside shops or to employment in itinerant occupations, in cases where the conditions of such employment require that a higher age should be fixed.

(See also under Article 8.)

*Belgium.* — Under the Royal Order of 27 April 1927, children under the age of 16 years may not be employed to sell or offer for sale any articles whatever in establishments open to the public or in the streets; no exception whatever is made to this prohibition. See also under ARTICLE 5.

*Spain.* — The report does not refer to this question.

#### ARTICLE 8.

There shall be included in the annual reports to be submitted under Article 408 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace full information concerning all laws and regulations by which effect is given to the provisions of this Convention, including:

(a) a list of the forms of employment which national laws or regulations specify to be light work for the purpose of Article 3;

(b) a list of the forms of employment for which, in accordance with Articles 5 and 6, national laws or regulations have fixed ages for admission higher than those laid down in Article 2;

(c) full information concerning the circumstances in which exceptions to the provisions of Articles 2 and 3 are permitted in accordance with the provisions of Article 4.

*Please supply the information required by this Article, in so far as it has not already been supplied with reference to the application of Articles 3, 4, 5 and 6.*

*Belgium.* — The report refers to the information given under ARTICLES 3, 4, 5 and 6.

*Spain.* — The report does not refer to this question.

#### ARTICLE 9 (India only).

The provisions of Articles 2, 3, 4, 5, 6 and 7 of this Convention shall not apply to India, but in India:

(1) the employment of children under ten shall be prohibited:

Provided that in the interests of art, science or education, national laws or regulations may, by permits, granted in individual cases, allow exceptions to the above provision in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films.

Provided also that should the age for the admission of children to factories not using power which are not subject to the Indian Factories Act be fixed by national laws or regulations at an age exceeding ten, the age so prescribed for admission to such factories shall be substituted for the age of ten for the purpose of this paragraph.

(2) Persons under fourteen years of age shall not be employed in any non-industrial employment which the competent authority, after consultation with the principal organisations of employers and workers concerned, may declare to involve danger to life, health or morals.

(3) An age above ten shall be fixed by national laws or regulations for admission of young persons and adolescents to employment for purposes of itinerant trading in the streets or in places to which the public have access, to regular employment at stalls outside shops or to employment in itinerant occupations, in cases where the conditions of such employment require that a higher age should be fixed.

(4) National laws or regulations shall provide for the due enforcement of the provisions of this Article and in particular shall provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Article.

(5) The competent authority shall, after a period of five years from the date of passing of legislation giving effect to the provisions of this Convention, review the whole position with a view to increasing the minimum age prescribed in this Convention, such review to cover the whole of the provisions of this Article.



Should legislation be enacted in India making attendance at school compulsory until the age of fourteen this Article shall cease to apply, and Articles 2, 3, 4, 5, 6 and 7 shall thenceforth be applicable to India.

### 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, 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.*

*Belgium.* — Local conditions do not at present allow the provisions of the Convention to be applied to the *Belgian Congo* or to the *Mandated Territories*.

*Spain.* — The report states that no action has been taken for the zone under Spanish protectorate, where, by the Decree of 7 September 1931, the employment of young persons under 12 years of age is forbidden.

### IV.

*Article 7 of the Convention is as follows:*

In order to ensure the due enforcement of the provisions of this Convention, national laws or regulations shall:

- (a) provide for an adequate system of public inspection and supervision;
- (b) provide suitable means for facilitating the identification and supervision of persons under a specified age engaged in the employments and occupations covered by Article 6;
- (c) provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Convention.

*Please indicate the measures taken in conformity with the various provisions of this Article.*

*Belgium.* — The labour inspection services and the local police force ensure the enforcement of the Acts and Orders in question in the undertakings which are

subject to their supervision. In addition, all children subject to the Act concerning the employment of women and children must be in possession of a work book as prescribed by § 16 of the Act.

*Spain.* — The report states that the labour inspectorate is responsible for the supervision and enforcement of the provisions concerning the admission of young persons to non-industrial employment.

### 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.*

In the reports received, no decision of this character is mentioned.

### 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, 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.*

*Belgium.* — A statement of the cases of infringement which have been notified is published monthly in the *Revue du Travail*. The Government does not possess any other statistical information; it has not received any observations from the employers' and workers' organisations with regard to the practical application of the Convention and of the national legislation which implements it.

*Spain.* — The report states that infringements of these provisions are included among breaches of the Act concerning the employment of women and children. Infringements concerning the age for admission of young persons to non-industrial employment have not been noted separately.



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# INTERNATIONAL LABOUR CONFERENCE

TWENTIETH SESSION

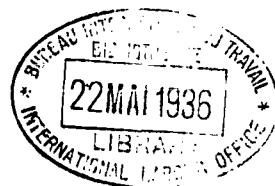
GENEVA, 1936

## 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

(Article 19 of the Constitution of the International Labour Organisation)



INTERNATIONAL LABOUR OFFICE

GENEVA, 1936

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Afghanistan, the United States of America and the Union of Soviet Socialist Republics are not shown in these tables, since the time which has elapsed since these States became Members of the International Labour Organisation has not been sufficient for them to take action upon any Conventions or Recommendations.

## FIRST SESSION (WASHINGTON, 29 October-29 November 1919).

## Conventions.

\* = Information received since last Report.

## 1. Hours of Work (Industry). — (Date of first coming into force : 13 June 1921.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intim- ation that they have submitted the Convention to the "compet- ent authority" have supplied information of other measures taken.	(e) States which have not officially commu- nicated 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 (1). 12- 6- 24. Belgium. 6- 9- 26. Bulgaria. 14- 2- 22. * Canada. 21- 3- 35. Chile. 15- 9- 25. Colombia. 20- 6- 33. Cuba. 20- 9- 34. Czechoslo- vakia. 24- 8- 21. Dominican Republic. 4- 2- 33. France (2). 2- 6- 27. Greece. 19- 11- 20. India. 14- 7- 21. Italy (3). 6- 10- 24. Latvia (4). 15- 8- 25. Lithuania. 19- 6- 31. Luxemburg. 16- 4- 28. Nicaragua. 12- 4- 34. Portugal. 3- 7- 28. Rumania. 13- 6- 21. Spain (5). 22- 2- 29. Uruguay. 6- 6- 33.	<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 (6). 1926. Estonia (6). 26- 9- 24. Paraguay. 24- 5- 26. Poland (6). 26- 7- 21.	Albania. 1931. Irish Free State. 30- 4- 25. Nether- lands. 21- 7- 21.		Australia. 29- 9- 21. Brazil. 4- 3- 32. New Zealand. 11- 11- 20. South Africa. 1921. Yugoslavia. 26- 4- 20.	*Bolivia. China. *Ecuador. Haiti. Iraq. Mexico. Panama. *Peru. Salvador. Turkey.	Ethiopia. Guatemala. Honduras. Iran. Liberia.

## 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 (7). 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 (8). 15- 11- 20. Siam. 1922. Venezuela. 11- 7- 25.	Cuba. 11- 6- 23. Czechoslo- vakia. 22- 12- 20. * Latvia. 8- 4- 35. Lithuania (6). 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.	*Bolivia. China. Dominican Republic. *Ecuador. Haiti. Iraq. Mexico. Panama. *Peru. Salvador. Turkey.	Ethiopia. Guatemala. Honduras. Iran. Liberia.
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(1) Conditionally upon ratification by Belgium, Czechoslovakia, France, Germany, Great Britain, Hungary, Italy, Poland, Switzerland and Yugoslavia.

(2) Conditionally upon ratification by Germany and Great Britain.

(3) Conditionally upon ratification by Belgium, France, Germany, Great Britain and Switzerland.

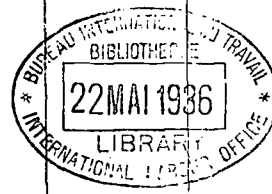
(4) Conditionally upon ratification by three of the eight States "of chief industrial importance" (Art. 7, § 3, of the Constitution.

(5) Came into force unconditionally on 1 October 1931.

(6) Proposal lapsed.

(7) The notice of the withdrawal of Germany from the International Labour Organisation expired on 21 October 1935.

(8) 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 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.		
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 <sup>(1)</sup> . 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>(2)</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>(3)</sup> . 16- 3- 21. Czecho- slovakia. 22- 12- 20. Denmark <sup>(3)</sup> . 1925. France. <sup>(3)</sup> 4- 11- 30. Lithuania <sup>(3)</sup> . Aug. 1922. Paraguay. 24- 5- 26.	Albania. 1931. Austria <sup>(3)</sup> . 1927. Irish Free State. 30- 4- 25. Nether- lands <sup>(4)</sup> . 21- 7- 21.	Poland. 25- 8- 31.	Australia. 29- 9- 21. New Zealand. 11- 11- 20. Portugal. 9- 12- 26. South Africa. 1921.	*Bolivia. Dominican Republic. *Ecuador. Haiti. India. Iraq. Mexico. Panama. *Peru. Salvador. Turkey.	Ethiopia. Guatemala. Honduras. Iran. Liberia.

## 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 <sup>(6)</sup> . 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 <sup>(5)</sup> . 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>(2)</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>(3)</sup> . 1925. Latvia. 6- 5- 24. Paraguay. 24- 5- 26.	Poland <sup>(3)</sup> . 26- 7- 21.	Australia. 29- 9- 21. New Zealand. 11- 11- 20.	*Bolivia. Dominican Republic. *Ecuador. Haiti. Iraq. Mexico. Panama. *Peru. Salvador. Turkey.	Ethiopia. Guatemala. Honduras. Iran. Liberia.
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<sup>(1)</sup> See note (7) on page 3.<sup>(2)</sup> See note (8) on page 3.<sup>(3)</sup> Proposal lapsed.<sup>(4)</sup> Proposal withdrawn.<sup>(5)</sup> Ratification denounced on 25 October 1935 in consequence of the ratification of Convention No. 41 ; see page 23.<sup>(6)</sup> Ratification denounced on 28 January 1936 in consequence of the ratification of Convention No. 41 ; see page 23.

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. * Austria. 26- 2- 36. 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> Finland. 1922. Italy. 20- 3- 24.  <i>Other decisions (adjournment, etc.) :</i> Canada <sup>(1)</sup> . 15- 11- 20. Hungary. 4- 3- 25. India <sup>(2)</sup> . 1921. Norway. 27- 6- 27. Siam. 1922. Sweden. 15- 6- 21. Venezuela. 11- 7- 25.	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.	*Bolivia. China. *Ecuador. Haiti. Iraq. Mexico. Panama. *Peru. Salvador. Turkey.	Ethiopia. Guatemala. Honduras. Iran. Liberia.

## 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 <sup>(1)</sup> . 15- 11- 20. 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.	*Bolivia. China. Dominican Republic. *Ecuador. Haiti. Iraq. Mexico. Panama. *Peru. Salvador. Turkey.	Ethiopia. Guatemala. Honduras. Iran. Liberia.
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<sup>(1)</sup> See note (8) on page 3.<sup>(2)</sup> Approved with reservations : see Record of 1921 Session of Conference, p. 1043.

## SECOND SESSION (GENOA, 15 June-10 July 1920).

## Conventions.

\* = Information received since last Report.

**7. Minimum Age (Sea).** — (Date of first coming into force : 27 September 1921.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially 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. 28- 6- 35. Belgium. 4- 2- 25. Bulgaria. 16- 3- 23. Canada. 31- 3- 26. * Chile. 18- 10- 35. 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 <sup>(1)</sup> . 11- 6- 29. Great Britain. 14- 7- 21. Greece. 16- 12- 25. Hungary. 1- 3- 28. Irish Free State. 4- 9- 25. Italy. 14- 7- 32. Japan. 7- 6- 24. Latvia. 3- 6- 26. Luxemburg. 16- 4- 28. Netherlands. 26- 3- 25. 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>Approval :</i> * Brazil. 22- 12- 35.  <i>Other decisions (adjournment, etc.) :</i> India <sup>(2)</sup> . 27- 9- 21. Siam. 1922. Switzerland <sup>(3)</sup> . 3- 2- 22. Venezuela. 11- 7- 25.	Lithuania <sup>(4)</sup> . Aug. 1922.	Albania. 1931. France. 10- 1- 29.	Austria <sup>(4)</sup> . 1927.	New Zealand. 1923. Portugal. 9- 12- 26.	China. Czecho-slovakia. *Ecuador. Haiti. Iraq. Mexico. Panama. *Peru. South Africa. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Salvador.

**8. Unemployment Indemnity (Shipwreck).** — (Date of first coming into force : 16 March 1923.)

Argentina. 30- 11- 33. * Australia. 28- 6- 35. Belgium. 4- 2- 25. Bulgaria. 16- 3- 23. Canada. 31- 3- 26. * Chile. 18- 10- 35. Colombia. 20- 6- 33. Cuba. 6- 8- 28. Estonia. 3- 3- 23. France. 21- 3- 29. Germany <sup>(1)</sup> . 4- 3- 30. Great Britain. 12- 3- 26. Greece. 16- 12- 25. Irish Free State. 5- 7- 30. Italy. 8- 9- 24. Latvia. 29- 8- 30. Luxemburg. 16- 4- 28. 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>(5)</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. Siam. 1922. Switzerland <sup>(3)</sup> . 3- 2- 22. Venezuela. 11- 7- 25.	Denmark <sup>(4)</sup> . 1926. Lithuania <sup>(4)</sup> . Aug. 1922. * Norway. 6- 3- 36.	Albania. 1931.	Austria <sup>(4)</sup> . 1927.	Brazil. 4- 3- 32. New Zealand. 1923. Portugal. 9- 12- 26.	China. Czecho-slovakia. Dominican Republic. *Ecuador. Haiti. Iraq. Mexico. Panama. *Peru. South Africa. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Salvador.
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<sup>(1)</sup> See note 7 on page 3.<sup>(2)</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>(3)</sup> Considered to be without object for Switzerland.<sup>(4)</sup> Proposal lapsed.<sup>(5)</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. * Chile. 18- 10- 35. Colombia. 20- 6- 33. Cuba. 6- 8- 28. Estonia. 3- 3- 23. Finland. 7- 10- 22. France. 25- 1- 28. Germany <sup>(1)</sup> . 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.	<b>Approval :</b> Netherlands <sup>(2)</sup> . 13- 1- 23.  <b>Rejection :</b> Hungary. 4- 3- 25. India. 27- 9- 21.  <b>Other decisions</b> <i>(adjournments,</i> <i>etc.) :</i> Canada <sup>(3)</sup> . 28- 5- 21. Great Britain. 8- 11- 21. Siam. 1922. Switzerland <sup>(4)</sup> . 3- 2- 22. Venezuela. 11- 7- 25.	Denmark <sup>(5)</sup> . 1926. Lithuania <sup>(6)</sup> . Aug. 1922.	Albania. 1931. Irish Free State. 30- 4- 25.	Austria <sup>(5)</sup> . 1927.	Brazil. 4- 3- 32. New Zealand. 1923. Portugal. 9- 12- 26.	China. Czecho- slovakia. Dominican Republic. *Ecuador. Haiti. Iraq. Mexico. Panama. *Peru. South Africa. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. 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. * Chile. 18- 10- 35. * Cuba. 22- 8- 35. 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.	<b>Approval :</b> * Argentina. 27- 9- 35. Colombia. 23- 11- 31. Netherlands <sup>(2)</sup> . 31- 5- 29.  <b>Rejection :</b> Great Britain. 6- 2- 25. India. 1923.  <b>Other decisions</b> <i>(adjournment,</i> <i>etc.) :</i> Canada <sup>(6)</sup> . 29- 6- 22. Finland. 20- 2- 23. Norway. 27- 6- 27. Siam. 1922. Switzerland. 21- 6- 24. Venezuela. 11- 7- 25.	Denmark. 1933. Greece <sup>(5)</sup> . 30- 5- 27. Latvia. 18- 5- 24.	Albania. 1931. France. 10- 1- 29.	Australia. 13- 6- 24. Brazil. 4- 3- 32. Lithuania. 1923. New Zealand. 9- 12- 26. Portugal. 9- 12- 26. South Africa. 1923. Yugoslavia. 26- 4- 26.	China. *Ecuador. Haiti. Iraq. Mexico. Panama. *Peru. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Salvador.
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<sup>(1)</sup> See note 7 on page 3.<sup>(2)</sup> Act reserving to the Crown the right to ratify the Conven-  
tion.<sup>(3)</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>(4)</sup> Considered to be without object for Switzerland.<sup>(5)</sup> Proposal lapsed.<sup>(6)</sup> See Note 8 on page 3.

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. * Cuba. 22- 8- 35. Czechoslo- vakia. 31- 8- 23. Denmark. 20- 6- 30. Estonia. 8- 9- 22. Finland. 19- 6- 23. France. 23- 3- 29. Germany <sup>(1)</sup> . 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>Approval :</i> * Argentina. 27- 9- 35.  <i>Other decisions (adjournment, etc.) :</i> Canada <sup>(2)</sup> . 29- 6- 22. Hungary. 4- 3- 25. Japan. 27- 6- 23. Siam. 1922. Switzerland. 21- 6- 24. Venezuela. 11- 7- 25.	* Brazil. 1935. Greece <sup>(3)</sup> . 1- 6- 27.	Albania. 1931.		Australia. 13- 6- 24. Lithuania. 1923. New Zealand 1923. Portugal. 9- 12- 26. South Africa. 1923.	Dominican Republic. * Ecuador. Haiti. Iraq. Mexico. Panama. * Peru. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. 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. * Cuba. 22- 8- 35. Denmark. 26- 2- 23. Estonia. 8- 9- 22. France. 4- 4- 28. Germany <sup>(1)</sup> . 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> * Argentina. 27- 9- 35. Hungary. 5- 3- 25.  <i>Rejection :</i> Finland. 4- 7- 29.  <i>Other decisions (adjournment, etc.) :</i> Canada <sup>(2)</sup> . 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.	* Brazil. 1935. Greece <sup>(3)</sup> . 1- 6- 27.	Albania. 1931. Austria <sup>(3)</sup> . 1927.	Australia. 13- 6- 24. Lithuania. 1923. New Zealand 1923. Portugal. 9- 12- 26. South Africa. 1923. Yugoslavia. 26- 4- 26.	China. Czechoslo- vakia. Dominican Republic. * Ecuador. Haiti. Iraq. Mexico. Panama. * Peru. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Salvador.
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<sup>(1)</sup> See note (7) on page 3.<sup>(2)</sup> See note (8) on page 3.<sup>(3)</sup> 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 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. 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 (1). 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> * Argentina. 27- 9- 35. Italy. 20- 3- 24. Netherlands (2). 10- 6- 26.  <i>Rejection :</i> India. 1924.  <i>Other decisions (adjournment, etc.) :</i> Canada (3). 29- 6- 22. Great Britain. 9- 5- 23. Japan. 27- 6- 23. Siam. 1922. Switzerland. 17- 12- 29.	Denmark (4). 3- 12- 24.	Albania. 1931. Irish Free State. 30- 4- 25.		Australia. 13- 6- 24. Brazil. 4- 3- 32. Lithuania. 1923. New Zealand. 1923. Portugal. 9- 12- 26. South Africa. 1923.	China. Dominican Republic. *Ecuador. Haiti. Iran. Iraq. Mexico. Panama. *Peru. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Salvador.

**14. Weekly Rest (Industry).** — (Date of first coming into force : 19 June 1923.)

Belgium. 19- 7- 26. Bulgaria. 6- 3- 25. * Canada. 21- 3- 35. Chile. 15- 9- 25. China. 17- 5- 34. Colombia. 20- 6- 33. Czechoslo- vakia. 31- 8- 23. * Denmark. 30- 8- 35. 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> * Argentina. 27- 9- 35. Cuba (5). 16- 5- 28. Hungary. 4- 3- 25. Nether- lands (2). 10- 6- 26.  <i>Rejection :</i> Great Britain. 9- 5- 23.  <i>Other decisions (adjournment, etc.) :</i> Japan. 27-6-23. Norway. 27- 6- 27. Siam. 1922. Venezuela. 11- 7- 25.	Albania. 1931. Austria (4). 10- 9- 23.	Australia. 13- 6- 24. Brazil. 4- 3- 32. New Zealand. 1923. South Africa. 1923.	Dominican Republic. *Ecuador. Haiti. Iraq. Mexico. Panama. *Peru. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Salvador.
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(1) Conditionally upon ratification by France, Germany and Great Britain.

(2) Act reserving to the Crown the right to ratify the Convention.

(3) See note (8) on page 3.

(4) Proposal lapsed.

(5) Conditionally upon "application being subordinated to the bringing into conformity of the national legislation in force".

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 intim- ation that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
* Australia. 28- 6- 35. Belgium. 19- 7- 26. Bulgaria. 6- 3- 25. Canada. 31- 3- 26. * Chile. 18-10- 35. 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 <sup>(1)</sup> . 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>Approval :</i> * Argentina. 27- 9- 35.  <i>Other decisions (adjournment, etc.) :</i> Siam. 1922. Switzerland <sup>(2)</sup> . 21- 6- 24. Venezuela. 11- 7- 25.	* Brazil. 1935.	Albania. 1931. Austria <sup>(3)</sup> . 10- 9- 23.		Lithuania. 1923. New Zealand 1923. Portugal. 9-12- 26. South Africa. 1923.	China. Czechoslovakia. Dominican Republic. *Ecuador. Haiti. Iraq. Mexico. Panama. *Peru. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Salvador.

**16. Medical Examination of Young Persons (Sea). — (Date of first coming into force : 20 November 1922.)**

* Australia. 28- 6- 35. Belgium. 19- 7- 26. Bulgaria. 6- 3- 25. Canada. 31- 3- 26. * Chile. 18-10- 35. Colombia. 20- 6- 33. Cuba. 7- 7- 28. Estonia. 8- 9- 22. Finland. 10-10- 25. France. 22- 3- 28. Germany <sup>(1)</sup> . 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>Approval :</i> * Argentina. 27- 9- 35. * Brazil. 22-12- 35.  <i>Other decisions (adjournment, etc.) :</i> Norway. 27- 6- 27. Siam. 1922. Switzerland <sup>(2)</sup> . 21- 6- 24. * Venezuela. 11- 7- 25.	Denmark <sup>(3)</sup> . 1926.	Albania. 1931. Austria <sup>(3)</sup> . 10- 9- 23.		Lithuania. 1923. New Zealand 1923. Portugal. 9-12- 26. South Africa. 1923.	China. Czechoslovakia. Dominican Republic. *Ecuador. Haiti. Iraq. Mexico. Panama. *Peru. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Salvador.
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<sup>(1)</sup> See note 7 on page 3.<sup>(2)</sup> Considered to be without object for Switzerland.<sup>(3)</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. 14- 3- 36. Rumania. 1933.	Albania. 1931. Austria (2). 1927.		Australia. 14- 1- 26. Brazil. 4- 3- 32. Denmark. 1925. India. 1926. Irish Free State. 28- 5- 26. Lithuania. 1927. New Zealand. 1927. Siam. 1927. South Africa. 1926.	Argentina. *Bolivia. China. Czechoslovakia. Dominican Republic. *Ecuador. Haiti. Iraq. Panama. *Peru. Salvador. Turkey.	Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay.

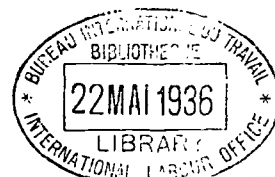
## 18. Workmen's Compensation (Occupational Diseases). — (Date of first coming into force: 1 April 1927.)

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 (3). 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. 14- 3- 36. 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. *Ecuador. Haiti. Iraq. Mexico. Panama. *Peru. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Salvador.
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(1) See note (8) on page 3.

(2) Proposal lapsed.

(3) See note (7) on page 3.



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 "compet- ent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Austria. 29- 9- 28. Belgium. 3-10- 27. Bulgaria. 5- 9- 29. Chile. 8-10- 31. 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- 28. Germany <sup>(1)</sup> . 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>Approval :</i> * Greece. 31- 10- 35.  <i>Other decisions (adjournment, etc.) :</i> Canada <sup>(2)</sup> . 11- 3- 27. Venezuela. 4- 6- 26.	Rumania. 1933.	Albania. 1931.		Australia. 14- 1- 26. Brazil. 4- 3- 32. New Zea- land. 1927. Siam. 1927.	Argentina. Dominican Republic. * Ecuador. Haiti. Iraq. Panama. * Peru. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. 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 <sup>(2)</sup> . 11- 3- 27. Italy. 12-12- 27. Japan. 4- 7- 28. Switzerland. 13- 6- 29. Venezuela. 4- 6- 26.	Austria <sup>(3)</sup> . 22-11- 26. Czechoslovakia <sup>(4)</sup> . 21- 1- 27. France. 29-11- 27. Greece. 20- 5- 27. Latvia. 26- 5- 27. Poland. 12-12- 26. Rumania. 1933.	Albania. 1931. Netherlands. <sup>(5)</sup> 3- 9- 26. Portugal. 1926.	Hungary. 1927.	Australia. 14- 1- 26. Brazil. 4- 3- 32. Denmark. 1925. India. 1926. Irish Free State. 27- 4- 26. Lithuania. New Zealand 1927. Siam. 1927. South Africa. 1926. Yugoslavia. 26- 4- 26.	Argentina. Belgium. China. Dominican Republic. * Ecuador. Haiti. Iraq. Mexico. Panama. * Peru. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Salvador.
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<sup>(1)</sup> See note (7) on page 3.<sup>(2)</sup> See note (8) on page 3.<sup>(3)</sup> Proposal lapsed.<sup>(4)</sup> The procedure of ratification has been begun.<sup>(5)</sup> 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.		
<b>Albania.</b> 17- 3- 32. <b>Australia.</b> 18- 4- 31. <b>Austria.</b> 29-12- 27. <b>Belgium.</b> 15- 2- 28. <b>Bulgaria.</b> 29-11- 29. <b>Colombia.</b> 20- 6- 33. <b>Czechoslovakia.</b> 25- 5- 28. <b>Finland.</b> 5- 4- 29. <b>France (¹).</b> 13- 1- 32. <b>Great Britain (²).</b> 16- 9- 27. <b>Hungary.</b> 3- 2- 31. <b>India.</b> 14- 1- 28. <b>Irish Free State.</b> 5- 7- 30. <b>Japan.</b> 8-10- 28. <b>Luxemburg.</b> 16- 4- 28. <b>Netherlands.</b> 13- 9- 27. <b>Nicaragua.</b> 12- 4- 34. <b>Sweden (³).</b> 15-10- 29. <b>Uruguay.</b> 6- 6- 33.	<b>Approval :</b> <b>Cuba (⁴).</b> 16- 5- 28.  <b>Rejection :</b> <b>Yugoslavia.</b> Aug. 1930.  <b>Other decisions</b> <i>(adjournment,</i> <i>etc.) :</i> <b>Canada (⁵).</b> 1928.  <b>Estonia.</b> 14-10- 30. <b>Norway.</b> 27- 6- 27. <b>Rumania.</b> 27- 3- 29. <b>Switzerland.</b> 29- 9- 27.	<b>Latvia.</b> 24- 5- 27. <b>Spain.</b> 25- 3- 32.		<b>Poland.</b> 21- 2- 31.	<b>Brazil.</b> 4- 3- 32. <b>Denmark.</b> 8-10- 26. <b>Italy.</b> 1929. <b>Lithuania.</b> New Zealand. 5-12- 27. <b>Portugal.</b> 6- 4- 27. <b>Siam.</b> 1927. <b>South Africa.</b> 31- 1- 27. <b>Venezuela.</b> 1927.	<b>Argentina.</b> Chile. China. Dominican Republic. *Ecuador. Greece. Haiti. Iraq. Mexico. Panama. *Peru. Turkey.	<b>Bolivia.</b> Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. 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.)

* <b>Australia.</b> 1- 4- 35. <b>Belgium.</b> 3-10- 27. <b>Bulgaria.</b> 29-11- 29. * <b>Chile.</b> 18-10- 35. <b>Colombia.</b> 20- 6- 33. <b>Cuba.</b> 7- 7- 28. <b>Estonia.</b> 10- 5- 29. <b>France.</b> 4- 4- 28. <b>Germany (⁶).</b> 20- 9- 30. <b>Great Britain.</b> 14- 6- 29. <b>India.</b> 31-10- 32. <b>Irish Free State.</b> 5- 7- 30. <b>Italy.</b> 10-10- 29. <b>Luxemburg.</b> 16- 4- 28. <b>Mexico.</b> 12- 5- 34. <b>Nicaragua.</b> 12- 4- 34. <b>Poland.</b> 8- 8- 31. <b>Spain.</b> 23- 2- 31. <b>Uruguay.</b> 6- 6- 33. <b>Yugoslavia.</b> 30- 9- 29.	<b>Approval :</b> <b>Canada.</b> 19- 2- 35. <b>Finland.</b> 20- 4- 28. <b>Netherlands (⁷).</b> 2- 7- 28.  <b>Other decisions</b> <i>(adjournment,</i> <i>etc.) :</i> <b>Hungary.</b> 16-11- 28. <b>Japan.</b> 4- 7- 28. <b>Norway.</b> 27- 6- 27. <b>Rumania.</b> 27- 3- 29. <b>Sweden.</b> 7- 5- 27. <b>Switzerland (⁸).</b> 29- 9- 27.	<b>Denmark (⁹).</b> 3-11- 26. <b>Latvia.</b> 24- 5- 27.	<b>Albania.</b> 1931. <b>Austria (⁹).</b> 1927.	<b>Brazil.</b> 4- 3- 32. <b>China.</b> 1927. <b>Lithuania.</b> New Zealand. 5-12- 27. <b>Portugal.</b> 6- 4- 27. <b>Siam.</b> 1927. <b>South Africa.</b> 31- 1- 27. <b>Venezuela.</b> 1927.	<b>Argentina.</b> Czecho-slovakia. Dominican Republic. *Ecuador. Greece. Haiti. Iraq. Panama. *Peru. Turkey.	<b>Bolivia.</b> Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. 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) See note (2) on page 7.

(⁶) See note (7) on page 3.

(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 intima- tion that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Belgium. 3- 10- 27. Bulgaria. 29- 11- 29. Colombia. 20- 6- 33. Cuba. 7- 7- 28. Estonia. 9- 7- 28. France. 4- 3- 29. Germany <sup>(1)</sup> . 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>(2)</sup> . 2- 7- 28.  <i>Rejection:</i> Finland. 1928. Sweden. 7- 5- 27.  <i>Other decisions</i> ( <i>adjournment,</i> <i>etc.</i> ): Canada <sup>(3)</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>(4)</sup> . 29- 9- 27.	* Brazil. 1935. Denmark <sup>(5)</sup> . 3- 11- 26. * Latvia. 8- 4- 35.	Albania. 1931. Austria <sup>(5)</sup> . 1927.		Australia. 2- 3- 27. Lithuania. New Zealand. 5- 12- 27. Portugal. 6- 4- 27. Siam. 1927. South Africa. 31- 1- 27. Venezuela. 1927.	Argentina. Chile. China. Czechoslovakia. Dominican Republic. *Ecuador. Greece. Haiti. Iraq. Panama. *Peru. Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. 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 <sup>(1)</sup> . 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</i> ( <i>adjournment,</i> <i>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. Nether- lands. 29- 6- 28. New Zealand. 5- 12- 27. Portugal. 10- 12- 27. Siam. 1928. South Africa. 1927.	Argentina. Belgium. *Bolivia. China. Dominican Republic. *Ecuador. Greece. Haiti. Iraq. Mexico. Panama. *Peru. Salvador. Turkey. Venezuela.	Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay.
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<sup>(1)</sup> See note (7) on page 3.<sup>(2)</sup> Act reserving to the Crown the right to ratify the Convention.<sup>(3)</sup> See note (2) on page 7.<sup>(4)</sup> Considered to be without object for Switzerland.<sup>(5)</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 intima- tion that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Austria. 18- 2- 29. Bulgaria. 1- 11- 30. Chile. 8- 10- 31. Colombia. 20- 6- 33. Czechoslovakia. 17- 1- 29. Germany <sup>(1)</sup> . 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. *Ecuador. Greece. Haiti. Iraq. Mexico. Panama. *Peru. Salvador. Turkey. Venezuela.	Bolivia. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay.

## 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. * Bulgaria. 4- 6- 35. * Canada. 25- 4- 35. Chile. 31- 5- 33. China. 5- 5- 30. Colombia. 20- 6- 33. * Cuba. 26- 2- 36. France. 18- 9- 30. Germany <sup>(1)</sup> . 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> Netherlands <sup>(2)</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. Czechoslovakia. 28- 11- 29.	Albania. 1931.	Austria <sup>(3)</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. *Bolivia. Dominican Republic. *Ecuador. Greece. Haiti. Iraq. Latvia. Panama. *Peru. Turkey. Venezuela.	Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Salvador.
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<sup>(1)</sup> See note (7) on page 3.<sup>(2)</sup> Act reserving to the Crown the right to ratify the Convention.<sup>(3)</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 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.		
Australia. 9- 3- 31. * Austria. 16- 8- 35. Belgium. 6- 6- 34. * Bulgaria. 4- 6- 35. 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. * France. 29- 7- 35. Germany <sup>(2)</sup> . 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>(3)</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.	Approval : Canada. 19- 2- 35. * Greece. 31- 10- 35. Hungary. 18- 5- 32.  Other decisions (adjournment etc.) : Siam. 1932.	Cuba. 22- 10- 29. * Latvia. 8- 4- 35.	Albania. 1931.		Brazil. 4- 3- 32. Great Britain. 1930. New Zea- land. 16- 7- 30.	Argentina. Colombia. Dominican Republic. * Ecuador. Guatemala. Haiti. Iraq. Panama. * Peru. Turkey.	Bolivia. Ethiopia. Honduras. Iran. Liberia. Paraguay. 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<sup>(4)</sup>. 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> See note (7) on page 3.

<sup>(3)</sup> Conditionally upon ratification by France, Germany, Great Britain and Italy.

<sup>(4)</sup> Since the ratification by Spain of Convention No. 32 was registered on 28 July 1934, its ratification of Convention No. 28 lapsed on 28 July 1935.

## 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 intim- ation that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Australia. 2- 1- 32. Bulgaria. 22- 9- 32. Chile. 31- 5- 33. Denmark. 11- 2- 32. * Finland. 13- 1- 36. Great Britain. 3- 6- 31. Irish Free State. 2- 3- 31. Italy. 18- 6- 34. Japan. 21- 11- 32. Liberia. 1- 5- 31. Mexico. 12- 5- 34. Netherlands. 31- 3- 33. Nicaragua. 12- 4- 34. Norway. 1- 7- 32. Spain. 29- 8- 32. Sweden. 22- 12- 31. Yugoslavia. 4- 3- 33.	<i>Approval :</i> Uruguay. 5- 4- 33.  <i>Rejection :</i> India. 5- 10- 31.  <i>Other decisions (adjournments, etc.) :</i> Canada <sup>(1)</sup> . 18- 4- 31. Estonia. 3- 11- 31. Switzerland. 18- 6- 31.	* France. 10- 3- 36. * Latvia. 8- 4- 35. Luxemburg. 15- 12- 31. Rumania. 1933.	Albania. 1931. Austria. 1931.	Hungary. 1933.	Brazil. 4- 3- 32. Cuba. 23- 2- 31. Lithuania. 1930. New Zealand. 22- 7- 31. Portugal. 6- 1- 31. Siam. 1931. South Africa. 14- 4- 31.	Argentina. Belgium. *Bolivia. China. Colombia. Dominican Republic. *Ecuador. Greece. Iraq. Poland. *Peru. Turkey.	Czechoslovakia. Ethiopia. Guatemala. Haiti. Honduras. Iran. Panama. Paraguay. Salvador. Venezuela.

**30. Hours of Work (Commerce and Offices).** — (Date of first coming into force : 29 August 1933.)

Austria <sup>(*)</sup> . 16- 2- 33. Bulgaria. 22- 6- 32. * Chile. 18- 10- 35. * Cuba. 24- 2- 36. * Finland. 13- 1- 36. Mexico. 12- 5- 34. Nicaragua. 12- 4- 34. Spain. 29- 8- 32. Uruguay. 6- 6- 33.	<i>Approval :</i>  <i>Rejection :</i> Great Britain. 13- 7- 31. India. 3- 10- 31. Yugoslavia. 30- 12- 31.  <i>Other decisions (adjournments, etc.) :</i> Canada <sup>(1)</sup> . 18- 4- 31. Estonia. 10- 12- 31. Japan. 12- 10- 32. Norway. 6- 3- 31. Siam. 1933. Sweden. 13- 3- 31. Switzerland. 18- 6- 31.	Luxemburg. 15- 12- 31. Poland. 25- 8- 31. Rumania. 1933.	Albania. 1931.	Hungary. 1933.	Australia. 21- 4- 31. Brazil. 4- 3- 32. Denmark. 1931. France. 16- 9- 32. Irish Free State. 17- 12- 30. Italy. 1- 4- 31. Lithuania. 1930. Netherlands. 23- 10- 31. New Zealand. 22- 7- 31. Portugal. 6- 1- 31. South Africa. 2- 10- 30.	Argentina. Belgium. China. Colombia. Czechoslovakia. Dominican Republic. *Ecuador. Iraq. Latvia. *Peru. Turkey.	Bolivia. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Liberia. Panama. Paraguay. Salvador. Venezuela.
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<sup>(1)</sup> See note (8) on page 3.<sup>(\*)</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)	(b)	(c)				(d)	(e)
Ratifications communicated and date of registration (para. 7).	Decision of the "competent authority" (para. 7) and date of such decision.	States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				States which without an official intimation that they have submitted the Convention to the "competent authority" have supplied information of other measures • taken.	States which have not officially communicated any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Spain. 29- 8- 32.	<i>Approval :</i> * Finland. <sup>(1)</sup> 1935.  <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. France. 16- 9- 32. Latvia. 12- 12- 32. Luxemburg. 15- 12- 31. Poland <sup>(1)</sup> . 20- 1- 33.	Nether-lands. 16- 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. Yugo-slavia. 10- 5- 32.	Argentina. Chile. China. Colombia. Czechoslovakia. *Ecuador. Iraq. Mexico. Nicaragua. *Peru. Turkey. Venezuela.	Belgium. Bolivia. Bulgaria. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Liberia. Panama. Paraguay. 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.)

* Chile. 18- 10- 35.	<i>Approval :</i> Canada. 19- 2- 35. * Finland. <sup>(1)</sup> 1935. Sweden. 9- 2- 33.  <i>Other decisions (adjournment, etc.):</i> Japan. 20- 12- 33. Siam. 1933. Switzerland <sup>(2)</sup> . 16- 6- 33.	Latvia. 11- 10- 33.	Norway. 1933. Rumania. 1933.	Hungary. 1933.	Albania. 1932.	Belgium. *Bolivia.	Argentina.
* China. 30- 11- 35.					Australia. 31- 8- 32.	Colombia.	Austria.
Great Britain. 10- 1- 35.					Brazil. 17- 6- 32.	*Ecuador.	Bulgaria.
Italy. 30- 10- 33.					Cuba. 1935.	Greece.	Czechoslo- vakia.
Mexico. 12- 5- 34.					Denmark. 8- 10- 32.	Guatemala.	Dominican Republic.
Spain. 28- 7- 34.					Estonia. 26- 10- 33.	India.	Ethiopia.
Uruguay. 6- 6- 33.					France. 8- 3- 34.	Iraq.	Haiti.
					Irish Free State. 28- 7- 32.	Luxem- burg.	Honduras.
					Lithuania. 1932.	Panama.	Iran.
					Netherlands. 14- 10- 33.	*Peru.	Liberia.
					New Zealand. 7- 10- 32.	Poland.	Nicaragua.
					Portugal. 11- 7- 33.	Turkey.	Paraguay.
					South Africa. 7- 12- 32.	Venezuela.	Salvador.
					Yugoslavia. 16- 1- 34.		

<sup>(1)</sup> Conditionally upon ratification by States mentioned in Article 18 of the Draft Convention.<sup>(2)</sup> Considered to be without object for Switzerland.

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.		
* Austria. 26- 2- 36. Belgium. 6- 6- 34. * Cuba. 24- 2- 36. * Netherlands. 12- 7- 35. Spain. 22- 6- 34. Uruguay. 6- 6- 33.	<i>Approval :</i>  <i>Rejection :</i> India. 20- 9- 33. South Africa. <sup>(1)</sup> 8- 12- 32.  <i>Other decisions (adjournment, etc.) :</i> * Finland. 1935. * Great Britain. Nov. 1934. Japan. 20- 12- 33. Siam. 1933. Sweden. 9- 2- 33. Switzerland. 16- 6- 33.	Latvia. 11- 10- 33. * Poland. 14- 3- 36. Rumania. 1933.	France. 8- 3- 34. Norway. 1933.	Hungary. 1933.	Albania. 1932. Australia. 31- 8- 32. Brazil. 17- 6- 32. Canada. 12- 5- 33. China. 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. Yugoslavia. 16- 1- 34.	Colombia. *Ecuador. Guatemala. Iraq. Luxemburg. Mexico. Panama. *Peru. Turkey. Venezuela.	Argentina. Bolivia. Bulgaria. Chile. Czechoslovakia. Dominican Republic. Ethiopia. Greece. Haiti. Honduras. Iran. Liberia. Nicaragua. Paraguay. Salvador.

## SEVENTEENTH SESSION (GENEVA, 8-30 June 1933).

## Conventions.

\* = Information received since last Report.

**34. Fee-Charging Employment Agencies.** — (Date of first coming into force : 18 October 1936.)

* Chile. 18- 10- 35. * Finland. 13- 1- 36. * Spain. 27- 4- 35. * Sweden. 1- 1- 36.	<i>Approval :</i>  <i>Rejection :</i> Austria. <sup>(2)</sup> 16- 12- 34. * Great Britain. 1935. India. 14- 12- 33. South Africa. <sup>(1)</sup> 4- 6- 34. Switzerland. 19- 9- 34.  <i>Other decisions, (adjournment, etc.) :</i> * Japan. 12- 6- 35. Siam. 1934.	* Rumania. 20- 4- 35. Norway. 16- 3- 34.	Albania. Oct. 1933. Australia. 4- 7- 34. Brazil. 1934. *Canada. 24- 2- 36. Cuba. 1935. Denmark. 5- 4- 34. Estonia. 10- 4- 35. France. 8- 3- 34. Irish Free State. 6- 2- 34. Italy. Oct. 1933. Latvia. 22- 12- 34. Lithuania. 12- 9- 33. New Zealand. 17- 10- 33. Netherlands. 19- 4- 34. Portugal. 2- 3- 34.	Belgium. Bulgaria. China. Colombia. *Ecuador. Greece. Hungary. Poland. *Peru. Turkey. Venezuela. Yugoslavia.	Argentina. Bolivia. Czechoslovakia. Dominican Republic. Ethiopia. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxemburg. Mexico. Nicaragua. Panama. Paraguay. Salvador. Uruguay.
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<sup>(1)</sup> Decision of the Executive Council.<sup>(2)</sup> Decision of the Council of Ministers.

## 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 commu- nicated any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
* Chile. 18- 10- 35.	<i>Approval :</i> * Italy. 6- 5- 35.  <i>Rejection :</i> Austria. <sup>(1)</sup> 6- 12- 34. India. 14- 12- 33. South Africa. <sup>(2)</sup> 4- 6- 34. Switzerland. 19- 9- 34.  <i>Other decisions, (adjournment, etc.) :</i> * Japan. 12- 6- 35. Siam. 1934. Sweden. 8- 6- 34.	* Great Britain. March 1936 Spain. 18- 12- 34.	Finland. April 1934. Hungary. 13- 12- 34. Norway. 16- 3- 34. * Rumania. 20- 4- 35.		Albania. Oct. 1933. Australia. 4- 7- 34. Brazil. 1934. Cuba. 1935. *Canada. 24- 2- 36. Denmark. 5- 4- 34. *Estonia. 10- 4- 35. France. 8- 3- 34. Irish Free State. 6- 2- 34. Latvia. 22- 12- 34. Lithuania. 12- 9- 33. Netherlands. 19- 4- 34. New Zealand. 17- 10- 33. Portugal. 2- 3- 34.	Belgium. *Bolivia. *Bulgaria. China. Colombia. *Ecuador. *Luxemburg. *Peru. Poland. Turkey. Venezuela. Yugoslavia.	Argentina. Czechoslovakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Mexico. Nicaragua. Panama. Paraguay. Salvador. Uruguay.

## 36. Old-Age Insurance (Agriculture).

* Chile. 18- 10- 35.	<i>Approval :</i> * Italy. 6- 5- 35.  <i>Rejection :</i> Austria. <sup>(1)</sup> 6- 12- 34. India. 14- 12- 33. South Africa. <sup>(2)</sup> 4- 6- 34. Switzerland. 19- 9- 34.  <i>Other decisions, (adjournment, etc.) :</i> * Japan. 12- 6- 35. Siam. 1934. Sweden. 8- 6- 34.	* Great Britain. March 1936 Spain. 18- 12- 34.	Finland. April 1934. Norway. 16- 3- 34. * Rumania. 20- 4- 35.	Hungary. 13- 12- 34.	Albania. Oct. 1933. Australia. 4- 7- 34. Brazil. 1934. *Canada. 24- 2- 36. Cuba. 1935. Denmark. 5- 4- 34. *Estonia. 10- 4- 35. France. 8- 3- 34. Irish Free State. 6- 2- 34. Latvia. 22- 12- 34. Lithuania. 12- 9- 33. Netherlands. 19- 4- 34. New Zealand. 17- 10- 33. Portugal. 2- 3- 34.	Belgium. *Bolivia. *Bulgaria. China. Colombia. *Ecuador. *Luxemburg. *Peru. Poland. Turkey. Venezuela. Yugoslavia.	Argentina. Czechoslovakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Mexico. Nicaragua. Panama. Paraguay. Salvador. Uruguay.
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<sup>(1)</sup> Decision of the Council of Ministers.<sup>(2)</sup> Decision of the Executive Council.

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 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.
		(2) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
* Chile. 18- 10- 35.	<i>Approval :</i> * Italy. 6- 5- 35.  <i>Rejection :</i> Austria. <sup>(1)</sup> 6- 12- 34. India. 14- 12- 33. South Africa. <sup>(2)</sup> 4- 6- 34. Switzerland. 19- 9- 34.  <i>Other decisions, (adjournment, etc.) :</i> * Japan. 12- 6- 35. Siam. 1934. Sweden. 8- 6- 34.	* Great Britain March 1936 Spain. 18- 12- 34.	Finland. April 1934. Hungary. 13- 12- 34. Norway. 16- 3- 34. * Rumania. 20- 4- 35.		Albania. Oct. 1933. Australia. 4- 7- 34. Brazil. 1934. *Canada. 24- 2- 36. Cuba. 1935. Denmark. 5- 4- 34. *Estonia. 10- 4- 35. France. 8- 3- 34. Irish Free State. 6- 2- 34. Latvia. 22- 12- 34. Lithuania. 12- 9- 33. Netherlands. 19- 4- 34. New Zealand. 17- 10- 33. Portugal. 2- 3- 34.	Belgium. *Bolivia. *Bulgaria. China. Colombia. *Ecuador. *Luxemburg. *Peru. Poland. Turkey. Venezuela. Yugoslavia.	Argentina. Czechoslovakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Mexico. Nicaragua. Panama. Paraguay. Salvador. Uruguay.

**38. Invalidity Insurance (Agriculture).**

* Chile. 18- 10- 35.	<i>Approval :</i> * Italy. 6- 5- 35.  <i>Rejection :</i> Austria. <sup>(1)</sup> 6- 12- 34. India. 14- 12- 33. South Africa. <sup>(2)</sup> 4- 6- 34. Switzerland. 19- 9- 34.  <i>Other decisions, (adjournment, etc.) :</i> * Japan. 12- 6- 35. Siam. 1934. Sweden. 8- 6- 34.	* Great Britain March 1936 Spain. 18- 12- 34.	Finland. April 1934. Norway. 16- 3- 34. * Rumania. 20- 4- 35.	Hungary. 13- 12- 34.	Albania. Oct. 1933. Australia. 4- 7- 34. Brazil. 1934. *Canada. 24- 2- 36. Cuba. 1935. Denmark. 5- 4- 34. *Estonia. 10- 4- 35. France. 8- 3- 34. Irish Free State. 6- 2- 34. Latvia. 22- 12- 34. Lithuania. 12- 9- 33. Netherlands. 19- 4- 34. New Zealand. 17- 10- 33. Portugal. 2- 3- 34.	Belgium. *Bolivia. *Bulgaria. China. Colombia. *Ecuador. *Luxemburg. *Peru. Poland. Turkey. Venezuela. Yugoslavia.	Argentina. Czechoslovakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Mexico. Nicaragua. Panama. Paraguay. Salvador. Uruguay.
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<sup>(1)</sup> Decision of the Council of Ministers.<sup>(2)</sup> Decision of the Executive Council.

## 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> Austria. <sup>(1)</sup> 6- 12- 34. India. 14- 12- 33. South Africa. <sup>(2)</sup> 4- 6- 34. Switzerland. 19- 9- 34.  <i>Other decisions, (adjournment, etc.) :</i> * Japan. 12- 6- 35. Siam. 1934. Sweden. 8- 6- 34.	* Great Britain. March 1936 Spain. 18- 12- 34.	Finland. April 1934. Hungary. 13- 12- 34. Norway. 16- 3- 34. * Rumania. 20- 4- 35.		Albania. Oct. 1933. Australia. 4- 7- 34. Brazil. 1934. *Canada. 24- 2- 36. Cuba. 1935. Denmark. 5- 4- 34. Estonia. 10- 4- 35. France. 8- 3- 34. Irish Free State. 6- 2- 34. Italy. Oct. 1933. Latvia. 22- 12- 34. Lithuania. 12- 9- 33. Netherlands. 19- 4- 34. New Zealand. 17- 10- 33. Portugal. 2- 3- 34.	Belgium. * Bolivia. * Bulgaria. Chile. China. Colombia. *Ecuador. *Peru. Poland. Turkey. Venezuela. Yugoslavia.	Argentina. Czechoslo- vakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxem- burg. Mexico. Nicaragua. Panama. Paraguay. Salvador. Uruguay.

## 40. Survivors' Insurance (Agriculture).

<i>Rejection :</i> Austria. <sup>(1)</sup> 6- 12- 34. India. 14- 12- 33. South Africa. <sup>(2)</sup> 4- 6- 34. Switzerland. 19- 9- 34.  <i>Other decisions, (adjournment, etc.) :</i> * Japan. 12- 6- 35. Siam. 1934. Sweden. 8- 6- 34.	* Great Britain. March 1936 Spain. 18- 12- 34.	Finland. April 1934. Norway. 16- 3- 34. * Rumania. 20- 4- 35.	Hungary. 13- 12- 34.	Albania. Oct. 1933. Australia. 4- 7- 34. Brazil. 1934. *Canada. 24- 2- 36. Cuba. 1935. Denmark. 5- 4- 34. *Estonia. 10- 4- 35. France. 8- 3- 34. Irish Free State. 6- 2- 34. Italy. Oct. 1933. Latvia. 22- 12- 34. Lithuania. 12- 9- 33. Netherlands. 19- 4- 34. New Zealand. 17- 10- 33. Portugal. 2- 3- 34.	Belgium. * Bolivia. * Bulgaria. Chile. China. Colombia. *Ecuador. *Peru. Poland. Turkey. Venezuela. Yugoslavia.	Argentina. Czechoslo- vakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxem- burg. Mexico. Nicaragua. Panama. Paraguay. Salvador. Uruguay.
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<sup>(1)</sup> Decision of the Council of Ministers.<sup>(2)</sup> Decision of the Executive Council.



## EIGHTEENTH SESSION (GENEVA, 4-23 June 1934)

## Conventions.

\* = Information received since last Report.

**41. Night Work (Women) (Revised).** (Date of first coming into force : 22 November 1936).

(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.		
* Estonia. 21- 12- 35. * India. 22- 11- 35. * Netherlands. 9- 12- 35. * South Africa. 28- 5- 35.	<i>Approval :</i> * Brazil. 22- 12- 35. * Lithuania. 1935. * Greece. 31- 10- 35. * Switzerland. 24- 9- 35.  <i>Other decisions, (adjournment, etc.) :</i> * Austria. <sup>(1)</sup> 30- 11- 35. * Siam. 1936. Sweden. 13- 3- 35.  <i>Rejection :</i> * China. 28- 6- 35.	* France. 26- 12- 35. * Hungary. 28- 1- 36. * Rumania. 20- 4- 35. * Spain. 13- 11- 35.		Norway. 15- 2- 35.	Australia. 13- 12- 34. * Canada. 24- 2- 36. Cuba. 1935. * Denmark. 4- 4- 35. Great Britain. Oct. 1934. * Irish Free State. 3- 5- 35. Italy. 1935. * Japan. 16- 12- 35. * Latvia. 23- 12- 35. New Zealand. 5- 11- 34. Portugal. 6- 2- 35.	Belgium. Colombia. * Chile. Domini- can Rep. * Ecuador. Finland. * Iraq. Peru. Poland. Uruguay. Turkey. Venezuela. * Yugo- slavia.	Albania. Argentina. Bolivia. Bulgaria. Czecho- slovakia. Ethiopia. Guatemala. Haiti. Honduras. Iran. Liberia. Luxem- burg. Mexico. Nicaragua. Panama. Paraguay. Salvador.

**42. Workmen's Compensation (Occupational Diseases) (Revised).**

(Date of first coming into force : 14 June 1936).

* Austria. 26- 2- 36. * Hungary. 17- 6- 35. * Norway. 21- 5- 35.	<i>Approval :</i> * Brazil. 22- 12- 35. * Netherlands. <sup>(2)</sup> 22- 7- 35.  <i>Rejection :</i> * South Africa <sup>(3)</sup> 1- 2- 35.  <i>Other decisions, (adjournment, etc.) :</i> * China. 28- 6- 35. * Siam. 1936. * Lithuania. 1935. Sweden. 13- 3- 35. * Switzerland. 24- 9- 35.	* Rumania. 20- 4- 35. * Great Britain. Jan. 36. * Spain. 13- 11- 35.	* France. 27- 2- 36.	Australia. 13- 12- 34. * Canada. 24- 2- 36. Cuba. 1935. * Denmark. 4- 4- 35. * Estonia. 8- 11- 35. * Irish Free State. 3- 5- 35. Italy. 1935. * Japan. 16- 12- 35. * Latvia. 23- 12- 35. New Zealand. 5- 11- 34. Portugal. 6- 2- 35.	Belgium. Colombia. * Chile. Domini- can Rep. * Ecuador. Finland. India. Iraq. * Peru. Poland. Turkey. Uruguay. Venezuela. * Yugo- slavia.	Albania. Argentina. Bolivia. Bulgaria. Czecho- slovakia. Ethiopia. Guatemala. Greece. Haiti. Honduras. Iran. Liberia. Luxem- burg. Mexico. Nicaragua. Panama. Paraguay. Salvador.
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<sup>(1)</sup> Decision of the Council of Ministers.<sup>(2)</sup> Act reserving to the Crown the right to ratify the Convention.<sup>(3)</sup> Decision of the Executive Council.

## EIGHTEENTH SESSION (GENEVA, 4-23 June 1934) (contd.)

## Conventions.

\* = Information received since last Report.

## 43. Sheet-Glass Works.

(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.		
* Norway. 21- 5- 35.	<i>Approval :</i> * Netherlands. 22- 7- 35.  <i>Rejection :</i> * Austria. <sup>(1)</sup> 30- 11- 35. * India. 21- 3- 35. * Lithuania. 1935. South Africa <sup>(2)</sup> . 11- 12- 34  <i>Other decisions, (adjournment, etc.) :</i> * China. 28- 6- 35. * Switzerland. 24- 9- 35. Sweden. 13- 3- 35. * Siam. 1936.	* France. 27- 2- 36. * Spain. 13- 11- 35.	* Rumania. 20- 4- 35.	* Hungary. 28- 1- 36.	Australia. 13- 12- 34. * Canada. 24- 2- 36. Cuba. 1935. * Denmark. 4- 4- 35. Great Britain. Oct. 1934. * Irish Free State. 3- 5- 35. Italy. 1935. * Japan. 16- 12- 35. * Latvia. 23- 12- 35. New Zealand. 6- 11- 34. Portugal. 6- 2- 35.	Belgium. * Brazil. * Chile. Colombia. Dominican Rep. * Ecuador. Finland. * Iraq. * Peru. Poland. Turkey. * Uruguay. * Venezuela. * Yugo- slavia.	Albania. Argentina. Bolivia. Bulgaria. Czechoslovakia. Estonia. Ethiopia. Guatemala. Haiti. Honduras. Iran. Liberia. Luxemburg. Mexico. Nicaragua. Panama. Paraguay. Salvador.

## 44. Unemployment Provision.

<i>Approval :</i> * Switzerland. 24- 9- 35.  <i>Rejection :</i> * Austria. <sup>(1)</sup> 30- 11- 35. * India. 21- 3- 35. * Lithuania. 1935. South Africa <sup>(2)</sup> . 11- 12- 34.  <i>Other decisions, (adjournment, etc.) :</i> * China. 28- 6- 35. * Siam. 1936. * Sweden. 13- 3- 35.	* Great Britain. Jan. 36. * Spain. 13- 11- 35.	* Rumania. 20- 4- 35.	* Hungary. 13- 12- 35. Norway. 15- 2- 35.	Australia. 13- 12- 34. * Canada. 24- 2- 36. Cuba. 1935. * Denmark. 4- 4- 35. * Estonia. 8- 11- 35. * France. 27- 2- 36. * Irish Free State. 3- 5- 35. Italy. 1935. * Japan. 16- 12- 35. * Latvia. 23- 12- 35. New Zealand. 5- 11- 34. Portugal. 6- 2- 35.	* Belgium. * Brazil. * Chile. Colombia. Dominican Rep. * Ecuador. Finland. * Iraq. * Peru. Poland. Turkey. * Uruguay. * Venezuela. * Yugo- slavia.	Albania. Argentina. Bolivia. Bulgaria. Czechoslovakia. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Liberia. Luxemburg. Mexico. Netherlands. Nicaragua. Panama. Paraguay. Salvador.
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<sup>(1)</sup> Decision of the Council of Ministers.<sup>(2)</sup> Decision of the Executive Council

## NINETEENTH SESSION (GENEVA, 4-25 June 1935)

## Conventions.

\* = Information received since last Report.

## 45. Underground Work (Women).

(a) Ratification communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially commu- nicated any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
	<i>Approval :</i> * Greece. 31- 10- 35. * South Africa. (1) 6- 2- 36. * Sweden. 29- 2- 36.	* Brazil. 1935. * France. 26- 11- 35. * Great Britain. March 1936	*Norway. 6- 3- 36.		*Denmark. 10- 3- 36. *Irish Free State. 13- 1- 36. *Italy. 1936. *Portugal. 26- 9- 35.	*Belgium. *Canada. *China. *Cuba. *Ecuador. *Finland. *Peru. *Poland. *Rumania. *Spain. *Turkey. *Venezuela.	All the other States Members.

## 46. Hours of Work (Coal Mines) (Revised).

<i>Rejection :</i> * South Africa (1). 30- 12- 35.  <i>Other decisions,            (adjournment,            etc.) :</i> * Sweden. 29- 2- 36.		*Norway. 6- 3- 36.		*Denmark. 10- 3- 36. *France. 27- 2- 36. *Irish Free State. 13- 1- 36. *Italy. 1936. *Portugal. 26- 9- 35.	*Belgium. *Brazil. *Canada. *China. *Cuba. *Ecuador. *Finland. *Great Britain. *Greece. *Peru. *Poland. *Rumania. *Spain. *Turkey. *Venezuela.	All the other States Members.
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## 47. Forty-Hour Week.

<i>Rejection :</i> * Sweden. 29- 2- 36.	* Norway. 6- 3- 36.		*Denmark. 10- 3- 36. *France. 27- 2- 36. *Irish Free State. 13- 1- 36. *Italy. 1936. *Portugal. 26- 9- 35. *South Africa 22- 2- 36	*Australia. *Belgium. *Brazil. *Canada. *China. *Ecuador. *Finland. *Greece. *Peru. *Poland. *Rumania. *Spain. *Turkey. *Venezuela.	All the other States Members.
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(1) Decision of the Executive Council.

NINETEENTH SESSION (GENEVA, 4-25 June 1935) (*suite*)

## Conventions.

\* = Information received since last Report.

## 48. Maintenance of Migrants' Pension Rights.

(h) 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>Rejection :</i> * South Africa (1). 30-12-35.  <i>Other decisions, (adjournment etc.) :</i> *Sweden. March 29- 2- 36.		*Norway. 6- 3- 36.	*Great Britain. March 1936	*Denmark. 10- 3- 36. *France. 27- 2- 36. *Irish Free State. 13- 1- 36. *Italy. 1936. *Portugal. 26- 9- 35.	*Belgium. *Brazil. *Canada. *China. *Ecuador. *Finland. *Greece. *Hungary. *Peru. *Poland *Rumania. *Spain. *Turkey. *Venezuela.	All the other States Members.

## 49. Reduction of Hours of Work (Glass- Bottle Works).

<i>Rejection :</i> * South Africa (1). 30-12-35.  <i>Other decisions, (adjournment, etc.) :</i> *Sweden. March 29- 2- 36.	* France. 26-12-35. * Norway. 6- 3- 36.			*Denmark. 10- 3- 36. *Irish Free State. 13- 1- 36. *Italy. 1936. *Portugal. 26- 9- 35.	*Belgium. *Brazil. *Canada. *China. *Ecuador. *Finland. *Greece. *Peru. *Poland *Rumania. *Spain. *Turkey. *Venezuela.	All the other States Members.
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(1) Decision of the Executive Council.

## FIRST SESSION (WASHINGTON, 29 October-29 November 1919).

## Recommendations.

## 1. Unemployment.

\* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
Albania. 13- 1- 32. Australia (1). Belgium. 16- 6- 21. Bulgaria. 10- 2- 22. Denmark. 15- 7- 21. Estonia. 15- 5- 26. Finland. 22- 3- 21. France. 25- 1- 21. Germany (2). 21- 1- 21. Great Britain. 10- 9- 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 ; 3- 10- 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 (3). Aug. 1922. New Zealand. 11- 11- 20. South Africa. 1921. Venezuela. 1920.	Czechoslovakia. Greece. Haiti. Latvia. Luxemburg. Nicaragua. Panama. Turkey. Uruguay.	Bolivia. China. Colombia. Dominican Republic. Ecuador. Ethiopia. Guatemala. Honduras. Iran. Iraq. Irish Free State. Liberia. Mexico. Paraguay. Peru. Portugal. Salvador.

## 2. Reciprocity of Treatment.

Albania. 13- 1- 32. Australia (1). Belgium. 16- 6- 21. Bulgaria. 10- 2- 22. Chile. 1- 7- 21. Denmark. 15- 7- 21. Estonia. 15- 5- 26 ; 10- 2- 32. Finland. 22- 3- 21. France. 25- 1- 21. Germany (2). 25- 10- 26. Great Britain. 3- 1- 33. 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 ; 3- 10- 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. Cuba. 17- 1- 22. Lithuania (3). Aug. 1922. New Zealand. 11- 11- 20. South Africa. 1921. Venezuela. 1920.	Czechoslovakia. Greece. Haiti. Latvia. Luxemburg. Nicaragua. Panama. Turkey. Uruguay.	Bolivia. China. Colombia. Dominican Republic. Ecuador. Ethiopia. Guatemala. Honduras. Iran. Iraq. Irish Free State Liberia. Mexico. Paraguay. Peru. Portugal. Salvador.
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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) The notice of the withdrawal of Germany from the International Labour Organisation expired on 21 October 1935.

(3) 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.	Argentina. 8- 9- 20.	Greece.	Bolivia.
Australia (¹). 16- 6- 21.	Austria. 1930.	Haiti.	China.
Belgium. 10- 2- 22.	Brazil. 4- 3- 32.	Latvia.	Colombia.
Bulgaria. 28- 11- 33.	Canada. 28- 5- 21.	Luxemburg.	Dominican Republic.
Czechoslovakia. 15- 7- 21.	Chile. 7- 8- 24.	Nicaragua.	Ecuador.
Denmark. 15- 5- 26.	Cuba. 17- 1- 22.	Panama.	Ethiopia.
Estonia. 22- 3- 21.	Lithuania (²). Aug. 1922.	Turkey.	Guatemala.
Finland. 25- 1- 21.	New Zealand. 11- 11- 20.	Uruguay.	Honduras.
France. 11- 1- 21.	South Africa. 1921.	Yugoslavia.	Iran.
Great Britain. 14- 3- 29 ; 12- 8- 29.	Venezuela. 1920.		Iraq.
Hungary. 12- 7- 21.			Irish Free State.
India. 12- 7- 21.			Liberia.
Italy. 4- 8- 26.			Mexico.
Japan. 17- 5- 21.			Paraguay.
Netherlands. 31- 5- 21.			Peru.
Norway. 26- 7- 21.			Portugal.
Poland. 31- 5- 21.			Salvador.
Rumania. 10- 5- 22.			
Siam. 4- 7- 21.			
Spain. 3- 6- 21.			
Sweden. 3- 8- 23 ; 16- 1- 26.			
Switzerland. 17- 8- 32.			

## 4. Lead Poisoning (Women and Children).

Albania. 13- 1- 32.	Argentina. 8- 9- 20.	Czechoslovakia.	Bolivia.
Australia (¹). 16- 6- 21.	Austria. 1930.	Greece.	China.
Belgium. 10- 2- 22.	Brazil. 4- 3- 32.	Haiti.	Colombia.
Bulgaria. 28- 11- 33.	Canada. 28- 5- 21.	Latvia.	Dominican Republic.
Denmark. 15- 7- 21.	Chile. 7- 8- 24.	Luxemburg.	Ecuador.
Estonia. 15- 5- 26.	Cuba. 17- 1- 22.	Nicaragua.	Ethiopia.
Finland. 23- 3- 32.	Lithuania (²). Aug. 1922.	Panama.	Guatemala.
France. 25- 1- 21 ; 8- 10- 26.	New Zealand. 11- 11- 20.	Portugal.	Honduras.
Great Britain. 11- 1- 21.	South Africa. 1921.	Turkey.	Iran.
Hungary. 6- 6- 32.	Venezuela. 1920.	Uruguay.	Iraq.
India. 12- 7- 21.			Irish Free State.
Italy. 12- 7- 21.			Liberia.
Japan. 4- 8- 26.			Mexico.
Netherlands. 17- 5- 21.			Paraguay.
Norway. 31- 5- 21.			Peru.
Poland. 26- 7- 21.			Salvador.
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.			

¹ See note (1) on preceding page.

(²) Proposal lapsed.

FIRST SESSION (WASHINGTON, 29 Oct.-29 Nov. 1919) (*contd.*).

## 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
Chile.	1- 7- 21.	Cuba.	17- 1- 22.	Luxemburg.		Republic.
Denmark.	15- 7- 21.	Lithuania <sup>(3)</sup> .	Aug. 1922.	Nicaragua.		Ecuador.
Estonia.	15- 5- 26.	New Zealand.	11- 11- 20.	Panama.		Ethiopia.
Finland.	22- 3- 21.	South Africa.	1921.	Turkey.		Guatemala.
France.	25- 1- 21.	Venezuela.	1920.	Uruguay.		Honduras.
Germany <sup>(2)</sup> .	9- 8- 26.					Iran.
Great Britain.	11- 1- 21.					Iraq.
Hungary.	6- 6- 32.					Irish Free State.
India.	12- 7- 21.					Liberia.
Italy.	12- 7- 21.					Paraguay.
Japan.	4- 8- 26.					Peru.
* Mexico.	10- 3- 36.					Portugal.
Netherlands.	17- 5- 21.					Salvador.
Norway.	31- 5- 21.					
Poland.	26- 7- 21.					
Rumania.	31- 5- 21.					
Siam.	10- 5- 22.					
Spain.	4- 7- 21.					
Sweden.	3- 6- 21 ; 3- 10- 21.					
Switzerland.	3- 8- 23 ; 16- 1- 26.					
Yugoslavia.	17- 8- 32.					

## 6. White Phosphorus.

(a)	(b)	(c)	(d)	(e)	(f)	(g)
Adherence to the Berne Convention (1906) communicated before the Washington Conference.	Date of coming into force of the Convention.	Adherence to the Berne Convention communicated in application of the Washington Recommendation.	Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" and date of submission.	States which have supplied other official information.	States which have supplied no official information.
Canada.	20- 9- 14.	Australia.	30- 12- 19.	Albania.	Argentina.	Guatemala.
Denmark <sup>(4)</sup> .	1- 1- 12.	Austria.	23- 3- 21.	13- 1- 32.	8- 9- 20.	Bolivia.
France <sup>(4)</sup> .	1- 1- 12.	Belgium.	8- 12- 22.	Chile.	Brazil.	Colombia.
Germany <sup>(4)</sup> .	1- 1- 12.	Bulgaria.	1- 11- 26.	Aug. 1925.	4- 3- 32.	Dominican
Great Britain.	28- 12- 08.	China.	6- 12- 23.	Greece.	Cuba.	Republic.
Italy.	6- 7- 10.	Egypt.	7- 4- 32.	1- 11- 20.	17- 1- 22.	Ecuador.
Luxemburg <sup>(4)</sup> .		Czecho-		Siam.	Lithuania.	Ethiopia.
Netherlands <sup>(4)</sup> .	1- 1- 12.	slovakia.	30- 3- 21.	10- 5- 22.	Aug. 1922.	Honduras.
New Zealand.	27- 11- 16.	Free City of			Venezuela.	Iraq.
Norway.	26- 6- 14.	Danzig <sup>(6)</sup> .	23- 8- 21.		1920.	Liberia.
South		Estonia.	2- 2- 23.			Mexico.
Africa <sup>(5)</sup> .	6- 12- 10.	Finland.	13- 10- 21.			Paraguay.
Spain.	29- 10- 09.	Hungary.	19- 11- 25.			Peru.
Switzerland <sup>(4)</sup> .	1- 1- 12.	India.	30- 12- 19.			Portugal.
		Iran.	5- 6- 33.			Salvador.
		Irish Free				Uruguay.
		State.	15- 4- 26.			
		Japan.	14- 10- 21.			
		Morocco <sup>(7)</sup> .	5- 7- 27.			
		Palestine <sup>(8)</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 26.<sup>(2)</sup> See note (2) on page 26.<sup>(3)</sup> Proposal lapsed.<sup>(4)</sup> These States were signatories of the Convention and were bound by Article 4 to deposit their ratifications of the Convention by 31 December 1908. The Convention was to come into force three years later.<sup>(6)</sup> With retrospective effect from 3 May 1909.<sup>(6)</sup> Adherence communicated by Poland.<sup>(7)</sup> Adherence communicated by France.<sup>(8)</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.
Albania. 13- 1- 32. Australia. 28- 8- 24. Bulgaria. 10- 3- 23. Canada. 4- 6- 21. Chile. 1- 7- 21. Estonia. 15- 5- 26. Finland. 23- 3- 32. France. 2- 4- 24. Great Britain. 3- 1- 33. India. 7- 3- 22. Italy. 5- 1- 22. Japan. 4- 8- 26. Norway. 1- 12- 26. Poland. 9- 5- 32. Sweden. 5- 7- 21. Switzerland. 2- 3- 22 ; 16- 1- 26.	Argentina. 8- 9- 21. Austria (¹). 1927. Brazil. 4- 3- 32. Cuba. 17- 1- 22. Denmark. 18- 3- 21. Hungary. 13- 3- 24. Lithuania (¹). Aug. 1922. Luxemburg. Netherlands. 14- 2- 22. New Zealand. 1923. Rumania. 1922. Siam. 1922. Venezuela. 1922.	Belgium. Czechoslovakia. Greece. Haiti. Latvia. Nicaragua. South Africa. Spain. Turkey. Uruguay. Yugoslavia.	Bolivia. China. Colombia. Dominican Republic. Ecuador. Ethiopia. Guatemala. Honduras. Iran. Iraq. Irish Free State. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador.

## 8. Hours of Work (Inland Navigation).

Albania. 13- 1- 32. Australia. 28- 8- 24. Bulgaria. 10- 3- 23. Canada. 4- 6- 21. Chile. 1- 7- 21. Estonia. 15- 5- 26. Finland. 23- 3- 32. France. 2- 4- 24. Great Britain. 3- 1- 33. Hungary. 6- 6- 32. India. 17- 11- 22. Italy. 5- 1- 22. Japan. 4- 8- 26. Norway. 1- 12- 26. Poland. 9- 5- 32. Sweden. 5- 7- 21. Switzerland. 2- 3- 22 ; 16- 1- 26.	Argentina. 8- 9- 21. Austria (¹). 1927. Brazil. 4- 3- 32. Cuba. 17- 1- 22. Denmark. 18- 3- 21. Lithuania (¹). Aug. 1922. Luxemburg. Netherlands. 14- 2- 22. New Zealand. 1923. Rumania. 1922. Siam. 1922. Venezuela. 1922.	Belgium. Czechoslovakia. Haiti. Latvia. Nicaragua. South Africa. Spain. Turkey. Uruguay. Yugoslavia.	Bolivia. China. Colombia. Dominican Republic. Ecuador. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Irish Free State. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador.
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(¹) Proposal lapsed.



## SECOND SESSION (GENOA, 15 June-10 July 1920) (contd.).

## Recommendations.

## 9. National Seamen's Codes.

\* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b). States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
Albania. 13- 1- 32. Australia. 28- 8- 24. Belgium. 29- 2- 32. Bulgaria. 10- 3- 23. Canada. 4- 6- 21. Chile. 1- 7- 21. Estonia. 15- 5- 26 ; 9- 7- 28. Finland. 23- 3- 32. France. 2- 4- 24. Germany <sup>(1)</sup> . 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>(2)</sup> . 1927. Brazil. 4- 3- 32. Cuba. 17- 1- 22. Denmark. 18- 3- 21. Lithuania <sup>(2)</sup> . Aug. 1922. Luxemburg. 14- 2- 22. Netherlands. 1923. New Zealand. 1922. Rumania. 1922. Siam. 1922. Venezuela. 1922.	Czechoslovakia. Haiti. Latvia. Nicaragua. South Africa. Spain. Turkey. Yugoslavia.	Bolivia. China. Colombia. Dominican Republic. Ecuador. 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 <sup>(1)</sup> . 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>(2)</sup> . 1927. Brazil. 4- 3- 32. Cuba. 17- 1- 22. Denmark. 18- 3- 21. Lithuania <sup>(2)</sup> . Aug. 1922. Luxemburg. 14- 2- 22. Netherlands. 1923. New Zealand. 1922. Rumania. 1922. Siam. 1922. Venezuela. 1922.	Belgium. Czechoslovakia. Haiti. Latvia. Nicaragua. South Africa. Spain. Turkey.	Bolivia. China. Colombia. Dominican Republic. Ecuador. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Irish Free State. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Uruguay.
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<sup>(1)</sup> See note (2) on page 26.<sup>(2)</sup> Proposal lapseu.

## 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 (¹). 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 (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.	Czechoslovakia. Haiti. Latvia. Luxemburg. Nicaragua. Spain. Turkey. Uruguay. Yugoslavia.	Argentina. Bolivia. Colombia. Dominican Republic. Ecuador. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Irish Free State. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador.

## 12. Childbirth (Agriculture).

Albania. 13- 1- 32. Australia (¹). 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 (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.	Belgium. Czechoslovakia. Haiti. Latvia. Luxemburg. Nicaragua. Spain. Turkey. Uruguay. Yugoslavia.	Argentina. Bolivia. Colombia. Dominican Republic. Ecuador. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Irish Free State. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador.
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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:— 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.

(²) Proposal lapsed.

## THIRD SESSION (GENEVA, 25 Oct.-19 Nov. 1921) (contd.).

## Recommendations.

**13. Night Work of Women (Agriculture).** \* = Information received since last Report.

(a)	(b)	(c)	(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	States which have supplied other official information.	States which have supplied no official information.
Albania. 13- 1- 32. Australia (1). 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. Netherlands. 22- 6- 23. New Zealand. 1923. Rumania. 15- 10- 25. South Africa. 1923. Venezuela. 1923.	Haiti. Latvia. Luxemburg. Nicaragua. Spain. Turkey. Uruguay. Yugoslavia.	Argentina. Belgium. Bolivia. Colombia. Dominican Republic. Ecuador. 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. Netherlands. 22- 6- 23. New Zealand. 1923. Rumania. 15- 10- 25. South Africa. 1923. Venezuela. 1923.	Haiti. Latvia. Luxemburg. Nicaragua. Spain. Turkey. Uruguay. Yugoslavia.	Argentina. Belgium. Bolivia. Colombia. Dominican Republic. Ecuador. 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) 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 (¹).</b> <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 (²).</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 (³).</b> 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> <b>Netherlands.</b> 22- 6- 23. <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>Ecuador.</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 (¹).</b> <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 (³).</b> 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> <b>Netherlands.</b> 22- 6- 23. <b>New Zealand.</b> 1923. <b>Rumania.</b> 15- 10- 25. <b>South Africa.</b> 1923. <b>Venezuela.</b> 1923.	<b>Czechoslovakia.</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>Ecuador.</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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(¹) See note (1) on page 31.

(²) See note (2), on page 26

(³) Proposal lapsed.

THIRD SESSION (GENEVA, 25 Oct.-19 Nov. 1921) (*contd.*).

## Recommendations.

**17. Social Insurance (Agriculture).**

\* = Information received since last Report.

(a)	(b)	(c)	(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	States which have supplied other official information.	States which have supplied no official information.
Albania. 13- 1- 32. Australia <sup>(1)</sup> . 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 <sup>(2)</sup> . 9- 8- 27. 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>(3)</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. 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. Ecuador. 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 <sup>(1)</sup> . 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 <sup>(3)</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. Netherlands. 22- 6- 23. New Zealand. 1923. South Africa. 1923. Venezuela. 1923.	Haiti. Latvia. Luxemburg. Nicaragua. Spain. Turkey. Uruguay.	Argentina. Bolivia. Colombia. Dominican Republic. Ecuador. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Irish Free State. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador.
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<sup>(1)</sup> See note (1) on page 31.<sup>(2)</sup> See note (2) on page 26.<sup>(3)</sup> Proposal lapsed.

## FOURTH SESSION (GENEVA, 18 October-3 November 1922).

## Recommendation.

## 19. Migration Statistics.

\* = 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. 2- 6- 25. Austria. 2- 7- 27. Belgium. 18- 6- 25. Canada. 29- 11- 23. Czechoslovakia. 21- 3- 25. Estonia. 15- 5- 26. Finland. 15- 4- 24. France. 26- 4- 24. Great Britain. 3- 1- 33. Hungary. 30- 4- 26. India. 20- 11- 23. Italy. 14- 8- 25. Japan. 9- 4- 24. Norway. 1- 12- 26. Poland. 25- 7- 23. Rumania. 1- 4- 25. Siam. 2- 4- 23. South Africa. 27- 4- 23. Spain. 15- 4- 25. Sweden. 23- 12- 25. Switzerland. 22- 5- 23; 16- 1- 26. Yugoslavia. 17- 8- 32.	Brazil. 4- 3- 32. Bulgaria. 1924. Chile. 7- 8- 24. Denmark. 14- 4- 23. Latvia. 24- 1- 24. Lithuania. 24- 10- 23. Netherlands. 6- 11- 24. New Zealand. 30- 6- 24. Venezuela.	Cuba. Haiti. Luxemburg. Nicaragua. Turkey. Uruguay.	Argentina. Bolivia. China. Colombia. Dominican Republic. Ecuador. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Irish Free State. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador.

## FIFTH SESSION (GENEVA, 22-29 October 1923).

## Recommendation.

## 20. Labour Inspection.

\* = Information received since last Report.

Albania. 13- 1- 32. Australia <sup>(1)</sup> . 2- 7- 27. Austria. 6- 11- 24. Belgium. 23- 1- 25. Bulgaria. 19- 11- 25. Czechoslovakia. 18- 9- 25. Estonia. 21- 1- 26. Finland. 22- 1- 25. France. 6- 8- 24. Great Britain. 6- 6- 32. Hungary. 20- 3- 24. India. 29- 10- 25. Irish Free State. 16- 1- 26. Italy. 18- 9- 25. Japan. 1- 12- 26. Norway. 13- 5- 25. Poland. 1- 4- 25. Rumania. 20- 3- 24. Siam. 24- 4- 24. South Africa. 23- 12- 25. Sweden. 6- 3- 25. Switzerland. 17- 8- 32. Yugoslavia.	Brazil. 4- 3- 32. Canada. 3- 3- 24. Chile. 7- 8- 24. China. 1925. Cuba. 31- 10- 24. Denmark. 12- 4- 24. Lithuania. 4- 11- 24. Netherlands. 1925. New Zealand. 19- 4- 24. Venezuela.	Haiti. Luxemburg. Nicaragua. Spain. Turkey. Uruguay.	Argentina. Bolivia. Colombia. Dominican Republic. Ecuador. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Latvia. 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 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). Belgium. 5- 11- 26. Canada. 17- 3- 26. Czechoslovakia. 6- 3- 30. Estonia. 10- 2- 32. Finland. 5- 8- 26. France. 5- 1- 27. Germany (2). 6- 1- 27. Great Britain. 27- 7- 25. Hungary. 6- 6- 32. India. 2- 12- 24. Irish Free State. 20- 11- 25. Italy. 16- 1- 26. Japan. 8- 3- 26. Norway. 17- 9- 25. Poland. 1- 3- 26. Siam. 4- 3- 25. South Africa. 2- 6- 25. Spain. 28- 7- 25. Sweden. 20- 10- 25. Switzerland. 26- 8- 25.	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- 20. Venezuela. 1925.	Argentina. Chile. China. Haiti. Luxemburg. Rumania. Turkey. Uruguay. Yugoslavia.	Bolivia. Colombia. Dominican Republic. Ecuador. 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 (3). 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. Rumania. Turkey. Uruguay. Venezuela.	Argentina. Bolivia. Chile. China. Colombia. Dominican Republic. Ecuador. 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) See note (2) on page 26.

(3) 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 <sup>(1)</sup> . 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>(2)</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. Ecuador. 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 <sup>(1)</sup> . 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. Ecuador. Ethiopia. Guatemala. Honduras. Iran. Iraq. Liberia. Mexico. Panama. Paraguay. Peru. Salvador. Spain.
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<sup>(1)</sup> See note (2) on page 26.<sup>(2)</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) 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. Sept. 1926. Austria. 13- 2- 30. Belgium. 10- 12- 25. Bulgaria. 27- 1- 30. Czechoslovakia. 2- 6- 28. Estonia. 10- 2- 32. Finland. 12- 9- 27. France. 8- 12- 26. Germany <sup>(1)</sup> . 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.	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.	Greece. Haiti. Latvia. Nicaragua. Turkey. Uruguay. Venezuela.	Argentina. Bolivia. Chile. China. Colombia. Dominican Republic. Ecuador. Ethiopia. Guatemala. Honduras. Iran. Iraq. Liberia. Mexico. Panama. Paraguay. Peru. Salvador. Spain.

## 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. Austria. 26- 4- 33. Belgium. 11- 2- 28. Czechoslovakia. 24- 5- 28. Estonia. 10- 2- 32. Finland. 23- 3- 32. Great Britain. 14- 9- 27. Hungary. 15- 4- 31. India. 12- 1- 28. Irish Free State. 8- 8- 27. Japan. 24- 1- 28. Netherlands. 4- 8- 27. Norway. 28- 7- 27. Poland. 4- 1- 30. Rumania. 29- 5- 29. Siam. 15- 3- 27. Sweden. 19- 4- 27. Switzerland. 11- 5- 33.	Australia. 2- 3- 27. Brazil. 4- 3- 32. Canada. 20- 2- 28. China. 1927. Cuba. 1927. Denmark. 8- 10- 26. France. 1- 2- 29. Italy. 1929. Lithuania. Luxemburg. New Zealand. 5- 12- 27. South Africa. 31- 1- 27. Venezuela. 1927. Yugoslavia. Aug. 1930.	Argentina. Haiti. Nicaragua. Turkey.	Bolivia. Bulgaria. Chile. Colombia. Dominican Republic. Ecuador. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Latvia. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Spain. Uruguay.
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<sup>(1)</sup> See note (2) en page 26

## NINTH SESSION (GENEVA, 7-24 June 1926).

## Recommendations.

**27. Repatriation (Ship Masters and Apprentices).**

\* = Information received since last Report.

(a)		(b)		(c)		(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).		States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.		States which have supplied other official information.		States which have supplied no official information.
Albania.	13- 1- 32.	Australia.	2- 3- 27.	Argentina.		Bolivia.
Belgium.	29- 2- 32.	Austria (²).	1927.	Czechoslovakia.		Chile.
Estonia.	9- 7- 28.	Brazil.	4- 3- 32.	Haiti.		Colombia.
Finland.	23- 3- 32.	Bulgaria.	18- 3- 32.	Italy.		Dominican Republic.
France.	5- 12- 27.	Canada.	20- 2- 28.	Nicaragua.		Ecuador.
Germany (¹).	23- 4- 30.	China.	1927.	Turkey.		Ethiopia.
Great Britain.	11- 6- 29.	Cuba.	1927.	Yugoslavia.		Greece.
Hungary.	6- 6- 32.	Denmark.	8- 10- 26.			Guatemala.
India.	10- 11- 27.	Lithuania.				Honduras.
Irish Free State.	8- 8- 27.	Luxemburg.				Iran.
Japan.	24- 1- 28.	New Zealand.	5- 12- 27.			Iraq.
Netherlands.	7- 11- 27.	Rumania.	27- 2- 29.			Latvia.
Norway.	28- 7- 27.	South Africa.	31- 1- 27.			Liberia.
Poland.	9- 5- 32.	Venezuela.	1927.			Mexico.
Siam.	15- 3- 27.					Panama.
Sweden.	13- 7- 27.					Paraguay.
Switzerland.	11- 5- 33.					Peru.
						Portugal.
						Salvador.
						Spain.
						Uruguay.

**28. Labour Inspection (Seamen).**

Albania.	13- 1- 32.	Australia.	2- 3- 27.	Argentina.		Bolivia.
Estonia.	10- 2- 32.	Austria (²).	1927.	Belgium.		Chile.
Finland.	23- 3- 32.	Brazil.	4- 3- 32.	Czechoslovakia.		Colombia.
France.	5- 12- 27.	Bulgaria.	18- 3- 32.	Haiti.		Dominican Republic.
Germany (¹).	10- 9- 30.	Canada.	20- 2- 28.	Nicaragua.		Ecuador.
Great Britain.	11- 6- 29.	China.	1927.	Turkey.		Ethiopia.
Hungary.	6- 6- 32.	Cuba.	1927.			Greece.
India.	10- 11- 27; 13- 5- 31.	Denmark.	8- 10- 26.			Guatemala.
Irish Free State.	8- 8- 27.	Italy.	1929.			Honduras.
Japan.	24- 1- 28.	Lithuania.				Iran.
Netherlands.	7- 11- 27.	Luxemburg.				Iraq.
Norway.	28- 7- 27.	New Zealand.	5- 12- 27.			Latvia.
Poland.	9- 5- 32.	Rumania.	27- 2- 29.			Liberia.
Siam.	15- 3- 27.	South Africa.	31- 1- 27.			Mexico.
Sweden.	13- 7- 27.	Venezuela.	1927.			Panama.
Switzerland.	11- 5- 33.					Paraguay.
Yugoslavia.	17- 8- 32.					Peru.
						Portugal.
						Salvador.
						Spain.
						Uruguay.

(¹) See note (2) on page 26.

(²) Proposal lapsed.

## TENTH SESSION (GENEVA, 25 May-16 June 1927).

## Recommendation.

## 29. Sickness Insurance.

\* = Information received since last Report.

(a)		(b)		(c)		(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).		States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.		States which have supplied other official information.		States which have supplied no official information.
Albania.	13- 1- 32.	Australia.	5- 12- 27.	Argentina.		Bolivia.
Czechoslovakia.	13- 7- 29.	Austria <sup>(1)</sup> .	1928.	Belgium.		Bulgaria.
Estonia.	10- 2- 32.	Brazil.	4- 3- 32.	Colombia.		Chile.
Finland.	23- 3- 32.	Canada.	14- 4- 31.	Haiti.		China.
France.	26- 3- 34.	Cuba.	19- 12- 27.	Italy.		Dominican
Great Britain.	18- 2- 31.	Denmark.	12- 11- 27.	Nicaragua.		Republic.
India.	6- 7- 28.	Hungary.	19- 2- 29.	Salvador.		Ecuador.
Irish Free State.	18- 5- 28.	Lithuania.	1928.	Turkey.		Ethiopia.
Japan.	26- 11- 28.	Luxemburg.		Venezuela.		Greece.
Norway.	16- 3- 28.	Netherlands.	29- 6- 28.			Guatemala.
Poland.	8- 6- 29.	New Zealand.	5- 12- 27.			Honduras.
Rumania.	29- 5- 29.	South Africa.	1927.			Iran.
Siam.	28- 4- 28.					Iraq.
Sweden.	28- 6- 28.					Latvia.
Switzerland.	11- 5- 33.					Liberia.
Yugoslavia.	17- 8- 32.					Mexico.

## ELEVENTH SESSION (GENEVA, 30 May-16 June 1928).

## Recommendation.

## 30. Minimum Wage-Fixing Machinery.

\* = Information received since last Report.

Albania.	13- 1- 32.	Austria <sup>(1)</sup> .	June 1929.	Belgium.	Argentina.
Australia.	15- 11- 29.	Brazil.	4- 3- 32.	Colombia.	Bolivia.
Estonia.	10- 2- 32.	Bulgaria.	18- 3- 32.	Haiti.	Chile.
Finland.	23- 3- 32.	Canada.	14- 4- 31.	Latvia.	China.
France.	19- 10- 32.	Cuba.	20- 10- 29.	Nicaragua.	Dominican
Germany <sup>(2)</sup> .	10- 6- 29.	Czechoslovakia.	28- 11- 29.	Poland.	Republic.
Great Britain.	12- 6- 29.	Denmark.	18- 11- 28.	Turkey.	Ecuador.
Hungary.	6- 6- 32.	Italy.	1929.	Venezuela.	Ethiopia.
India.	26- 11- 29.	Luxemburg.	12- 12- 29.		Greece.
Irish Free State.	23- 4- 29.	New Zealand.	11- 11- 29.		Guatemala.
Japan.	21- 12- 29.	Norway.	1929.		Honduras.
Lithuania.	26- 1- 29.	Rumania.	27- 2- 29.		Iran.
Netherlands.	14- 1- 30.	South Africa.	28- 1- 29.		Iraq.
Siam.	17- 6- 29.	Yugoslavia.	22- 12- 29.		Liberia.
Sweden.	13- 12- 29.				Mexico.
Switzerland.	11- 5- 33.				Panama.
					Paraguay.
					Peru.
					Portugal.
					Salvador.
					Spain.
					Uruguay.

<sup>(1)</sup> Proposal lapsed.<sup>(2)</sup> See note (2) on page 26.

## 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.
<b>Albania.</b> 13- 1- 32. <b>Australia (1).</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 ; 11- 11- 31. <b>Irish Free State.</b> 16- 1- 31. <b>Japan.</b> 19- 1- 31. <b>Netherlands.</b> 1- 11- 30. <b>Poland.</b> 24- 12- 30 ; 5- 1- 31. <b>Sweden.</b> 18- 3- 32. <b>Switzerland.</b> 11- 5- 33. <b>Uruguay.</b> 15- 3- 30.	<b>Austria (2).</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>New Zealand.</b> 16- 7- 30. <b>Norway.</b> 31- 1- 30. <b>* Rumania.</b> 11- 4- 35. <b>Siam.</b> 1931. <b>South Africa.</b> 29- 10- 29. <b>Yugoslavia.</b> 3- 1- 31.	<b>Haiti.</b> <b>Latvia.</b> <b>Luxemburg.</b> <b>Nicaragua.</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>Ecuador.</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>

**32. Power-Driven Machinery.**

<b>Albania.</b> 13- 1- 32. <b>Australia (3).</b> 11- 8- 33. <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>Poland.</b> 9- 5- 32. <b>Sweden.</b> 18- 3- 32. <b>Switzerland.</b> 11- 5- 33. <b>Uruguay.</b> 15- 3- 30.	<b>Austria (2).</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>New Zealand.</b> 16- 7- 30. <b>Norway.</b> 31- 1- 30. <b>* Rumania.</b> 11- 4- 35. <b>Siam.</b> 1931. <b>South Africa.</b> 29- 10- 29. <b>Yugoslavia.</b> 3- 1- 31.	<b>Haiti.</b> <b>Latvia.</b> <b>Luxemburg.</b> <b>Nicaragua.</b> <b>Turkey.</b> <b>Venezuela.</b>	<b>Argentina.</b> <b>Belgium.</b> <b>Bolivia.</b> <b>Bulgaria.</b> <b>Chile.</b> <b>China.</b> <b>Dominican Republic.</b> <b>Ecuador.</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) 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.

(2) Proposal lapsed.

(3) 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)		(b)		(c)		(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).		States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.		States which have supplied other official information.		States which have supplied no official information.
Albania.	13- 1- 32.	Australia.	21- 3- 30.	Haiti.		Argentina.
Belgium.	16- 6- 30.	Austria <sup>(1)</sup> .	1930.	Latvia.		Bolivia.
Colombia.	25- 11- 29.	Brazil.	4- 3- 32.	Nicaragua.		Bulgaria.
Estonia.	10- 2- 32.	Canada.	14- 4- 31.	Poland.		Chile.
Finland.	23- 3- 32.	Cuba.	15- 4- 30.	Turkey.		China.
France.	1- 4- 33.	Czechoslovakia.	13- 11- 30.	Venezuela.		Dominican Republic
Guatemala.	22- 12- 30.	Denmark.	12- 2- 30.			Ecuador.
Hungary.	6- 6- 32.	Great Britain.	1929.			Ethiopia.
India.	5- 12- 30.	Italy.	1- 4- 31.			Greece.
Irish Free State.	16- 1- 31.	Lithuania.	1929.			Honduras.
Japan.	19- 1- 31.	Luxemburg.				Iran.
Netherlands.	1- 11- 30.	New Zealand.	16- 7- 30.			Iraq.
Sweden.	18- 3- 32.	Norway.	31- 1- 30.			Liberia.
Switzerland.	11- 5- 33.	* Rumania.	11- 4- 35.			Mexico.
Uruguay.	15- 3- 30.	Siam.	1931.			Panama.
		South Africa.	6- 12- 29.			Paraguay.
		Yugoslavia.	3- 1- 31.			Peru.
						Portugal.
						Salvador.
						Spain.

**34. Protection against Accidents (Dockers) Consultation of Organisations.**

Albania.	13- 1- 32.	Austria <sup>(1)</sup> .	1930.	Haiti.		Argentina.
Australia <sup>(2)</sup> .	11- 8- 33.	Brazil.	4- 3- 32.	Latvia.		Bolivia.
Belgium.	16- 6- 30.	Canada.	14- 4- 31.	Nicaragua.		Bulgaria.
Colombia.	25- 11- 29.	Cuba.	15- 4- 30.	Poland.		Chile.
Estonia.	10- 2- 32.	Czechoslovakia.	13- 11- 30.	Turkey.		China.
Finland.	23- 3- 32.	Denmark.	12- 2- 30.	Venezuela.		Dominican Republic
France.	1- 4- 33.	Great Britain.	1929.			Ecuador.
Guatemala.	22- 12- 30.	Italy.	1- 4- 31.			Ethiopia.
Hungary.	6- 6- 32.	Lithuania.	1929.			Greece.
India.	5- 12- 30.	Luxemburg.				Honduras.
Irish Free State.	16- 1- 31.	New Zealand.	16- 7- 30.			Iran.
Japan.	19- 1- 31.	Norway.	31- 1- 30.			Iraq.
Netherlands.	1- 11- 30.	* Rumania.	11- 4- 35.			Liberia.
Sweden.	18- 3- 32.	Siam.	1931.			Mexico.
Switzerland.	11- 5- 33.	South Africa.	6- 12- 29.			Panama.
Uruguay.	15- 3- 30.	Yugoslavia.	3- 1- 31.			Paraguay.
						Peru.
						Portugal.
						Salvador.
						Spain.

<sup>(1)</sup> Proposal lapsed.<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 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.
<b>Albania.</b> 13- 1- 32. <b>Australia.</b> 27- 11- 31. <b>Bulgaria.</b> 20- 9- 32. <b>Estonia.</b> 10- 2- 32. <b>Finland.</b> 23- 3- 32. <b>France.</b> 11- 2- 33. <b>Great Britain.</b> 1- 6- 31. <b>India.</b> 15- 2- 32. <b>Irish Free State.</b> 12- 1- 31. <b>Japan.</b> 29- 1- 32. <b>Lithuania.</b> 12- 9- 30. <b>Netherlands.</b> 14- 3- 32. <b>Siam.</b> 27- 11- 31. <b>Sweden.</b> 9- 6- 31. <b>Switzerland.</b> 11- 5- 33. <b>Uruguay.</b> 11- 3- 31.	<b>Austria.</b> 1931. <b>Brazil.</b> 4- 3- 32. <b>Canada.</b> 14- 4- 31. <b>Cuba.</b> 23- 2- 31. <b>Denmark.</b> 30- 1- 31. <b>Hungary.</b> 1932. <b>Italy.</b> 1- 4- 31. <b>New Zealand.</b> 22- 7- 31. <b>Norway.</b> 13- 2- 31. <b>* Rumania.</b> 11- 4- 35. <b>South Africa</b> 14- 4- 31. <b>Yugoslavia.</b> 23- 12- 31.	<b>Latvia.</b> <b>Nicaragua.</b> <b>Poland.</b> <b>Turkey.</b>	<b>Argentina.</b> <b>Belgium.</b> <b>Bolivia.</b> <b>Chile.</b> <b>China.</b> <b>Colombia.</b> <b>Czechoslovakia.</b> <b>Dominican Republic.</b> <b>Ecuador.</b> <b>Ethiopia.</b> <b>Greece.</b> <b>Guatemala.</b> <b>Haiti.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Liberia.</b> <b>Luxemburg.</b> <b>Mexico.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b> <b>Spain.</b> <b>Venezuela.</b>

**36. Forced Labour (Regulation).**

<b>Albania.</b> 13- 1- 32. <b>Australia.</b> 27- 11- 31. <b>Bulgaria.</b> 20- 9- 32. <b>Estonia.</b> 10- 2- 32. <b>Finland.</b> 23- 3- 32. <b>France.</b> 11- 2- 33. <b>Great Britain.</b> 1- 6- 31. <b>India.</b> 15- 2- 32. <b>Irish Free State.</b> 12- 1- 31. <b>Japan.</b> 29- 1- 32. <b>Lithuania.</b> 12- 9- 30. <b>Netherlands.</b> 14- 3- 32. <b>Siam.</b> 27- 11- 31. <b>Sweden.</b> 9- 6- 31. <b>Switzerland.</b> 11- 5- 33. <b>Uruguay.</b> 11- 3- 31.	<b>Austria.</b> 1931. <b>Brazil.</b> 4- 3- 32. <b>Canada.</b> 14- 4- 31. <b>Cuba.</b> 23- 2- 31. <b>Denmark.</b> 30- 1- 31. <b>Hungary.</b> 1932. <b>Italy.</b> 1- 4- 31. <b>New Zealand.</b> 22- 7- 31. <b>Norway.</b> 13- 2- 31. <b>* Rumania.</b> 11- 4- 35. <b>South Africa.</b> 14- 4- 31. <b>Yugoslavia.</b> 23- 12- 31.	<b>Latvia.</b> <b>Nicaragua.</b> <b>Poland.</b> <b>Turkey.</b>	<b>Argentina.</b> <b>Belgium.</b> <b>Bolivia.</b> <b>Chile.</b> <b>China.</b> <b>Colombia.</b> <b>Czechoslovakia.</b> <b>Dominican Republic.</b> <b>Ecuador.</b> <b>Ethiopia.</b> <b>Greece.</b> <b>Guatemala.</b> <b>Haiti.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Liberia.</b> <b>Luxemburg.</b> <b>Mexico.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b> <b>Spain.</b> <b>Venezuela.</b>
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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 <sup>(1)</sup> . 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. Hungary. 1932. Italy. 1- 4- 31. New Zealand. 22- 7- 31. Norway. 13- 2- 31. * Rumania. 11- 4- 35. South Africa. 2- 10- 30. Yugoslavia. 23- 12- 31.	Latvia. Nicaragua. Poland. Turkey.	Argentina. Bolivia. Chile. China. Colombia. Czechoslovakia. Dominican Republic. Ecuador. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxembourg. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Spain. Venezuela.

## 38. Hours of Work (Theatres, etc.).

Albania. 13- 1- 32. Australia <sup>(1)</sup> . 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. Hungary. 1932. Italy. 1- 4- 31. New Zealand. 22- 7- 31. Norway. 13- 2- 31. * Rumania. 11- 4- 35. South Africa. 2- 10- 30. Yugoslavia. 23- 12- 31.	Latvia. Nicaragua. Poland. Turkey.	Argentina. Bolivia. Chile. China. Colombia. Czechoslovakia. Dominican Republic. Ecuador. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxemburg. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Spain. Venezuela.
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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: 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.
<b>Albania.</b> 13- 1- 32. <b>Australia (1).</b> 11- 8- 33. <b>Austria.</b> 26- 3- 32. <b>Bulgaria.</b> 20- 9- 32. <b>Estonia.</b> 10- 2- 32. <b>France.</b> 19- 10- 32. <b>Great Britain.</b> 13- 7- 31. <b>India.</b> 7- 5- 31; <b>Irish Free State.</b> 10- 11- 31. <b>Japan.</b> 29- 1- 32. <b>Lithuania.</b> 12- 9- 30. <b>Netherlands.</b> 14- 3- 32. <b>Siam.</b> 27- 11- 31. <b>Sweden.</b> 9- 6- 31. <b>Switzerland.</b> 11- 5- 33. <b>Uruguay.</b> 11- 3- 31.	<b>Brazil.</b> 4- 3- 32. <b>Canada.</b> 14- 4- 31. <b>Cuba.</b> 23- 2- 31. <b>Denmark.</b> 30- 1- 31. <b>Finland.</b> April 1934. <b>Hungary.</b> 1932. <b>Italy.</b> 1- 4- 31. <b>New Zealand.</b> 22- 7- 31. <b>Norway.</b> 13- 2- 31. <b>* Rumania.</b> 11- 4- 35. <b>South Africa.</b> 2- 10- 30. <b>Yugoslavia.</b> 23- 12- 31.	<b>* Belgium.</b> <b>Latvia.</b> <b>Nicaragua.</b> <b>Poland.</b> <b>Turkey.</b>	<b>Argentina.</b> <b>Bolivia.</b> <b>Chile.</b> <b>China.</b> <b>Colombia.</b> <b>Czechoslovakia.</b> <b>Dominican Republic.</b> <b>Ecuador.</b> <b>Ethiopia.</b> <b>Greece.</b> <b>Guatemala.</b> <b>Haiti.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Liberia.</b> <b>Luxemburg.</b> <b>Mexico.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b> <b>Spain.</b> <b>Venezuela.</b>

## SIXTEENTH SESSION (GENEVA, 12-30 April 1932).

## Recommendations.

**40. Protection against Accidents (Dockers) Reciprocity.**

\* = Information received since last Report.

<b>Australia (2).</b> 15- 12- 33. <b>Belgium.</b> 11- 2- 33. <b>* Chile.</b> 25- 3- 35. <b>Great Britain.</b> 8- 1- 35. <b>Irish Free State.</b> 31- 10- 32. <b>Japan.</b> 25- 11- 33. <b>Lithuania.</b> 9- 11- 32. <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> 4- 6- 32. <b>Netherlands.</b> 14- 10- 33. <b>* Rumania.</b> 11- 4- 35. <b>Siam.</b> 1933. <b>South Africa.</b> 7- 12- 32. <b>Switzerland.</b> 25- 4- 33. <b>Yugoslavia.</b> 16- 1- 34.	<b>Colombia.</b> <b>Guatemala.</b> <b>Latvia.</b> <b>Luxemburg.</b> <b>Mexico.</b> <b>Panama.</b> <b>Poland.</b> <b>Turkey.</b> <b>Uruguay.</b>	<b>Argentina.</b> <b>Austria.</b> <b>Bolivia.</b> <b>Bulgaria.</b> <b>Cuba.</b> <b>Czechoslovakia.</b> <b>Dominican Republic.</b> <b>Ecuador.</b> <b>Ethiopia.</b> <b>Greece.</b> <b>Haiti.</b> <b>Honduras.</b> <b>India.</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>
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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.
Australia <sup>(1)</sup> . * Austria. 20- 1- 36. Belgium. 11- 2- 33. Great Britain. 8- 1- 35. India. 17- 10- 33. Irish Free State. 31- 10- 32. Japan. 25- 11- 33. Lithuania. 9- 11- 32. Netherlands. 15- 9- 33. 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. 1933. * Rumania. 11- 4- 35. Siam. 1933. South Africa. 24- 1- 33. Switzerland. 25- 4- 33. Yugoslavia. 16- 1- 34.	Colombia. Guatemala. Latvia. Luxemburg. Mexico. Panama. Poland. Turkey. Uruguay.	Argentina. Bolivia. Bulgaria. Chile. Cuba. Czechoslovakia. Dominican Republic. Ecuador. Ethiopia. Greece. Haiti. Honduras. Iran. Iraq. Liberia. Nicaragua. Norway. Paraguay. Peru. Portugal. Salvador. Spain. Venezuela.

## SEVENTEENTH SESSION (GENEVA, 8-30 June 1933).

## Recommendations.

**42. Employment Agencies.**

\* = Information received since last Report.

Australia <sup>(2)</sup> . * Chile. 25- 3- 35. * France. 20- 7- 35. * Great Britain. 9- 5- 35. India. 17- 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. Austria. Brazil. * Canada. Denmark. Estonia. Finland. Italy. Latvia. Netherlands. Norway. * Rumania. South Africa. Switzerland.	Oct. 1933. 16- 12- 34. 1934. 24- 2- 36. 5- 4- 34. 13- 10- 34. April 1934. Oct. 1933. 22- 12- 34. 19- 4- 34. 16- 3- 34. 11- 4- 35. 12- 2- 34. 29- 6- 34.	China. Colombia. * Hungary. Poland. Spain. Turkey. Venezuela. Yugoslavia.	Argentina. Belgium. Bolivia. Bulgaria. Cuba. Czechoslovakia. Dominican Rep. Ecuador. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxemburg. Mexico. Nicaragua. Panama. Paraguay. Peru. Portugal. Salvador. Uruguay.
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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)		(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.
Australia <sup>(1)</sup> .		Albania.	Oct. 1933.	China.		Argentina.
* Chile.	25- 3- 35.	Austria.	6- 12- 34.	Colombia.		Belgium.
India.	18- 1- 34.	Brazil.	1934.	Poland.		Bolivia.
Irish Free State.	14- 4- 34.	* Canada.	24- 2- 36.	Spain.		Bulgaria.
Japan.	25- 1- 35.	Denmark.	5- 4- 34.	Turkey.		Cuba.
Lithuania.	13- 9- 33.	* Estonia.	10- 4- 35.	Venezuela.		Czechoslovakia.
New Zealand.	27- 10- 33.	Finland.	April 1934.	Yugoslavia.		Dominican Rep.
Siam.	19- 2- 34.	France.	8- 3- 34.			Ecuador.
Sweden.	21- 7- 34.	Great Britain.	Oct. 1933.			Ethiopia.
		Hungary.	13- 12- 34.			Greece.
		Italy.	Oct. 1933.			Guatemala.
		Latvia.	22- 12- 34.			Haiti.
		Netherlands.	19- 4- 34.			Honduras.
		Norway.	16- 3- 34.			Iran.
		* Rumania.	11- 4- 35.			Iraq.
		South Africa.	12- 2- 34.			Liberia.
		Switzerland.	29- 6- 34.			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 <sup>(2)</sup> .	14- 12- 34.	* Canada.	24- 2- 36.	* Belgium.	Albania.
* Austria.	5- 2- 36.	* China.	1935.	* Brazil.	Argentina.
* India.	25- 5- 35.	* Denmark.	4- 4- 35.	Colombia.	Bolivia.
* Irish Free State.	23- 5- 35.	* Estonia.	8- 11- 35.	Dominican Republic.	Bulgaria.
* Japan.	7- 1- 36.	* France.	27- 2- 36.	Finland.	Chile.
* Siam.	15- 1- 36.	Great Britain.	Oct. 1934.	* Iraq.	Czechoslovakia.
* Sweden.	21- 5- 35.	* Hungary.	13- 12- 35.	Poland.	* Ecuador.
		* Latvia.	23- 12- 35.	Spain.	Ethiopia.
		* Lithuania.	1935.	Turkey.	Greece.
		New Zealand.	5- 11- 34.	Venezuela.	Guatemala.
		* Portugal.	6- 2- 35.	* Yugoslavia.	Haiti.
		* Rumania.	11- 4- 35.		Honduras.
		South Africa. <sup>(3)</sup>	11- 12- 34.		Iran.
		* Switzerland.	21- 6- 35.		Italy.
					Liberia.
					Luxemburg.
					Mexico.
					Netherlands.
					Nicaragua.
					Norway.
					Panama.
					Paraguay.
					Peru.
					Salvador.
					Uruguay.

<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 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, Western Australia, 26-2-35; Tasmania, 5-9-35.

<sup>(3)</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.

## NINETEENTH SESSION (GENEVA, 4-25 June 1935).

## Recommendation.

**45. Unemployment (Young Persons).**

\* = 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.
* Irish Free State. 28- 1- 36.	* Canada. 24- 2- 36. * Denmark. 10- 3- 36. * France. 27- 2- 36. * Italy. 1936. * Norway. 6- 3- 36. * Portugal. 26- 9- 35. * Sweden. 9- 1- 36. * South Africa. (1) 30- 12- 35.	* Belgium. * Brazil. * Canada. * Ecuador. * Finland. * Greece. * Poland. * Spain. * Turkey. * Venezuela.	All the other States Members.

(1) See note (3) on page 48

## SUMMARY OF RATIFICATIONS.

Conditional ratifications are shown by the letter (a) beside the number of the Convention.

Ratifications lapsed or denounced owing to the ratification of revised Conventions are shown by the letter (b) beside the number of the Convention.

Country	Total number of Ratifications	Conventions ratified (See in note (1) the titles of the Conventions corresponding to the numbers.)
Chile	33	1-20, 22, 24-27, 29, 30, 32, 34-38.
Spain	33	1-20, 22-34. [28 (b)]
Nicaragua	30	1-30.
Uruguay	30	1-27, 30, 32, 33.
Bulgaria	29	1-27, 29, 30.
Luxemburg	27	1-25, 27, 28.
Colombia	24	1-5, 7-9, 11-26.
Belgium	23	1, 2, 4-19, 21-23, 27, 33.
Cuba	23	1, 3-13, 15-20, 22, 23, 26, 30, 33.
Irish Free State	21	2, 4-8, 10-12, 14-16, 18, 19, 21-23, 26-29.
Italy	21	1 (a), 2, 4, 6-12, 14-16, 18, 19, 22, 23, 26, 27, 29, 32.
Yugoslavia	21	2-9, 11, 13-19, 22-24, 27, 29.
Estonia	20	2, 4 (b)-16, 19, 20, 22, 23, 27, 41.
France	19	1 (a), 2, 4, 6, 8, 9, 11-16, 18, 19, 21 (a)-23, 26, 27.
Great Britain	19	2, 4-8, 11, 12, 15, 16, 18, 19, 21 (a), 22, 24-26, 29, 32.
Sweden	18	2, 7-19, 21(a), 27, 29, 34.
Austria	17	1 (a), 2, 4-6, 10, 11, 13, 18, 19, 21, 24, 25, 27, 30 (a), 33, 42.
Germany <sup>2</sup>	17	2, 3, 7-9, 11, 12, 15, 16, 18, 19, 22-27.
Latvia	17	1 (a), 3, 5-9, 11-19, 24.
Netherlands	17	2, 4-7, 11, 12, 15-19, 21, 27, 29, 33, 41.
Poland	17	2, 5-16, 19, 22, 23, 27.
Rumania	17	1-11, 13-16, 24, 27.
Finland	16	2, 7, 9, 11, 13-16, 18-21, 27, 29, 30, 34.
Hungary	16	2-4, 6, 7, 10, 13 (a), 15-19, 21, 24, 26, 42.
India	14	1, 2, 4, 6, 11, 14-16, 18, 19, 21, 22, 27, 41.
Czechoslovakia	13	1, 4, 5, 10, 11, 13, 14, 18, 19, 21, 24, 25, 27.
Greece	13	1-9, 13-16.
Norway	13	2, 7, 9, 11, 13, 15, 18, 19, 26, 27, 29, 42, 43.
Denmark	12	2, 5-7, 11, 12, 14, 15, 18, 19, 27(a), 29.
Japan	12	2, 5, 7, 9, 10, 15, 16, 18, 19, 21, 27, 29.
Australia	10	7-9, 15, 16, 21, 22, 26, 27, 29.
Argentina	9	1-9.
Mexico	9	17, 19, 22, 23, 26, 27, 29, 30, 32.
Portugal	8	1, 4, 6, 14, 17-19, 27.
Switzerland	8	2, 4-6, 14, 18, 19, 27.
Canada	7	1, 7, 8, 14-16, 26.
Lithuania	7	1, 4, 6, 14, 19, 24, 27.
China	6	11, 14, 19, 26, 27, 32.
South Africa	6	2, 4 (b), 19, 26, 27 (a), 41.
Albania	4	4-6, 21.
Brazil	4	3-6.
Dominican Rep.	4	1, 5, 7, 10.
Venezuela	4	4, 6, 13, 27.
Liberia	1	29.

(1). 1. Hours of Work (Industry), 1919.

2. Unemployment, 1919.

3. Childbirth, 1919.

4. Night Work (Women), 1919.

5. Minimum Age (Industry), 1919.

6. Night Work (Young Persons), 1919.

7. Minimum Age (Sea), 1920.

8. Unemployment Indemnity (Shipwreck), 1920.

9. Placing of Seamen, 1920.

10. Minimum Age (Agriculture), 1921.

11. Right of Association (Agriculture), 1921.

12. Workmen's Compensation (Agriculture), 1921.

13. White Lead (Painting), 1921.

14. Weekly Rest (Industry), 1921.

15. Minimum Age (Trimmers and Stokers), 1921.

16. Medical Examination of Young Persons (Sea), 1921.

17. Workmen's Compensation (Accidents), 1925.

18. Workmen's Compensation (Occupational Diseases), 1925.

19. Equality of Treatment (Accident Compensation), 1925.

20. Night Work (Bakeries), 1925.

21. Inspection of Emigrants, 1926.

22. Seamen's Articles of Agreement, 1926.

23. Repatriation of Seamen, 1926.

24. Sickness Insurance (Industry, etc.), 1927.

25. Sickness Insurance (Agriculture), 1927.

26. Minimum Wage-Fixing Machinery, 1928.

27. Marking of Weight (Packages Transported by Vessels) 1929.

28. Protection against Accidents (Dockers) (1929).

29. Forced Labour, 1930.

30. Hours of Work (Commerce and Offices), 1930.

31. Hours of Work (Coal Mines), 1931.

32. Protection against Accidents (Dockers) (Revised), 1932.

33. Minimum Age (Non-Industrial Employment), 1932.

34. Fee-Charging Employment Agencies, 1933.

35. Old-Age Insurance (Industry, etc.), 1933.

36. Old-Age Insurance (Agriculture), 1933.

37. Invalidity Insurance (Industry, etc.), 1933.

38. Invalidity Insurance (Agriculture), 1933.

39. Survivors' Insurance (Industry, etc.), 1933.

40. Survivor's Insurance (Agriculture), 1933.

41. Night Work (Women) (Revised), 1934.

42. Workmen's Compensation (Occupational Diseases) (Revised), 1934.

43. Sheet-Glass Works, 1934.

44. Unemployment Provision, 1934.

45. Underground Work (Women), 1935.

46. Hours of Work (Coal Mines) (Revised), 1935.

47. Forty-Hour Week, 1935.

48. Maintenance of Migrants' Pension Rights, 1935.

49. Reduction of Hours of Work (Glass-Bottle Works), 1935.

<sup>2</sup> The notice of the withdrawal of Germany from the International Labour Organisation expired on 21 October 1935.

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# INTERNATIONAL LABOUR CONFERENCE

TWENTIETH SESSION

GENEVA, 1936

## SUMMARY OF ANNUAL REPORTS UNDER ARTICLE 22 OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION

### APPENDIX

REPORT OF THE COMMITTEE OF EXPERTS  
ON THE APPLICATION OF CONVENTIONS



INTERNATIONAL LABOUR OFFICE  
GENEVA, 1936







## APPENDIX

### Report of the Committee of Experts on the Application of Conventions (Article 22 of the Constitution of the International Labour Organisation).

The Committee of Experts appointed to examine and report to the Governing Body of the International Labour Office on the annual reports submitted by Governments, under Article 22 of the Constitution of the International Labour Organisation (Article 408 of the Treaty of Versailles), upon the application of the Conventions ratified by their respective countries, met at Geneva from 30 March to 4 April 1935. The following members were present:

Mr. CHARLONE  
Mr. ERICH  
Sir Selwyn FREMANTLE  
Mr. Jules GAUTIER  
Mr. McNAIR  
Mr. MAKOWSKI  
Mr. QUADRAT  
Mr. RAPPARD  
Mr. TSCHOFFEN.

The Committee were glad to have the opportunity of welcoming for the first time their Uruguayan colleague, Mr. Cesar Charlone, whose wide knowledge of economic and industrial conditions in his own and other countries has been and will be of great assistance to the Committee in their work. They regretted that Mr. Gini was unable to be present. The vacancy caused by the resignation of Mr. von Nostitz has not yet been filled.

The Committee again appointed Mr. Jules Gautier as Chairman and Mr. McNair as Reporter.

The total number of annual reports due from the Governments under the above-named provisions of the Constitution this year is 630. Up to 30 March the Office had received 584 reports, leaving a total of 46 reports still missing. These figures illustrate the steady improvement which has taken place in the submission

of annual reports, and it is worth while placing on record the following figures:

Year	Number of reports due	Reports received in time for examination by Committee of Experts	Reports Missing
1934	522	436	86
1935	601	521	80
1936	630	584	46

A further analysis of these figures reveals the quarter to which the improvement is mainly due, namely, the Latin-American countries. The following table shows the increase in the number of reports due and submitted from Latin-American countries for consideration by the Committee in 1935 and 1936:

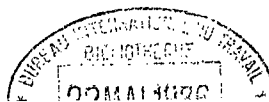
1935		
Reports due	Reports received	Reports not received
135	79	56
1936		
Reports due	Reports received	Reports not received
150	131	19

This is a highly significant development of the work of the International Labour Organisation.

There are four States from whom no reports have been received in time for their examination by the Committee. The Office, after communication with the Governments of these States, has reason to think that in two cases at least the reports will arrive in time to be submitted to the meeting of the Conference in June. But the Committee would again emphasise that it is impossible for them to present a complete picture of the application of Conventions unless all the reports are sent to the Office by the time specified.

In Appendix I to this report the Committee have as usual mentioned a number of points upon which they thought that the reports examined called for observa-

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tions or upon which supplementary information seemed desirable. It will be seen from this that in the vast majority of cases the observations made by the Committee relate to points of detail in legislation or administration or a simple request to the Governments concerned for further information. The broad conclusion which the Committee draw is that progress has been achieved in the application of Conventions.

The Committee, however, hope that they will not be misunderstood if they say that in a few cases it seems to happen that a State, in its desire to make the largest possible contribution to the work of the Organisation, has ratified a number of Conventions *en bloc* without a preliminary examination of the measures which would be necessary for their individual and detailed application.

In their report for the year 1933 the Committee of Experts ventured to enquire whether it would be possible for the Office to arrange that each year a meeting should take place of the representatives of the labour inspection services of those countries which might be willing to send representatives, and it was suggested that the meeting should be held, *sur place*, in a different country each year. This proposal was taken up by the Governing Body, and the Committee have this year learned with very great pleasure of the successful Conference on Factory Inspection which was held at The Hague from 14 to 17 October 1935. The Committee have had an opportunity of examining the report made by this Conference and the recommendations which were adopted by it. It is evident from a perusal of these documents that the Conference resulted in an interchange of experience and information which must prove of great value to the inspectors who were present and the inspection staffs which they represented. The countries which sent representatives to this Conference were the following: Belgium, Finland, France, Great Britain, Italy, Luxemburg, the Netherlands, Norway, Portugal, Spain, Sweden and Switzerland. The Committee sincerely hope that it may be possible to arrange a similar conference this year in some other centre.

The Committee again requested one of their members, Sir Selwyn Fremantle, to undertake the duty of preparing a special report upon the application of the Conventions to colonies, protectorates and possessions which are not fully self-governing, and to territories under mandate. His report, which is annexed (Appendix II), had to be even more detailed than in the past, which is a gratifying indication of the spread of the application of the Conventions in the colonial field.

The Committee have accepted the suggestion of their colleague Sir Selwyn Fremantle that, instead of repeating each

year so lengthy and detailed a report upon the colonies and similar territories, they should adopt the following procedure. For this year and every third year in future the Committee's report on the colonies and similar territories will endeavour to present a complete survey of the application of the Conventions in that field, while in the two intervening years the Committee's reports will merely call attention to any changes or additions or apparent defects.

The attention of the Committee has been drawn to a report made to the Governing Body by three of its members appointed for the purpose on the subject of the application of certain Conventions in the French Possessions in India. The Committee are not concerned with the merits of this particular question, but perhaps they may be allowed to say that their experience in watching during a period of years the development of the application of the Conventions to colonial and similar territories causes them to feel very much in sympathy with two observations or suggestions contained in this report. The first is that, as they understand Article 35 of the Constitution (Article 421 of the Treaty), it contemplates that the decision of a Member to exclude a particular Convention from application to its colonies, protectorates and possessions which are not fully self-governing must be a decision taken in good faith after a serious examination of the local conditions, and must not be of a purely perfunctory and automatic character; the second is that the local conditions referred to in this Article are continually changing with the development of new industries, the increase of local official staff and so forth, so that it is, as it seems to them, in accordance with the intention of the Article that any decision to exclude a Convention on the ground of local conditions requires periodical reconsideration.

The Committee have had occasion in the past to draw attention to the fact that some Governments whose legislation is in harmony with the Conventions tend to treat the making of these annual reports as a somewhat routine matter and accordingly submit reports cast in an extremely summary form. The Committee fully realise that it is unnecessary to repeat year by year the provisions of the national legislation, but they beg once more to draw attention to the fact that certain of the questions contained in the report forms have nothing to do with the question of the harmony of the national legislation with the Conventions and refer to matters which are continually changing each year, such as the reports of the inspection services, the number of workers affected by the legislation, the number of contraventions reported, the nature of any decisions given by courts of law and so forth. The Committee

attach great importance to information upon these matters as a factor in enabling them to appreciate the degree and character of the application of the Conventions and they sincerely hope that Governments will each year keep them as fully informed as possible.

The Committee wish to say that, whereas in the earlier days of their work the main point of importance in ensuring the success of the work of the Organisation seemed to be the establishing of harmony between the Conventions and the national legislation passed to give effect to them, it now appears to them that more and more as time passes the important point has become the actual administration of that legislation and thereby of the Conventions embodied in it. It is for this reason that they attach so much importance to the questions in the report forms which particularly deal with administration.

Finally, the Committee wish again to thank the many Government officials of the States Members of the Organisation who each year, by the care with which they fill up the report forms, facilitate the task of the Committee in supervising the application of the Conventions, and also the staff of the International Labour Office.

Geneva, 4 April 1936.

(Signed) JULES GAUTIER,  
Chairman.

(Signed) ARNOLD D. MCNAIR,  
Reporter.

## APPENDIX I.

### A. GENERAL INFORMATION ON THE REPORTS SUPPLIED BY CERTAIN COUNTRIES.

While proposing to make special observations, where necessary, on the different Conventions later in the report, the Committee thinks it desirable to supply here some general information with regard to the reports supplied by certain countries.

The Government of *Colombia* states in its reports that the following Conventions are applied: Nos. 1, 5, 7, 11, 14, 15, 17, 19 and 23. The reports in question do not, however, include the information required under the last heading (practical application) of the report forms. The Government states that the inspection services are in process of reorganisation.

With regard to Conventions Nos. 2, 8 and 9, the Government states that the question of their application does not arise, since there is no unemployment in *Colombia*.

With regard to Conventions Nos. 3, 12, 18, 24, 25 and 26, the Government refers in its reports to a draft Labour Code and to various other proposed measures.

As far as Conventions Nos. 4, 16, 20, 21 and 22 are concerned, the Government states that they have been ratified with the idea of promoting international solidarity on labour questions, and in order to have available an instrument laying down a principle which can be incorporated,

when circumstances permit, in the actual national legislation.

The reports of the *Mexican* Government on Conventions Nos. 17, 19, 22, 23 and 30 were received by the Office too late to be examined by the Committee.

The information supplied in the reports sent by the Government of *Nicaragua* (Conventions Nos. 1, 2, 3, 4, 5, 6, 10, 12, 14, 22, 26, 27, 28 and 30) is insufficient to allow an exact appreciation of the situation. With regard to *Convention No. 26 (Minimum wage-fixing machinery)*, the Government states that it has not been considered advisable for the moment to deal with the question of minimum wage-rates, since it has been objected that a minimum wage is justified when there is a glut of work, too few workers, and a demand for industrial products causing high retail prices, and this is not at present the case in *Nicaragua*.

With regard to Conventions Nos. 7, 8, 9, 13, 15, 16, 21 and 23, the Government states that legislation is unnecessary, since they are without practical application in *Nicaragua*.

The reports for Conventions Nos. 11, 17, 24 and 25 state that the Conventions are applied.

With regard to Conventions Nos. 19 and 20, the Government states in its reports that there is no corresponding legislation in *Nicaragua*.

The Government of *Uruguay* has for the first time this year supplied twenty-eight out of the thirty annual reports due.

The Committee notes with satisfaction the submission of these reports but, owing to their late arrival, it has been impossible for the Committee to examine in detail the legislation mentioned in them. The Government transmitted the following covering letter with the reports:

"I venture to take this opportunity of drawing your attention to the efforts which *Uruguay* has made with regard to the legal protection of workers, in accordance with the rules laid down up till now in the Conventions approved by the International Conferences summoned for this purpose by the International Labour Organisation from 1919 down to the present day.

Out of thirty Conventions ratified by *Uruguay*, twenty-three apply fully to workers living in that country; it should further be noted that in many cases the provisions of the social legislation of *Uruguay* which is in force ensure wider protection to paid workers than is ensured by the Conventions in question.

In the case of seven Conventions only the national legislation is not entirely in accordance with the rules laid down by the Conventions. But in this connection I should like to draw your attention, Sir, to the fact that the Government of *Uruguay* has set up a special commission consisting of the Director of the National Labour Institute and its subsidiary services, the Chairman of the Pensions Fund for Industry, Commerce, and Public Services, the Chairman of the Children's Board, a representative of the Ministry of Public Health, and a representative of the Ministry of Labour and Industry. This commission is responsible for examining and proposing the necessary reforms for ensuring agreement between the national legislation on workers' protection and the Conventions ratified by *Uruguay*."

### B. NEW INFORMATION, AND 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: 18.

Number of reports received: 14.

Reports missing: *Argentine Republic, Dominican Republic, Greece, Spain*.

*Bulgaria*. — The Committee notes that the report of the Bulgarian Government contains no

reply to the observation made by the Committee last year with regard to the application of the provisions contained in paragraphs (a), (b), and (c) of Article 8 of the Convention. The Committee expresses the hope that next year's report will include exact information on this point.

*Canada.* — The Convention was ratified by Canada on 21 March 1935. The first report submitted by the Canadian Government is in the form of a letter in which the Government states that an Act entitled the Limitation of Hours of Work Act was adopted at the last Session of Parliament to give effect to the Convention, and that the date for the coming into force of this Act has been fixed as 5 October 1935. The report adds that regulations to implement the Act are in course of preparation but have not as yet been completed.

The Committee notes with satisfaction that legislation to give effect to the Convention has been adopted. Since, however, this legislation only came into force on 5 October 1935, i.e. after the period covered by the annual report, the Committee merely notes that the Act in question appears to be in general agreement with the provisions of the Convention, and expresses the hope that next year the Canadian Government will supply a report drawn up according to the requirements of the report form and that by that time the necessary regulations will have been issued.

*Chile.* — Decree No. 702 of 8 June 1935 concerning hours of work in private railway undertakings, which applies to 4,840 persons, provides that the hours of work of salaried employees and workers on these railways may be extended to 72 hours a week, if the work is intermittent, for the staff employed in regulating traffic in stations and on the lines. The Committee considers that the Chilean Government might usefully be asked whether, when this Decree was promulgated, account was taken of the provisions of Article 6 of the Convention concerning the previous consultation of the employers' and workers' organisations concerned and the increase in wages of not less than 25 per cent. as compared with normal rates.

*Cuba.* — The Committee notes with satisfaction, on examination of the first annual report due by the Cuban Government, that important measures have been taken with a view to applying the Convention. Decrees No. 1,693 of 19 September 1933 and No. 2,513 of 19 October 1933 and their amendments establish the eight-hour day for all classes of workers, subject to certain exceptions which appear in general to be in agreement with the provisions of the Convention.

The Committee nevertheless feels constrained to draw the attention of the Cuban Government to the following divergencies between the Convention and Cuban legislation.

Article 1. Under § VI of Decree No. 2,513 employees who have a share in the undertaking in which they are employed or an interest in its profits, are exempt from the limitation of hours of work, provided that the sums received by way of salary or share in the profits do not amount in all to less than 2,400 pesos a year or 200 pesos a month. The Committee is unable to judge the practical effect of this provision, as it does not possess sufficient information on the point; it would, therefore, appreciate detailed information with regard to the practical effect of this exception and more especially with regard to the number of undertakings which are worked under these conditions and the number of persons employed in them on share profit basis on the one hand and as ordinary wage-earners on the other.

Article 2. § V of Decree No. 2,513 provides that the hours of daily work may be distributed in such a way that the employees can take a holiday on Saturday afternoon, provided that the aggregate hours of work do not exceed 48 hours in the week. The Decree does not provide that the extension of daily hours of work must be restricted to one hour a day, as is laid down in the Convention.

Article 3. § III of Decree No. 2,513 grants exceptions in "special circumstances", while the Convention only allows them 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. Thus, the exceptions allowed by the Convention are more restricted than those allowed by Decree No. 2,513.

Article 6. Decree No. 364 to amend § V of Decree No. 2,513 provides that in industrial processes connected with the sugar-cane crop the hours of work of wage-earning and salaried employees may amount to 56 hours a week at the rate of 8 hours a day. In the event of sudden sickness of a wage-earning or salaried employee, "the hours of work of the employees who perform the same duties on the other shifts may be increased pending the recovery of the sick person or his final replacement; nevertheless, this exceptional arrangement of the hours of work shall not be continued for more than seven consecutive days".

The Committee considers that the Cuban Government might usefully be asked to supply information on the practical effect of this exception, which is not in agreement with the prescriptions of Article 6 of the Convention.

The report states that the increased rate of pay provided for in Article 6 of the Convention is not included among the provisions of Decree No. 2,513, because the increase in question is provided for in nearly all the individual and collective contracts of employment concluded between trade unions and employers. The Committee feels bound to draw attention to the explicit nature of the provisions of the Convention with regard to increased pay for overtime.

The Committee further expresses the hope that the Cuban Government will be in a position to supply in its next report detailed and exact information with regard to the practical application of the Convention.

*Luxemburg.* — The report states that it has been found, from enquiries made when the Orders prescribed by Articles 4 and 6 of the Convention were being drawn up, that the exemptions in question are not applied for by the persons concerned, except in the case of motor-car drivers, and that draft regulations with regard to hours of work for drivers of touring cars and cars for hire will be shortly submitted to the representatives of the persons concerned. The Committee notes this statement and will be glad if the Government of Luxemburg will keep the International Labour Office informed as regards the progress of these draft regulations.

*Nicaragua.* — The Government states that a draft Labour Code, the greater part of which consists of provisions modelled on the principles of labour protection laid down in the ratified Conventions (regulations of hours of work, maximum duration of the working day, employment of women and of young persons, medical assistance, compensation for industrial accidents, etc.) was submitted to Congress in 1934 for its approval, and that a number of other Bills to establish the eight-hour day for workers and salaried employees, etc. have been before Congress since 1933. The Committee expresses the hope that it will be possible to adopt the legislation necessary for the application of the Convention in the near future.

*Portugal.* — The report, which refers to previous reports and to statements made by the Portuguese Government both in its letter of June 1935 and in the Committee on the application of Conventions of the 1935 Session of the Conference, states that the Convention is completely applied and that the Government is making every effort to improve the condition of the workers. The report does not, however, contain any exact information with regard to the practical application of the Convention. Further, Portuguese legislation has, during

the last few years, been considerably amended. In these circumstances, the Committee hopes that next year the Portuguese Government will supply a complete report drawn up in accordance with the provisions of the report form and including a detailed statement with regard to the legislative provisions in force which apply the different Articles of the Convention and information with regard to its practical application.

## 2. Unemployment.

Number of reports due : 30.

Number of reports received : 27.

Reports missing : *Argentine Republic, Greece, Spain.*

*General observation.* — The Committee of Experts this year devoted special attention to Article 3 of the Convention under which 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".

The present report form includes a question asking Governments to supply information on arrangements of this kind already concluded, but the Committee felt that, as it seems to be very important that as many arrangements should be concluded between Members which have ratified the Convention as possible, it would be desirable to put an additional question asking for information on any negotiations undertaken with a view to making such arrangements, and the progress made in these negotiations.

The Committee accordingly proposes for the consideration of the Governing Body that the new question might be worded as follows :

"Please supply information on any negotiations undertaken with other Members which have ratified the Convention with a view to making arrangements upon agreed terms as provided in this Article, and on the progress of these negotiations."

*Austria.* — A new Social Insurance Act has been promulgated, the provisions of which are in agreement with the provisions of the Convention.

*Bulgaria.* — The report for this year, like that for last year, does not reply to the specific questions which appear in the report form under Article 2 of the Convention.

*Chile.* — Regulations to set up committees as prescribed by Article 2 of the Convention have not yet been issued. The Committee hopes that the Government will be in a position to issue these regulations in the near future.

*Colombia.* — The Government states that, owing to the special characteristics of the economic and industrial system of the country, the unemployment problem does not exist, and no measures have therefore been taken with a view to applying the Convention. The Government mentions, however, Decree No. 837 of 1928 to reorganise the Ministry of Industry; this Decree contains provisions with regard to the setting up of an unemployment registry to co-ordinate labour supply and demand. It would be desirable to request the Colombian Government to communicate the text of this Decree and to state its intentions with regard to the actual application of a Convention: which it has ratified.

*Finland.* — The report contains no information on the activities of the employment exchanges (Article 2).

*India.* — The report states that the question of setting up exchanges to cater for dock workers is still being examined. Last year's report indicated that the Karachi Port Trust had been requested to examine this question further. Unfortunately no progress has been made, one of the obstacles being that the experiment at a single port might react unfavourably on the business at that port. The Government of India has now decided to ask all Port Trusts to co-operate, but the difficulties are considerable. The question of establishing exchanges in Rangoon has been delayed, pending the result of a general enquiry into labour conditions recently ordered by the Government of Burma.

The Committee notes these statements and expresses the hope that the next report of the Government of India may contain more positive information on this question.

*Luxemburg.* — Last year the Government's report referred to information concerning placings effected in 1934, which was contained in the *Annuaire officiel* for 1934. This information has been replaced this year by details with regard to unemployment relief paid, the number of persons benefiting from this relief, etc. This information does not directly concern the Convention and is not a substitute for the information requested by the report form, which has not been supplied.

*Nicaragua.* — See under Convention No. 1 and the general information on the reports supplied by certain countries (Appendix I A).

*Norway.* — The report does not contain any information on the activities of the employment exchanges.

*Sweden.* — The Committee notes that the new Act of 18 April 1935 gives the State power to suppress private employment agencies conducted with a view to profit.

## 3. Childbirth.

Number of reports due : 16.

Number of reports received : 14.

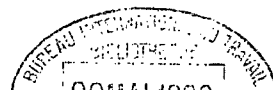
Reports missing : *Argentine Republic, Greece.*

*Brazil.* — Brazilian legislation grants a rest period of four weeks before and four weeks after childbirth, while the Convention provides for two periods of six weeks each (Article 3 (a) and (b)). The legislation contains no provisions with regard to medical assistance, a mistake of the medical adviser or midwife in estimating the date of confinement (Article 3 (c)) or the illegality of giving a woman notice if she remains absent from her work for a longer period as a result of illness arising out of her pregnancy or confinement.

The report this year, like that for last year, recognises the fact that the national legislation is not in agreement with the provisions of the Convention. It adds that the Federal Government is intending to submit to Congress the amendments necessary to bring the legislation into agreement with the Convention.

The Committee hopes that the Government will expedite the submission and adoption of these amendments and that the report for next year will include all the information required by the report form, both with regard to the legislative measures which implement the provisions of the Convention and with regard to the practical application of those provisions.

*Chile.* — 1. In reply to an observation made last year by the Committee, the report states that the wages of working women, which had become insufficient owing to the rapid depreciation of the currency, have now undergone a readjustment roughly equivalent to the fall in the purchasing power of money, and consequently the benefit due to working mothers may once more be con-



sidered as sufficient for the maintenance of mother and child.

The Committee takes note of this statement.

2. With regard to the second observation made by the Committee last year, the report states that the compulsory Sickness Insurance Institution and the Private Employees' Welfare Institute have been requested by the Government to examine the form in which the statutory benefits for women workers and salaried employees in case of childbirth may be paid in full out of the funds at their disposal.

The Committee takes note of this statement and would be interested to hear the results of this examination.

3. The two periods allowed for nursing the child provided by paragraph (d) of Article 3 of the Convention do not seem to be allowed for in those provisions of Chilean legislation which concern women salaried employees.

The Committee would be glad to receive exact information on this point in the next annual report.

*Colombia.* — The report states that the economic and industrial situation of the country has not so far allowed this Convention to be fully applied, but that in certain industrial undertakings and establishments pregnant women are protected before and after childbirth. The Government has submitted to Congress a draft Labour Code in which the essential provisions of the Convention are included, but the nature of legislative activity has so far delayed the examination of this measure.

The Committee expresses the hope that the difficulties to which the Government calls attention will not long prevent the adoption of measures to implement the provisions of the Convention.

*Cuba.* — § II of Legislative Decree No. 781 provides that, notwithstanding any mistake on the part of the medical practitioner in estimating the date of confinement, the woman shall be entitled to receive benefit from the date of the medical certificate up to the date on which the confinement actually takes place, provided that the error in the estimate does not exceed three weeks. The Committee feels obliged to call attention to the slight discrepancy between this provision and that of the Convention, which does not fix any limit in the case of a mistake on the part of the medical practitioner.

*Nicaragua.* — The Government states in its report that § 45 of the draft Labour Code submitted to Congress on 29 January 1934 provides that a woman shall be entitled to a holiday with full pay from four weeks before her confinement until six weeks after it, and that she may not surrender this right.

The Committee notes with satisfaction this effort on the part of the Nicaraguan Government, but at the same time feels obliged to point out that the provisions of the draft Labour Code fix a period of four weeks before confinement, while the Convention provides for a period of six weeks. Further, the Convention does not authorise payment of benefit by the employer; it stipulates that benefit shall be provided either out of the public funds or by means of a system of insurance. The Convention also grants the woman free attendance by a doctor or certified midwife and half an hour twice a day during her working hours to nurse her child.

The Committee expresses the hope that the provisions of the draft Labour Code may be brought into agreement with the provisions of the Convention.

*Spain.* — The Committee feels obliged to state once more that the system of lump sum compensation proportional to the number of premiums paid does not seem to be in agreement with the provisions of the Convention, which provide that the benefit shall be spread over the whole rest period, before and after the confinement.

*Yugoslavia.* — 1. The report does not reply to the observation made last year by the Committee with regard to the discrepancy between the period of compulsory leave (four months) and the period during which benefit is payable (three months). The Committee feels obliged to repeat its observation.

2. The Committee notes the statement of the Government to the effect that Yugoslav legislation, by an Order of 13 September 1935, has been brought into agreement with the provision of the Convention with regard to a mistake on the part of the medical adviser in estimating the date of confinement.

3. The provisions of the Act of 28 February 1922 which relate to the rest period for nursing the child are not in accordance with those of the Convention, which entitle a working mother to half an hour's break twice a day during working hours to nurse her child. The Committee feels obliged to draw attention to this divergence.

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

Number of reports due : 30.

Number of reports received : 27.

Reports missing : *Albania, Argentine Republic, Greece.*

*Brazil.* — The report does not reply to the observation made last year by the Committee with regard to the absence in Brazilian legislation of any provision that the term "night" shall mean a period of at least eleven consecutive hours. The Committee can therefore only repeat its observation.

The report contains no information with regard to the authorities responsible for the application of the legislation or with regard to the practical application of the Convention (IV and VI of the report form). The Committee expresses the hope that next year the Brazilian Government may supply a report which will answer all the points contained in the report form.

The Committee takes note of the intention of the Government to denounce the Convention and to propose to Congress to ratify the revised Convention of 1934.

*Colombia.* — The Government states in its report, *inter alia*, that the Convention is tacitly applied by industrial undertakings, since employment of women during the night in these undertaking does not in fact exceed the limits laid down in Article 2 of the Convention.

The Committee expresses the hope that, since the provisions of the Convention are in fact applied, the Colombian Government may be able to give them the necessary legal sanction.

*India.* — The Committee notes the statement of the Government of India to the effect that, as a result of the decision given by the Permanent Court of International Justice in 1932, the Factories Act has been amended in such a way as to remove the possibility of exemption from the prohibition of night work women holding posts of supervision or management or employed in a confidential position.

*Lithuania.* — In reply to an observation made last year by the Committee, the report states that the Act of 11 November 1933 applies to all the undertakings covered by the Convention and that, in practice, Article 2 of the Convention is fully applied.

The Committee takes note of this statement.

*Nicaragua.* — From the information supplied in the report of Nicaragua with regard to § 43 of the draft Labour Code submitted to Congress on 28 January 1934, it appears that the Code contains no provision to define "night" as a period of at least eleven consecutive hours. The Committee expresses the hope that the Nicaraguan Government will examine the possibility of revising

the draft Code in such a way as to bring it into agreement with the provisions of the Convention.

*Portugal.* — In reply to the observation of the Committee of Experts concerning the possibility of granting exemptions beyond the limits laid down by the Convention, the Portuguese Government has replied that the only exceptions permitted with regard to the provisions of the Convention relate to the fish-preserving industry, and the rules laid down for it differ only very slightly from those laid down by the Convention.

The Committee suggests that the Portuguese Government might be asked to supply details with regard to the differences mentioned above and also to examine the possibility of removing them.

*Spain.* — In reply to the observation made last year by the Committee drawing attention to the summary character of the report, the representative of the Spanish Government informed the Committee on the application of Conventions set up by the International Labour Conference at its Nineteenth Session in 1935 that night work for women was in fact non-existent in Spain, and that the Government would endeavour in future reports to supply detailed information to illustrate this point. The report supplied this year, however, far from giving information of this kind, states that 234 cases of infringement of the Act concerning employment of women during the night were reported in 1934.

The Committee hopes that the Spanish Government will be able to supply such information as to solve the apparent contradiction between the above-mentioned statements of the Spanish Government representative and the information contained in the annual report.

*Switzerland.* — The Committee notes the statement of the Swiss Government to the effect that it is proposing to ratify the revised Convention of 1934.

*Yugoslavia.* — The Workers' Protection Act of 28 February 1922 does not apply to persons holding posts of management.

The Committee feels obliged to suggest that the Yugoslav Government should examine the possibility of ratifying the revised Convention of 1934.

##### 5. *Minimum age (industry).*

Number of reports due : 26.

Number of reports received : 22.

Reports missing : *Albania, Argentine Republic, Dominican Republic, Greece.*

*Brazil.* — The report of the Brazilian Government is of a very summary character and does not include any information with regard to the authorities responsible for applying the legislation on this question, or with regard to the practical application of the Convention (points IV and VI of the report form). The Committee expresses the hope that the Brazilian Government will supply information on these two points in its next report.

*Colombia.* — While noting the reply given by the Colombian Government in its report to the observation made last year, the Committee considers that the provisions of Act No. 48 of 1924, together with those of § 4 of Act No. 56 of 1927, appear hardly capable of ensuring a full application of the Convention, which fixes the minimum age of admission in all cases at 14 years.

The Committee expresses the hope that the Colombian Government will be in a position in the near future to ensure the complete application of the Convention.

*Cuba.* — The Committee ventures to hope that the report next year will contain more exact information with regard to the practical application of the Convention.

*Latvia.* — The Committee notes the additional information supplied by the Latvian Government in its letter of 1 June 1935 to the effect that the practical application of the provisions of Article 3 of the Convention is assured by §§ 10, 11 and 13 of the Act respecting hours of work.

The Committee would be glad to see this information included in the future reports presented by the Latvian Government.

*Nicaragua.* — The provisions of § 42 of the draft Labour Code submitted to Congress on 29 January 1934 do not seem to correspond with the provisions of the Convention, which does not allow any exception in regard to the employment of children under 14 years of age in industrial undertakings.

The Committee ventures to hope that the Government of Nicaragua will examine the possibility of amending the draft Code in such a way as to ensure complete application of the Convention.

*Spain.* — Last year the Committee repeated the observation which it had already made in 1934 to the effect that the necessary measures for applying the Convention had not been taken. Although the situation is still unchanged, the report adds this year that § 15 of the Act of 1931 concerning contracts of employment only allows such contracts to be concluded by children of not less than 14 years of age. It appears to the Committee that this provision only constitutes an indirect application of the Convention and that it would be advisable to amend the Act and the Regulations of 1900 in relation to the employment of children in such a way as to obtain agreement between the terms of the legislation and those of the Convention.

The provisions of Article 4 of the Convention are also applied indirectly owing to the fact that Spanish legislation does not require a register to be kept of persons under 16 years of age, but only requires the employers to be in possession of a "certificate for minors", such a certificate being compulsory for persons under 18 years of age. On this point also the Committee ventures to express the hope that the Spanish Government will be in a position in the near future to assure the full application of the Convention.

*Yugoslavia.* — Last year the Committee expressed the hope that the Government would keep the International Labour Office informed of the progress made in the revision of those provisions of the Factories Act which concern employment of young persons. The report for this year gives no new information on this point, and the Committee therefore feels obliged to repeat its observation of last year.

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

Number of reports due : 30.

Number of reports received : 27.

Reports missing : *Albania, Argentine Republic, Greece.*

*Brazil.* — 1. The Government states that the national legislation is in agreement with the Convention. Last year, however, the Committee emphasised the fact that the legislation in question did not appear to define the term "night" as a period of at least eleven consecutive hours, which is the definition given in the Convention. The report this year does not supply any fresh information on this point, and the Committee can therefore only repeat its observation.

2. The Committee also stated last year that the exception provided by § 9 of Decree No. 22,042 permitted a general exception in the case of young persons over 16 years of age employed in continuous process undertakings, while the exception provided by paragraphs (a) to (e) of Article 2 of the Convention was limited to the industries and processes specified in the Article. Since the report for this year does not supply any fresh information on this point, the Committee can only repeat its observation,



8. The report gives no information as to the authorities responsible for applying the legislation or as to the general application of the Convention (points IV and VI of the report form).

*Chile.* — The Committee notes the statement of the Chilean Government to the effect that regulations to determine the industries and processes to which exceptions under paragraph 2 of Article 2 of the Convention apply are in course of preparation. The Committee expresses the hope that the Government will be in a position to issue these regulations in the near future.

The reports of the labour inspectors mention certain difficulties with regard to the employment of young persons during the night in glass works. The Committee thinks it advisable to request the Chilean Government to keep the Office informed as to the results of the enquiry undertaken on this question.

*Cuba.* — The national legislation does not determine the line of division between industry on the one hand and commerce and agriculture on the other, but leaves it to the decision of the Minister of Labour. The Committee would suggest that the Cuban Government should be asked to be good enough to inform the International Labour Office whether this line of division has in fact been determined.

*India.* — The Committee takes note of the new Factories Act adopted by India in order to implement all the provisions of the Convention. The Act in question is in agreement with the Convention.

*Latvia.* — The report states that, although the provisions of the Act respecting hours of work which relate to the prohibition of night work for young persons are explicit, the Ministry of Social Welfare, at the request of the Committee of Experts, is in process of amending the Act by a provision which will prevent a child from being employed up to 10 p.m. one day and from 6 a.m. on the next morning. The Committee notes this statement of the Latvian Government, which appears to be intended to ensure in every case a "night" period of at least eleven consecutive hours.

*Lithuania.* — With regard to the question of a night period of at least eleven consecutive hours, see under Convention No. 4.

The Committee notes the statement contained in the report of the Lithuanian Government to the effect that the provisions of the Convention are compulsory to the same extent as the Act and that consequently it has not been considered necessary to include in the Act the provisions of paragraphs (a) to (e) of Article 2 of the Convention.

*Nicaragua.* — The draft Labour Code submitted to Congress on 29 January 1934 provides in § 43 for a "night" period of nine hours instead of eleven hours as provided by the Convention. It would be useful to request the Government of Nicaragua to examine the possibility of amending the draft Code in order to ensure a full application of the provisions of the Convention.

*Portugal.* — The divergence between Portuguese legislation and the Convention mentioned last year (prohibition of employment during the night for young persons of under 16 instead of under 18 years of age) has not been removed. The Committee notes the information supplied on this point by the letter of the Portuguese Government of 7 June 1935, but nevertheless expresses the hope that the Portuguese Government will examine the possibility of amending and supplementing Legislative Decree No. 24,402 by a provision which will clearly lay down that night work in industrial undertakings is only authorised for young persons of not less than 18 years of age.

*Spain.* — The report recognises that Spanish legislation is not in agreement with the principles

expressed in the Convention. Spanish legislation fixes the age-limit for employment of children during the night at 14 years, and the "night" period only includes the interval between 7 p.m. and 5 a.m., while the Convention fixes the limit of age at 18 years and the "night" period at at least eleven consecutive hours.

It would appear desirable to request the Spanish Government to examine the means of bringing its legislation into agreement with the Convention so as to ensure the full application of the Convention in the near future.

#### 7. *Minimum age (sea).*

Number of reports due : 29.

Number of reports received : 26.

Reports missing : *Argentine Republic, Dominican Republic, Greece.*

*Colombia.* — The Act of 1927 mentioned in the report provides that young persons from 11 to 14 years of age may be employed in certain cases, including employment at sea.

Moreover, the report gives no information with regard to the application of the provisions of Article 4 of the Convention, and the two Acts mentioned in the report do not contain any equivalent provision.

The Committee suggests that the Colombian Government might be requested to examine the possibility of bringing its legislation into agreement with the Convention on the two points mentioned above.

*Nicaragua.* — The Government states in its report that the terms of the Convention do not at the moment apply to Nicaragua, which possesses no vessels or boats engaged in maritime navigation. Seeing that Article 1 of the Convention stipulates that the term "vessel" shall be taken to mean all ships and boats of any nature whatsoever, whether publicly or privately owned, engaged in maritime navigation, with the exception of ships of war, the Committee, while taking note of the Nicaraguan Government's statement, suggests that it might be asked to define more exactly the meaning which it attaches to the above-mentioned statement.

*Spain.* — The Committee takes note of the statement contained in the report to the effect that the Government will shortly submit to the Cortes a Bill to amend Spanish legislation in such a way as to give effect to all the provisions of the Convention.

The Committee expresses the hope that this Bill will be adopted in the very near future.

#### 8. *Unemployment indemnity (shipwreck).*

Number of reports due : 23.

Number of reports received : 21.

Reports missing : *Argentine Republic, Greece.*

*Australia.* — The Committee takes note of the very full information supplied by the report, but it would nevertheless suggest that the Australian Government might be asked to be good enough to indicate the meaning of the word "run" used in § 85 (2) of the Navigation (Maritime Conventions) Act, 1934.

*Colombia.* — The report states that "the unemployment problem, and in particular that of unemployment due to shipwreck, does not exist in Colombia, since Colombia is an agricultural country engaged in relative industrial expansion, which normally permits the available labour to be employed in these occupations". The report also refers to the information supplied on the application of Convention No. 23 (Repatriation of seamen). See the observation made under this Convention.

*Cuba.* — Last year the Committee made an observation relating to the divergencies which



existed between the provisions of Article 1 of the Convention and the legislative measures adopted in Cuba to give effect to the Article. The report submitted this year does not give any information susceptible of removing the doubts expressed last year, and the Committee can therefore only repeat its observation.

No provisions equivalent to Article 3 of the Convention are included in Cuban legislation. It would be useful to request the Cuban Government to consider the possibility of removing this discrepancy.

*Estonia.* — The report mentions four cases of shipwreck and adds that indemnity was paid in only two cases. It would be useful to request the Estonian Government to give the reasons why indemnity was not paid in the other two cases.

*Nicaragua.* — The report states that, since Nicaragua has no "seamen" in the sense understood by the Convention, the need for Acts or Regulations relating to unemployment in case of shipwreck has not yet been considered.

The Committee takes note of this statement, but would observe that, owing to its laconic character, it is not possible to obtain an accurate idea of the existing situation in Nicaragua with regard to the application of the Convention.

*Spain.* — In reply to the question put last year by the Committee with regard to the measures taken to secure the application of the provisions of the Convention to officers and masters, the report for this year mentions new Guiding Principles which have been enacted with the object of applying all the provisions of the Convention. The Committee suggests that the Spanish Government might be requested to communicate the text of these Guiding Principles.

The Committee notes that no statistical information on the application of the Convention has been supplied, and suggests that the Spanish Government might be requested to communicate detailed figures on this point in its next annual report.

*Yugoslavia.* — The Decree of 29 March 1935 appears to be in agreement with the Convention. It should be emphasised, however, that the expression "the wages payable under the agreement" presumably means the wages in cash as determined by the articles of agreement and does not include, as in certain countries, an allowance corresponding to the value of the food supplied to the seamen. The Committee suggests that the Yugoslav Government might be requested to indicate whether this interpretation is correct.

#### 9. *Placing of seamen.*

Number of reports due : 23.

Number of reports received : 21.

Reports missing : *Argentine Republic, Greece.*

*Colombia.* — The report states that, owing to the special characteristics of the economic and industrial systems in the country, the unemployment problem does not at the moment exist, and consequently there are no offices conducted with a view to profit to deal with the placing of seamen.

See also the general observations on the reports supplied by certain countries (Appendix I A).

*Cuba.* — The report states that the Administrative Regulations for Legislative Decree No. 660 have not yet been issued, and that therefore the offices in question have not yet been set up. The Committee expresses the hope that the Cuban Government will take the necessary measures to publish the Regulations as soon as possible and to set up the employment offices in question.

*Latvia.* — The Instruction of 10 September 1934 appears to be in accordance with the provisions of the Convention.

With regard to Article 8, the report states that the Seamen's Employment Exchange Committee is empowered to decide whether subjects of countries which have ratified the Convention shall or shall not be permitted to use the seamen's employment exchanges.

The Committee suggests that the Latvian Government's attention might be drawn to the fact that these provisions do not appear to be in agreement with the requirements of the Convention.

*Nicaragua.* — The report states that Nicaragua does not possess maritime shipping such as would require the issue of Acts or Regulations relating to the placing of seamen.

The Committee ventures to make the same observation as that made under Convention No. 8 (Unemployment indemnity, shipwreck).

*Rumania.* — The Committee takes note of the Government's statement to the effect that a Labour Committee is at present at work, at the Ministry of Communications, upon the reorganisation of harbours and the revision of legislation affecting the mercantile marine, and is also dealing with the question of setting up free employment exchanges for seamen. The Committee suggests that the Rumanian Government might be requested to keep the International Labour Office informed of the results of this Committee's work.

*Spain.* — The report states that a Bill will shortly be submitted to the Cortes which will include measures capable of securing the full application of the Convention. The Committee expresses the hope that the Spanish Government will hasten the submission and adoption of this Bill in order to secure the practical application of the Convention which it ratified on 23 February 1931.

*Yugoslavia.* — The Government states in its report that the Regulations prescribed by § 9 (2) of the Decree of 29 March 1935 have not yet been issued. The Committee suggests that the Yugoslav Government might be requested to hasten the publication of these Regulations, which relate to the communication to the International Labour Office of all statistical or other information concerning unemployment among seamen and concerning the work of the seamen's employment agencies.

#### 10. *Minimum age (agriculture).*

Number of reports due : 17.

Number of reports received : 15.

Reports missing : *Dominican Republic, Luxemburg.*

*Nicaragua.* — The Government refers in its report to a draft Labour Code which was submitted to Congress on 29 January 1934. § 42 of this Code lays down the method by which compulsory education is secured in practice, but the section is not as clear as might be wished. Further, the report gives no information on the question whether the total annual period of school attendance is fixed at not less than eight months. The Committee suggests that the Nicaraguan Government might be requested to supply more definite information on these two points.

*Spain.* — Last year the Committee asked the Government to communicate the text of the instructions issued by the Ministry of Public Instruction and Fine Arts to give effect to the Decree of 25 September 1934. It appears, from the information in the report submitted this year, that these instructions have not yet been issued. In these circumstances, the Committee suggests that the Spanish Government might be requested to give further information whether these instructions have been published or not, and, if they have been published, to transmit the text of them to the International Labour Office.

# 11. *Right of association (agriculture).*

Number of reports due : 27.

Number of reports received : 27.

*Bulgaria.* — The Government states that a Bill concerning the rights of association and combination of agricultural workers is at present being drafted. The Committee suggests that the Government might be asked to communicate the text of this Bill to the International Labour Office, and also to keep the Office informed of the progress achieved with regard to its adoption.

*China.* — The Government states that the observation made last year by the Committee on the application of Conventions set up by the Conference in regard to the scope of the Chinese legislation has been submitted to the Legislative Yuan, and that the Act of 30 December 1930 will be applied in its present form until the Yuan takes action upon the question. The Committee takes note of this statement and expresses the hope that the Chinese Government will be good enough to inform the International Labour Office of the action taken by the Legislative Yuan.

The Committee also suggests that the Chinese Government might be asked whether industrial workers in China possess trade unions and whether agricultural workers in China are entitled to form trade unions under the same conditions as industrial workers.

# 12. *Workmen's compensation (agriculture).*

Number of reports due : 19.

Number of reports received : 19.

*Italy.* — The Committee notes with satisfaction the information given below in a letter addressed by the Italian Government Delegate at the Nineteenth Session of the International Labour Conference to the Director of the International Labour Office on 3 June 1935 :

"The Italian Government is very glad to reaffirm that the question of reforming the system of insurance in respect of accidents in agriculture is one with which it intends to deal practically in the immediate future, both in pursuance of the policy that has constantly been followed in favour of agricultural workers, and also as a consequence of the reforms introduced this year in the system of insurance for industrial accidents on the basis of the 1925 Convention."

*Nicaragua.* — § 3 of the Act of 13 May 1930 respecting industrial accidents lays down that employees who meet with accidents in employment in agriculture or stock-raising shall not be deemed to be wage-earning employees for the purposes of the Act. This provision of the Act of 1930 is not in accordance with the Convention.

The report mentions, however, a draft Labour Code which was submitted to Congress on 29 January 1934, § 135 of which provides that the liability of the employer shall apply to all undertakings and operations, whatever their character, in which workers or apprentices are employed. The Committee expresses the hope that the Government will shortly be in a position to ensure the putting into force of this Code in order to bring the provisions of the Convention into effect.

*Poland.* — The Committee suggests that the Polish Government might be invited to keep the Office informed of the progress achieved in regard to the Bill concerning the insurance of agricultural workers against incapacity for work or death, mentioned in the report which was submitted last year.

# 13. *White lead (painting).*

Number of reports due : 22.

Number of reports received : 21.

Report missing : *Greece.*

*Bulgaria.* — The report contains no fresh information on the observation made last year by the Committee with regard to the consultation of employers' and workers' organisations prescribed by Articles 3 and 6 of the Convention. In these circumstances the Committee can only repeat this observation.

*Chile.* — The Government states that the regulations which should be enacted in order to give effect to the different provisions of the Convention have not yet been issued, since white lead is only used in Chile in exceptional circumstances.

The Committee expresses the hope that the Chilean Government will issue these regulations in the near future.

*Estonia.* — The Committee takes note of the new Order of 27 September 1935 which gives effect to the provisions of paragraph I (b) of Article 5 of the Convention (spray-painting).

*Latvia.* — The report states that, as the result of the observation of the Committee of Experts, a draft instruction has just been prepared by the Department of Labour Protection, in agreement with the Department of Public Health, to give effect to the provisions of Articles 2 and 5 of the Convention. This draft will shortly be issued by the Ministry of Social Welfare.

The Committee suggests that the Latvian Government should be requested to transmit a copy of the draft instruction in question to the International Labour Office.

*Nicaragua.* — The report states that no Acts or Regulations in application of this Convention yet exists, and that probably none will be introduced, since the customs and practice of the country do not require them.

The Committee suggests that the Nicaraguan Government might be requested to supply more detailed information next year on the exact situation in Nicaragua with regard to the use of white lead.

*Venezuela.* — Last year the Committee expressed the hope that the Government would shortly be in a position to enact legislation to give effect to the provisions of the Convention. This year the Government states that it does not consider it necessary to introduce any amendments to the Labour Act of 23 July 1928, since the provisions of that Act are, generally speaking, in accordance with the Conventions ratified by Venezuela. It adds further that it is impossible to supply the detailed information required, since Venezuela is not a genuinely industrial country.

The Committee takes note of this statement, but at the same time suggests that the Venezuelan Government might be asked to give more detailed information next year on the existing situation in the country with regard to the use of white lead.

# 14. *Weekly rest (industry).*

Number of reports due : 26.

Number of reports received : 25.

Report missing : *Greece.*

*Canada.* — The Act of 4 April 1935 is in accordance with the provisions of the Convention. According to the report, however, the exceptions will be determined by regulations which will be issued by the Governor in Council and which are at present in course of preparation.

The Committee expresses the hope that the Canadian Government will be in a position next year to supply a detailed report replying to all the points contained in the report form. This year the report of the Government was in the form of a letter.

*China.* — § 19 of the Act of 30 September 1932 lays down certain exceptions, but does not appear to ensure a compensatory rest period.

The Committee suggests that the Chinese Government might be requested to supply more detailed information on this point, on the question of the authorities responsible for applying the legislation, and on the question of the practical application of the Convention.

*Colombia.* — It would be desirable to request the Colombian Government to give more detailed information with regard to the practical application of the Convention.

*India.* — The Committee takes note of the new Factories Act of 1934, which is in accordance with the Convention.

*Nicaragua.* — Nicaragua does not possess any legislation with regard to the weekly rest, but the draft Labour Code which was submitted to Congress on 29 January 1934 appears to be in accordance with the Convention. The Committee expresses the hope that the Nicaraguan Government will hasten the adoption of this draft Code.

*Portugal.* — The Committee suggests that the Portuguese Government might be requested to supply information on the methods adopted for consultation of employers' and workers' associations as prescribed by Article 4 of the Convention.

*Sweden.* — The Committee notes with satisfaction the very detailed information supplied by the Swedish Government with regard to the enquiry which it has undertaken, and will be interested to learn the definitive results of this enquiry.

*Switzerland.* — It is with considerable satisfaction that the Committee takes note of the first annual report supplied by the Swiss Government, which is drawn up in a most clear and detailed manner. The situation in Switzerland appears to be entirely in accordance with the principles laid down by the Convention.

#### 15. *Minimum age (trimmers and stokers).*

Number of reports due : 29.

Number of reports received : 28.

Report missing : *Greece.*

*Bulgaria.* — The Convention continues to be applied by the Regulations of the Bulgarian Navigation Company. In 1933 the Committee on the application of Conventions set up by the Conference was informed that a Bill might be drawn up to apply all the maritime Conventions ratified by Bulgaria. Subsequent reports do not give any information on this point, and the Committee would be grateful if the Bulgarian Government would inform the International Labour Office whether it has carried out its expressed intention.

*Colombia.* — The report refers to Acts Nos. 48 of 1924 and 56 of 1927 which fix the minimum age for admission of children to industrial employment of all kinds at fourteen years. The report adds that as far as the present Convention is concerned, and in particular Article 2, young persons of under eighteen years of age are not employed on board ship as trimmers or stokers. Employers, both public and private, have always aimed at conformity with the minimum age provisions mentioned above, and they have raised the minimum age for trimmers and stokers to eighteen years, bearing in mind the type of work which such employment involves, and the need for a degree of efficiency which is beyond the powers of young persons. In order to give partial effect to the Convention, it has been decided that, when a shipping undertaking submits its rules of employment to the General Labour Office for approval, as all undertakings are obliged

to do, approval will be refused, unless the rules in question require conformity with the provisions of the Convention.

The Committee notes this statement, but would suggest that the Colombian Government might be asked to consider the possibility of inserting in its actual legislation the necessary provisions to ensure in all cases the effective application of the Convention.

*Cuba.* — Legislative Decree No. 592, which applies the Convention, does not appear to contain any provision to the effect that articles of agreement for crews must include a summary of the provisions of this Convention. Further, the report does not contain any information with regard to the practical application of the Convention.

The Committee suggests that the Cuban Government might be asked to supply details on these two points.

*Estonia.* — In 1932 the Committee noted that the provisions of Article 6 of the Convention, which prescribe that articles of agreement for crews shall include a summary of the provisions of the Convention, did not seem to be fully applied. Since the situation has not changed since that date, it would be useful to request the Estonian Government to supply information on this point.

*Nicaragua.* — The same observation must be made as in the case of Convention No. 7 (Minimum age, sea).

*Yugoslavia.* — The Committee takes note of the Order of 29 March 1935, which appears to be in accordance with the provisions of the Convention.

#### 16. *Medical examination of young persons (sea).*

Number of reports due : 27.

Number of reports received : 26.

Report missing : *Greece.*

*Australia.* — The Navigation (Maritime Conventions) Act, 1934 and the Navigation (Health) Regulations (Amendment) appear in a general way to be in agreement with the provisions of the Convention.

§ 40 B (2) of the Act, however, does not lay down clearly that a young person may not continue to be employed unless the medical certificate is renewed. The Committee suggests that the Australian Government might be requested to supply further details on this point.

The Government states that no special provision has been made either in the Act or the Regulations on the question of the urgent cases referred to in Article 4 of the Convention, but that in practice engagements of this kind are only permitted subject to the condition that the medical examination shall be made at the first opportunity. The report adds that, owing to the short time during which the Convention has been in force in the Commonwealth, it is too early to give an appreciation of its effect. The Committee takes note of these statements and expresses the hope that the next report will contain detailed information on the practical application of the Convention.

*Colombia.* — The Government states that in adhering to this Convention its object was solely "to facilitate international solidarity in the study and solution of labour problems, and in order to have available an instrument laying down a principle which could, when circumstances permitted, be incorporated in positive legislation". The report adds that "the economic structure of the shipping industry in the country is such that there are no undertakings, properly speaking, engaged in maritime transport, Colombian shipping being for the most part engaged in river transport. Shipping undertakings are required, by the General Labour Office of the Ministry of Industry and

Labour, to have rules of employment embodying all the appropriate labour protection measures, from the eight-hour day to health services, compulsory collective insurance, etc."

While noting this statement, the Committee suggests that the Colombian Government might be requested to consider the possibility of incorporating provisions in its legislation to give practical effect to the requirements of the Convention.

*Nicaragua.* — The same observation must be made as in the case of Convention No. 7 (Minimum age, sea).

#### 17. *Workmen's compensation (accidents).*

Number of reports due : 16.

Number of reports received : 15.

Report missing : *Uruguay.*

*Chile.* — Last year the Committee noted that Chilean legislation appeared 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 of the capitalist value of the pension due. Referring to this observation, the Chilean Government states in its report for this year that if it were considered necessary that Chilean legislation should be brought into complete conformity with the provisions of Article 5 of the Convention, the Government would be prepared to take the necessary measures to adopt the amendments required. In these circumstances, the Committee expresses the hope that the Chilean Government will consider the possibility of an appropriate amendment to its existing legislation and will supply information as to the results of its action in its next report.

*Colombia.* — The Colombian Government states in its report that a Bill concerning workmen's compensation for industrial accidents which is fuller than the existing legislation on the subject has been laid before the Legislative Chambers.

Since the legislation in force shows a number of discrepancies in relation to the provisions of the Convention, the Committee ventures to raise the principal points which should be borne in mind when the Bill in question is being discussed, viz :

Article 2. The scope of the Act is more restricted than that defined by Convention.

Article 5. The statutory compensation is paid in the form of a lump sum and not in the form of a pension.

Article 7. The Act does not provide for additional compensation for victims of accidents who require the constant help of another person.

Article 10. The Act contains no provisions with regard to the supply and renewal of artificial limbs and surgical appliances.

*Cuba.* — It appears from the recent report of the Government that Cuban legislation does not provide for the possibility of review of the compensation granted to victims of accidents, as Article 8 of the Convention requires. The Committee would be grateful if the Cuban Government would supply supplementary information on this point.

*Nicaragua.* — The Government of Nicaragua has submitted an annual report on the application of this Convention for the first time. The report gives rise to the following observations :

Article 2. The scope of the Act of 13 May 1930 respecting industrial accidents is too restricted, seeing that it only covers salaried employees working in undertakings employing more than fifteen wage-earning employees and the declared capital of which is not less than 25,000 córdobas.

Article 5. Compensation in case of permanent incapacity or death is paid in the form of a lump

sum and not in the form of a pension as the Convention requires.

Article 6. No compensation is paid in the case of partial incapacity lasting less than two weeks, whereas the Convention lays down that compensation shall be paid not later than as from the fifth day after the accident.

Article 7. The legislation in force does not provide for additional compensation for victims of accidents who require the constant help of another person.

Article 10. The Act contains no provisions with regard to the supply and renewal of artificial limbs and surgical appliances.

*Portugal.* — In 1934, the Committee noted that it was not clear from the Government's report whether provision was made for the renewal of artificial limbs and surgical appliances, in accordance with Article 10 of the Convention. Since the Government states in its last report that a Bill to reorganise the present system of accident insurance has been submitted to the National Assembly, the Committee expresses the hope that the Government will be good enough to take the above observation into account when the Bill in question is adopted. The Committee ventures at the same time to draw attention to the fact that the legislation in force does not appear to contain any provision for additional compensation to victims of accidents who require the constant help of another person.

#### 18. *Workmen's compensation (occupational diseases).*

Number of reports due : 28.

Number of reports received : 27.

Report missing : *Spain.*

*Belgium.* — The Committee takes note of the statement made by the Belgian Government representative to the Conference in reply to the Committee's observations of last year. In particular, the Belgian representative informed the Committee on the application of Conventions of the Conference that financial difficulties had made it difficult to secure complete harmony between the legislation relating to occupational diseases and that relating to industrial accidents from the point of view of the amount of compensation to be granted. The relevant legislation was, however, being revised and the new legislation would, it was hoped, enable the Government to bring the rate of compensation given in cases of occupational diseases to the level of the rate granted in the case of accidents.

The report for this year states that the drafting of the Bill in question is finished and that it will be submitted to Parliament as soon as parliamentary business permits. The Committee expresses the hope that the Belgian Government will inform the Office of the progress of this legislation and that the Government will be in a position to announce in its next report that complete agreement has been achieved between Belgian legislation and the provisions of the Convention.

*Colombia.* — The Colombian Government states in its report that a Bill concerning compensation for industrial accidents and occupational diseases is now before Congress. Since the Convention does not appear to be applied at present, the Committee ventures to hope that this Bill will be adopted in the near future.

*Nicaragua.* — The Government states that no special legislation exists on this question except for the Act of 13 May 1930 respecting industrial accidents. § 12 of this Act lays down that the compensable occupational diseases shall be enumerated limitatively by the Executive in regulations under the Act after consultation with the technical departments. It would be useful to request the Government of Nicaragua to inform the Office whether the regulations in question have already been issued. The present situation,

as it emerges from a study of the Act, cannot be considered to be in accordance with the provisions of Article 2 of the Convention, unless regulations exist to define clearly which diseases are covered by this Article.

19. *Equality of treatment (accident compensation).*

Number of reports due : 34.

Number of reports received : 34.

*Bulgaria.* — 1. The Government has not mentioned in its report the changes in its legislation made by the Legislative Decree of 5 January 1935 which was mentioned in its report on the application of Convention No. 17 (Workmen's compensation, accidents). The Committee ventures to insist on the compulsory nature of the obligation to supply information in accordance with Article 4 of the Convention.

2. The Committee notes that, even in the form in which it has been amended by the Legislative Decree of 5 January 1935, the legislation does not contain any provisions to indicate that equality of treatment is granted to nationals of Members which have ratified the Convention. In these circumstances, the Committee considers that it would be useful to ask the Government whether the permission required by § 17 of the Legislative Decree of 5 January 1935 is legally acquired by persons in receipt of pensions who are nationals of such a Member. (The section quoted above provides in particular that "a pension shall be suspended if the beneficiary is living abroad without permission from the Social Insurance Fund").

*Chile.* — The Government might be asked to supply additional information concerning the provisions which regulate the payment of compensation to victims of accidents or to their survivors living outside the country.

*Colombia.* — The Government states in its report that there are no legislative provisions to prevent the application of the Convention, since the Act concerning compensation for industrial accidents and the Constitution of the Republic make no distinction between national and foreign workers. The Committee considers that it would nevertheless be desirable to have an express provision with regard to equality of treatment as regards workmen's compensation for industrial accidents.

*Cuba.* — The Committee takes note of the statement made by the Government in its report to the effect that "Cuban legislation does not contain any provision under which a workers' place of residence can affect the principle of equality of treatment for Cuban and foreign workers; nor is there any special provision preventing the payment of pensions outside Cuban territory."

*Lithuania.* — The Government states in its report that the Ministry of the Interior has drafted and submitted to the Council of Ministers a Bill concerning workmen's compensation for industrial accidents, the provisions of which are in full harmony with those of the Convention. The Committee expresses the hope that this Bill will be adopted in the near future.

*Nicaragua.* — The Government has supplied a report for the first time and states in it that no special legislation exists to implement the provisions of the Convention but that a principle embodied in the Constitution of the Republic guarantees to aliens all the civil rights enjoyed by Nicaraguan nationals, and that it must follow that nationals of every country are treated on a footing of equality with Nicaraguan nationals. The Committee considers nevertheless that an express provision would be expedient, to prescribe that the compensation provided by the Act of 13 May 1930 shall be granted, without any condition as to residence, to nationals of Members which have ratified the Convention.

20. *Night work (bakeries).*

Number of reports due : 10.

Number of reports received : 10.

*Colombia.* — The report states that in adhering to this Convention the object of the Government was solely to facilitate international solidarity in the study and solution of labour problems, and in order to have available an instrument which, when economic conditions required, would enable it to incorporate the Convention in its legislation. At present, the economic and industrial condition of the country is not favourable to an immediate application of the provisions of the Convention. They will nevertheless be put into effect and embodied in Colombian legislation when occasion arises.

The Committee feels obliged to draw attention to the fact that by its ratification a country assumes a specific obligation to take the necessary measures effectively to apply the ratified Convention.

*Cuba.* — The Government states in its report that the employers' organisations, who were duly consulted, approved Decree No. 2,133 concerning the application of the Act of 2 June 1928 respecting night work in bakeries. The Convention, however, requires that not only employers' organisations, but also workers' organisations, shall be consulted.

The Committee feels obliged to draw attention to this provision of the Convention.

*Nicaragua.* — The report states that no legislation has been adopted concerning night work in bakeries, owing to the special conditions which obtain in this industry in the country. The report adds that the industry is carried on under very satisfactory conditions as far as labour is concerned, there being no undertakings in the strict sense, but only small establishments in which the work is usually done by the master, with no other aid than that of his own relatives.

While noting this statement, the Committee feels obliged to call attention to the fact that on the one hand the Convention applies to employers and makes an exception only for the making of bakery products by members of the same household for their own consumption, and that, on the other hand, by the fact of its ratification, a country assumes a specific obligation to take measures effectively to apply the Convention.

*Spain.* — 1. The report recognises that the legislative provisions on this question are not fully in harmony with the text of the Convention. It adds, however, that the ratification of this Convention has resulted in the fact that the rules of employment drawn up by the Joint Board, which fix the hours of rest, respect the actual terms of the aforesaid Convention; consequently the Convention has been introduced by degrees and progressively in legal practice, so that its provisions have been applied in a uniform manner since the year 1934. The Committee takes note of this statement, and expresses the hope that the Spanish Government will be in a position to consider the possibility of bringing its legislation into harmony with actual practice and thus into harmony also with the provisions of the Convention.

2. The report states that nearly all the rules of employment have made use of the exception provided by the Convention, which allows work to begin at 4 a.m. The report adds that representatives of employers and workers are chosen to sit on the Joint Boards from the associations which are most entitled to seats owing to their numerical importance and that, according to the system adopted in Spain, these representatives sitting on the Joint Boards exert an influence on the enforcement of the supervision of the time-table of work.

The Committee takes note of this statement.

## 21. *Inspection of emigrants.*

Number of reports due : 16.

Number of reports received : 15.

Report missing : *Albania*.

*Japan*. — The report states that statistics of the number of emigrants carried on board Japanese vessels are being drawn up and will be communicated later. The Committee will be glad to receive this information.

*Nicaragua*. — The report states that existing conditions in Nicaragua are not such as to require regulations to be issued on this question, and that at present Nicaragua is a country of immigration and not of emigration.

The Committee takes note of this statement.

## 22. *Seamen's articles of agreement.*

Number of reports due : 19.

Number of reports received : 19.

*Australia*. — This report, which is the first to be submitted, is very detailed and contains interesting information from which it may be gathered that Australian legislation is in general in harmony with the provisions of the Convention. The Government draws attention to the law and practice existing in Australia affecting the issue of records of seamen's services, and statements as to the quality of their work (Articles 5 and 14 of the Convention).

The Committee takes note of this information.

*Bulgaria*. — The report, which is presented this time in the form prescribed by the report form, does not contain any fresh information. It appears that Bulgarian legislation does not contain any provisions corresponding to those of Articles 11, 12, 13 and 14 of the Convention.

The Committee suggests that the Bulgarian Government might be requested to consider the possibility of taking the necessary measures to establish complete harmony between its national legislation and the Convention in the near future.

See also the observation made under Convention No. 15 (Minimum age, trimmers and stokers).

*Colombia*. — The Government states in its report that it has not given effect to the provisions of the Convention because the economic conditions of the country do not at present necessitate its embodiment in positive legislation.

The Committee notes this statement, but suggests that the Colombian Government might be requested to consider the possibility of adopting in the near future legislation to give legal effect to the provisions of the Convention which it has ratified.

*Nicaragua*. — The report refers to §§ 64, 65 and 66 of the draft Labour Code which was submitted to Congress on 29 January 1934. These provisions, which relate to contracts of employment for manual labourers, do not seem to constitute an actual application of this Convention.

The Committee feels obliged to draw attention to this fact.

*Poland*. — In the report submitted in 1934, the Government stated that legislation for the purpose of codifying all the provisions concerning the work of seamen was in course of preparation, and that this legislation would give effect to the provisions of the Convention and therefore to Articles 9 and 13. Last year the Committee noted that the report did not contain any fresh information. The Committee notes that the situation this year is unchanged. In these circumstances, the Committee suggests that the Polish Government might be asked to supply information with regard to the progress achieved since 1934 with regard to this draft legislation, and to consider the possibility of hastening its adoption.

*Yugoslavia*. — The Committee takes note of the promulgation of the Decree of 29 March 1935 to regulate conditions of work on board vessels engaged in maritime navigation.

## 23. *Repatriation of seamen.*

Number of reports due : 16.

Number of reports received : 16.

*Bulgaria*. — 1. The same observation must be made as in the case of Convention No. 15 (Minimum age, trimmers and stokers).

2. It is not clear from the report whether the legislation contains a provision to specify who is responsible for the repatriation of seamen.

*Colombia*. — While noting the statement of the Colombian Government to the effect that there are no maritime shipping undertakings properly so-called in the country, the Committee suggests that the Government might be asked to explain more exactly the meaning of this statement, considering the statements on the same point in the reports on other maritime Conventions (e.g. Nos. 15 and 16) ratified by Colombia.

*Nicaragua*. — The report states that Nicaragua possesses no maritime shipping requiring regulation in the sense of this Convention.

While noting this statement, the Committee refers to the observation which it has made under Convention No. 7 (Minimum age, sea).

*Yugoslavia*. — The Committee notes the promulgation of the Decree of 29 March 1935 to regulate conditions of work on board vessels engaged in maritime navigation.

## 24. *Sickness insurance (industry, etc.)*

Number of reports due : 16.

Number of reports received : 15.

Report missing : *Spain*.

*Bulgaria*. — The Committee has on several occasions drawn attention to the fact that, in accordance with § 18 of the Act of 25 March 1924, the right to medical treatment is subject to a qualifying period of eight consecutive weeks, whereas the Convention does not provide for a qualifying period in respect of medical treatment. The report for this year does not indicate any change. The Committee hopes that the Government will make an effort to obtain complete harmony between its national legislation and the Convention.

*Chile*. — In previous years the Committee has drawn attention to the fact that Chilean legislation requires a waiting period of four days, whereas the Convention only requires a period of three days.

In reply to this observation, the Chilean Government states that the Compulsory Insurance Fund, to which the question was submitted, stated that it had taken the question into consideration in the Bill to amend the existing legislation which is at present before the Legislative Chambers.

The Committee takes note of this information.

*Colombia*. — The report of the Government states that a draft Labour Code, in which are included most of the principles of the Convention, has been submitted to Congress, which has not yet finished considering it. In these circumstances, the Committee repeats its observation of last year and expresses the hope that in its next report the Government will supply information with regard to the provisions which have been taken to ensure the application of the Convention.

*Lithuania*. — The Committee notes with satisfaction the efforts which have been made by the Government to bring its legislation into complete harmony with the Convention.

*Luxemburg.* — In previous years the Committee has noted that compulsory sickness insurance did not apply to domestic servants. This year the Government states that the position of domestic servants will be laid before the Chamber of Deputies when the Social Insurance Code is revised during the year 1936, and adds that a large number of these workers already benefit by voluntary insurance.

The Committee takes note of this statement.

*Nicaragua.* — The Government refers in its report to the provisions of the Act of 13 May 1930 respecting industrial accidents, but it does not mention a system of compulsory sickness insurance in accordance with the Convention.

The Committee would be grateful if next year the Government would supply detailed information with regard to the measures taken to apply the Convention.

## 25. Sickness insurance (agriculture).

Number of reports due : 11.

Number of reports received : 10.

Report missing : *Spain*.

*Bulgaria.* — See under Convention No. 24.

*Chile.* — See under Convention No. 24.

*Colombia.* — See under Convention No. 24.

*Luxemburg.* — The Committee has noted in previous years that measures to extend compulsory sickness insurance to agricultural workers was still under consideration. The Government states this year that the question will again be laid before the Chamber of Deputies when the Social Insurance Code is revised in the near future, and that already insurance is compulsory for workers employed in agricultural work undertaken with a view to the productive organisation of unemployment relief. The Government also states that the Central Committee of the Sick 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. The Committee takes note of this statement.

*Nicaragua.* — See under Convention No. 24.

## 26. Minimum wage-fixing machinery.

Number of reports due : 16.

Number of reports received : 14.

Reports missing : *Mexico, Spain*.

*Australia.* — The Government of the Commonwealth of Australia has supplied reports on the application of the Convention in all the territories of the Commonwealth except South Australia.

The Committee feels obliged to draw attention to this omission.

*China.* — It appears from the report submitted this year that no progress has been made in China as regards the scope of the system of minimum wage-fixing machinery. In particular, no legislation seems to have been adopted, and the application still seems to depend solely on administrative regulations and to be restricted to State undertakings. Inspection is carried out by the managing bodies of the undertakings themselves. No consultations took place before the administrative regulations to introduce minimum wage-fixing machinery in Government undertakings were promulgated, nor does it appear that preliminary enquiries were made with a view to extending the application of the Convention to private undertakings.

While recognising the difficulties of introducing minimum wage-fixing machinery into a country as large as China, the Committee expresses the hope that the Chinese Government will, in the near future, find a means of applying the Convention, which it ratified five years ago, to private under-

takings, and will supply information on this question in its next report.

*Hungary.* — The Committee takes note of the legislative measures which have been adopted with a view to applying the provisions of the Convention. These measures appear to be in accordance with those of the Convention. The Committee feels obliged, however, to draw attention to the absence of any indication in the report of a consultation of employers' and workers' organisations to decide the trades or parts of trades in which the minimum wage-fixing machinery shall apply (Article 2 of the Convention).

*Nicaragua.* — The Government states in its report that §§ 34-40 of the draft Labour Code which was submitted to Congress on 29 January 1934 are concerned with the regulation of wages, but that it has not yet been considered advisable to deal with the question of minimum wage rates, since it has been objected that a minimum wage is justified when there is a glut of work and too few workers, which is not at present the case in Nicaragua.

The Committee, while taking note of this statement, observes that the Convention is not applied in Nicaragua, and expresses the hope that the Government of Nicaragua will consider the possibility of taking the necessary legislative measures to allow it, when occasion offers, to apply in practice the provisions of the Convention which it has ratified.

*Norway.* — The information required by Article 5 of the Convention is lacking.

## 27. Marking of weight (packages transported by vessels).

Number of reports due : 25.

Number of reports received : 23.

Reports missing : *Mexico, Spain*.

*General observation.* — The Committee notes that Article 1 of the Convention, under which the indication of the weight must be given on *any package or object* of 1,000 kgs. or more gross weight, is not applied in the same way in all the countries which ratified the Convention. This fact is expressly pointed out in the reports of two Governments and has been confirmed by the examination which the Committee has made of the reports and of the national legislation. In some cases the legislation covers "packages" without mentioning "objects"; in others — and this point has already engaged the attention of the Committee last year — the Convention is not applied to goods rolled in series, such as rails, to standardised foundry products or to tree-trunks, the reason advanced to justify these exceptions being that it is here a question of goods transported in bulk. In the majority of countries, on the contrary, the provisions of the Convention are applied both to "packages" and to "objects" and no exception is allowed for specified objects. Without having any doubt, for its own part, as to the comprehensive scope of this provision of Article 1, the Committee feels that it should draw the attention of the Governing Body to the divergent interpretations which are given to the provision in question.

*Nicaragua.* — The Government states in its report that the text of this Convention and of the Congressional Decree approving it have been transmitted to the head Office of the General Customs Department of the Republic, in order that that Office may take the appropriate measures to enforce their provisions.

The Committee, while taking note of this statement, suggests that the Nicaraguan Government might be requested to supply the text of the Congressional Decree, and also more detailed information as to the methods by which the provisions of the Convention are applied.



*Poland.* — The Committee notes with satisfaction the coming into force, at the end of February 1935, of an Act to implement the provisions of the Convention.

*Switzerland.* — The Committee notes with pleasure that Switzerland has taken measures to bring this Convention into force about a year before the date on which she was obliged to do so, and further, that the report supplied this year by Switzerland is very full and detailed.

*Venezuela.* — Last year the Committee noted the statement of the Government to the effect that it had not yet had the opportunity of submitting to Congress a Bill for the purpose of giving effect to the provisions of the Convention, but that it had decided to take the necessary steps as soon as circumstances permitted. This year the report supplied by the Government of Venezuela considers that it is not necessary to introduce any amendments to the Labour Act of 23 July 1928, since the provisions of that Act are, generally speaking, in agreement with the Convention. An examination of the Act, however, reveals the fact that it does not contain any provision corresponding to those of the Convention.

In these circumstances, the Committee feels obliged to state that the necessary provisions for the application of the Convention do not exist in Venezuela, and suggests that the Government of that country might be requested to examine the possibility of enacting legislative measures to give effect to the provisions of the Convention.

*Yugoslavia.* — The text of the Order of 31 December 1932 has not yet been communicated to the International Labour Office. In these circumstances it is not possible to discover by what methods the Convention is applied in Yugoslavia.

The Committee suggests that the Yugoslav Government should communicate the text of this Order.

## 28. *Protection against accidents (dockers).*

Number of reports due : 4.

Number of reports received : 3.

Report missing : *Spain*.

*Irish Free State.* — The report of the Government of the Irish Free State is given in the form of a letter, in which the Government states that it is considering the possibility of ratifying the revised Convention of 1932, which will involve *ipso jure* the denunciation of this Convention.

*Nicaragua.* — The report refers to §§ 41, 42 and 43 of the Act of 30 May 1930 respecting industrial accidents. These sections, however, do not contain any provision corresponding to those of this Convention.

It appears therefore that the Convention is not applied in Nicaragua, and the Committee suggests that the Government of that country might be requested to supply detailed information with regard to the measures which it has taken to give effect to the Convention.

## 29. *Forced labour.*

Number of reports due : 16.

Number of reports received : 15.

Report missing : *Mexico*.

*Yugoslavia* may be added to the list of countries which report that the Convention has no application in their territories.

*Australia.* — In reply to the Committee's comments of last year, in which it was pointed out that in the mandated territory of *New Guinea*, 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, and

that this provision seems to come within the provisions of Article 19 of the Convention, the Administration of the Territory reports that the legislation mentioned does come within the provisions of Article 19 and that though the Regulation contains a penal sanction it has never been necessary to apply it because the only method used is to show the individual or the community the necessity for additional food supplies and the benefits to be derived therefrom and there is no difficulty in obtaining their co-operation.

As regards compulsory portage in *Papua*, referred to in the Committee's report last year, the Lieutenant-Governor states that he has nothing to add to the information given last year. There is thus no reference to the legislation in force in *Papua* under which Natives may be required to act as porters. It is presumed that the legislation in question is the Native Regulations, 1931. Secondly, it is noted that the report states that Article 19 has no application in *Papua*. In this connection it would be of value if future reports explained whether any application is made of § 110 of the Native Regulations, 1931, under which magistrates are empowered to give instructions for the cultivation by able-bodied men of coconuts and other useful fruits and trees.

*Great Britain.* — *Bechuanaland* remains classified as a territory in which there is no law or custom permitting the exaction of forced or compulsory labour as defined by the Convention. It would, however, be of value to know if the provisions regarding personal services to chiefs, contained in the Native Administration Proclamation, 1934, are regarded as an exception to the definition of forced or compulsory labour, or as covered by the third paragraph of Article 7 of the Convention. In the latter event, it would be of value if information could be given as regards such personal services, their regulation and the measures taken to prevent abuses.

With regard to *Southern Rhodesia* it is stated that the liberty of the subject is safeguarded at common law and that forced labour is not permitted. It is added that "on 10 May 1935 the Secretary of State made enquiries concerning an allegation that natives of the Sabi Reserve had been subjected to compulsory labour for making roads. The Chief Native Commissioner proceeded to the Reserve and made an enquiry, furnishing a report which discredited the accusation and satisfied the Secretary of State".

As regards *Trans-Jordan* it is noted that the report states that the Forced Labour (Prohibition) Law of 1934 was enacted on 8 December 1934 and that in the circumstances *Trans-Jordan* should be added to the list of dependencies in which there is no law or custom permitting the exaction of forced or compulsory labour as defined by the Convention.

*Gold Coast.* — The legislation mentioned last year was passed to give effect to the Convention not only in the Colony itself but in the *Ashanti* and *Northern Territories* and in *Togoland under British Mandate*. Three other Ordinances were also amended to bring them into line with the new Labour Ordinances mentioned above. It is further stated that regulations are in process of being made to govern the minor communal services allowed by Article 2 (e) of the Convention.

*Kenya.* — It is reported that the policy of employing the minimum number of porters is still being impressed on all administrative and departmental officers, and returns are submitted to the Labour Office every month. During the period under review the number of men employed as porters was 3,427, representing a total of 4,855 man-days of labour, a substantial decrease on last year's figure.

*Nigeria.* — Regulations have been made under the Forced Labour Ordinance with regard to the employment of labour to prevent the spread of sleeping sickness. This is only to be done in cases of emergency declared to be so by the



Governor of the Colony, and the exaction of labour for clearing the bush in such cases is exempt under Article 2 (d) from the operation of the Convention.

It is reported that before the making of these Regulations in July 1935 sanction was given under § 14 of the Forced Labour Ordinance to exact forced labour in several provinces for anti-sleeping sickness work. In fact such labour was only exacted in one district, where 450 men of one village were employed in clearing vegetation and forest for one or two days each over a period of six days. In two districts a number of men were employed for five days under the provisions of the Regulations concerning the exactment and employment of labour to deal with invasions of locusts (No. 13 of 1934). This work is also exempted under Article 2 (d) of the Convention.

It is also reported that on one occasion during the year forced labour was, owing to a misunderstanding of the Ordinance, used for transport.

*North Borneo.* — As in previous years, a statement is sent showing the extent to which compulsory portage was exacted during the year. The number of men so employed, 10,945, was slightly greater than in the preceding year.

*Sierra Leone.* — Last year the Government furnished particulars of the number of men impressed by the chiefs for the purpose of portage and for the construction and maintenance of Government buildings, such labour being paid for at the market rate. It was also stated that a considerable number of men were employed compulsorily on the maintenance of motor roads by chiefs exercising administrative powers, and that such work was unpaid. The Committee pointed out that such forms of compulsory labour are required under Article 10 to be progressively abolished.

In this year's report it is stated that labour recruited for work on portage or on Government buildings even though recruited through chiefs, cannot be considered forced labour as economic conditions render the people willing to work for the pay offered and the chief merely acts as recruiting agent. This statement is noted, and it is presumed that where labour recruited through chiefs is not voluntary, it will be subject to the guarantees of the Convention and will be reported on under Article 22 of the Constitution of the International Labour Organisation.

With regard to the motor roads it is stated that it has been decided to introduce payment for the labour required from 1 January 1936, and "it is anticipated that this step will lead to the total abolition, except in unusual circumstances, of Article 10 labour in Sierra Leone."

*Tanganyika Territory.* — Every effort continues to be made to reduce the number of men who liquidate their tax liabilities by labour instead of cash, and the number who paid the tax in labour is this year considerably less than last. The section in the Native Tax Ordinance (No. 20 of 1934) mentioned in the last annual report which provides for punishment by imprisonment for wilful default in payment of tax does not come into force till the 1st October of each year, "and it is not therefore possible as yet to gauge to what extent it will be effective in reducing default among wage-earning Natives."

For the liquidation of tax liabilities by labour 41,609 men were employed for a total of 1,423,374 man-days. The corresponding figures for the period were 59,316 and 2,046,533. This year's figures are thus lower but remain high, and the average number of days' labour per man is also high (34 throughout the Territory, 48 in the Northern Province). Convictions, while slightly less than in the previous period, are higher in relation to the labour employed (636, all but one being imprisonment, as compared with 672).

An interesting statement is appended to the report showing the extent to which labour is impressed (on payment) for (1) portage and (2) "other work", particulars of which are given. The number of persons and man-days is somewhat

greater than in the previous year. A small proportion of this labour is said to be requisitioned on behalf of the Native authorities (also on payment) for (1) portage and (2) annual cleaning and light repairs of roads in native areas. This labour, in so far as it does not consist of "minor communal services", should according to Article 10 of the Convention be progressively abolished, and the Committee will be glad to learn in future reports of the progress made in this direction.

*Uganda.* — Further progress has been made in extending the right to convert the obligation to perform *luwalo* labour into cash payment, and only one district, "the primitive and remote Karamoga District of the Eastern Province", now remains excluded from the privilege mentioned.

Partly owing to this cause there has been a decrease in the number of men called out by chiefs exercising administrative functions for paid labour on "native administration buildings, roads and bridges, forestry plantations and nurseries, transport of chiefs on duty, etc." The statement annexed to the report shows a slight decline in the numbers of men called out in each province, and the Committee expresses the hope that this decline may continue, since under Article 10 this form of compulsion by chiefs should be progressively abolished, although the labour is remunerated.

The statement also shows a decline in each province in the labour employed according to Article 18 of the Convention on the transport of Government stores and the effects of officers on tour. This form of labour is also one which according to the Convention "shall be abolished within the shortest possible period".

*Italy.* — The report states that the Convention has been brought into force in the Kingdom, its possessions and colonies by Act No. 274 of 29 January 1934, and has been applied to all colonies by Decree No. 917 of 18 April 1935. This Decree follows closely the terms of the Convention, and where there are differences limits forced labour more strictly than in the Convention, e.g., the criteria corresponding to Articles 9, 10 and 11 of the Convention. It is stated in regard to Article 10 that provision is not made for the exaction of labour by chiefs who exercise administrative functions. It is presumed that future reports will give information regarding any cases in which recourse is had to compulsory labour in accordance with the Royal Decree, and will also enumerate the measures which, in accordance with § 13, the Governors have taken to give effect to the Decree.

*Liberia.* — The Government merely refers to its report of last year, which gave some information regarding the system of forced labour prevailing in the territory. In dealing with it in last year's report the Committee made a number of comments regarding the various forms of forced labour prevailing and the restrictions which should apply to it under the Convention and asked for further information on various points. The Government has not, however, seen fit to attempt any reply to the comments made or to send any information, as it was bound to do, on the working of the Regulations which are meant to secure the application of the Convention. As this Convention, the only one adopted by Liberia, is of great importance in that territory, it seems advisable that a special endeavour be made to obtain from the Liberian Government a reply to last year's comments before the next Session of the Conference.

*Netherlands.* — It is noted that a further step has been taken in the progressive abolition of *heerendiensten*. The Ordinance submitted to the Volksraad for the suppression of these services in the territories under direct administration in Java and Madura has been adopted, although it had not yet been brought into force at the date of the report. The Ordinance also provides for the suppression of *heerendiensten* for transport

purposes in the Outer Provinces, this question being dealt with in another Ordinance which defines the giving of assistance to troops on the march as a normal civic duty incumbent on the whole population irrespective of nationality.

Of particular importance is the information given regarding progresses in other than areas under direct administration. It is stated that with one exception all the self-governing authorities in the autonomous territories outside Java and Madura have given effect to the invitation to bring their *heerendiensten* regulations into conformity with the Convention, and that negotiations with the native principalities in Java have also led to agreement. These regulations are no doubt numerous and probably exist in only the native languages. It would, however, be of value if any samples could be supplied in future reports.

Appended to the ratification of the Convention by the Netherlands was a reservation to the effect that Article 4 would not be applied to services carried out for landlords on the *particuliere landerijen*. The Committee, however, will be grateful to the Netherlands Government for furnishing an account of an interesting scheme to hasten the purchase of these lands through the medium of a semi-official body, which scheme may tend to limit the application of the Netherlands reservation.

*Nicaragua.* — The Government reports that there is no forced or compulsory labour in Nicaragua except that which is entitled The Road Tax.

§ 21 of the Act of 14 May 1930 provides that "every person possessing a fortune of less than 1,000 córdobas shall contribute one day's work for the construction of roads, provided that any person may purchase exemption for the sum of 50 centavos."

This appears to be a "normal civil obligation" exempted under Article 2 (b) of the Convention.

*Spain.* — The questions raised last year regarding the extent to which forced labour prevails in *Spanish Guinea* have been answered in this year's report. It is explained that forced labour exacted by the Government is confined entirely to military service and minor communal services and that under a Decree of 27 September 1934 contracts of employment can only be entered into with persons who have registered themselves at the labour exchanges. Hence there is no forced labour for private profit. It would be of value, however, to know if there is any provision of the law rendering illegal the exaction of forced or compulsory labour. Another matter of interest is the nature of the minor communal services held to be excluded from the definition of forced or compulsory labour under Article 2 (e) of the Convention.

Nothing is said regarding the zone of *Morocco* under Spanish sovereignty and the Committee would be glad to know whether any form of forced labour exists in that territory.

*Sudan.* — An interesting report has again been received from the Sudan which, while not able to ratify it, is desirous of observing the Convention. The Sudan Penal Code prohibits all forms of forced labour except the employment of Natives on road work in the Southern Sudan in lieu of payment of taxes. In connection with the question of the slave trade in the neighbouring portion of Abyssinia it is of interest to know that nine contraventions by private individuals of the law forbidding kidnapping with intent to exact labour against the will of the person kidnapped were reported during the year, and that five convictions were obtained.

### 30. *Hours of work (commerce and offices).*

Number of reports due : 5.

Number of reports received : 4.

Report missing : *Spain*.

*Bulgaria.* — Last year, the Committee made the following observation : " 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) "

The report submitted this year does not contain any fresh information. In these circumstances, the Committee feels obliged to repeat the observations which it made last year.

*Nicaragua.* — The Government refers in its report to §§ 27-33 of the draft Labour Code which was submitted to Congress on 29 January 1934.

The Committee suggests that the Government of Nicaragua might be requested to consider the possibility of expediting the adoption of this draft Code.

### 32. *Protection against accidents (dockers) (revised).*

Number of reports due : 3.

Number of reports received : 2.

Report missing : *Mexico*.

No observations.

### 33. *Minimum age (non-industrial employment).*

Number of reports due : 3.

Number of reports received : 2.

Report missing : *Uruguay*.

*Spain.* — This annual report, which is the first, is extremely summary, and states that the question is regulated by the Act of 13 March 1900 (concerning the employment of women and young persons) and its Administrative Regulations, and that account should also be taken of the Act of 1931 concerning contracts of employment. The Act of 1900 and its Administrative Regulations, however, fix the age of admission to work in general at ten years. On the other hand, the Act of 1931 concerning contracts of employment prohibits young persons of under fourteen years of age from concluding such contracts. This latter provision appears to constitute an application in principle of the Convention.

The report gives no information with regard to the exceptions permitted under Articles 3-6 of the Convention.

In these circumstances, the Committee suggests that the Spanish Government might be requested to consider the possibility of bringing the Act of 1900 into harmony with the provisions of the Convention, and to supply detailed information on the application of Articles 3-6, as required by Article 8 of the Convention.

## APPENDIX II.

### APPLICATION OF CONVENTIONS TO COLONIES, PROTECTORATES, POSSESSIONS AND TERRITORIES UNDER MANDATE.

*Observations submitted by Sir Selwyn Fremantle.*

The observations for this year endeavour to present a complete survey of the application of the Conventions to the colonies. For the next two years, it is proposed merely to call attention to

the progress achieved during the period under review and to make any observations which may be necessary in regard to apparent defects.

*Australia.* — The reports of this or former years give reasons for not applying certain Conventions to the colonies and mandated territories as follows.

Conventions Nos. 7, 15, 16, 22 and 26. Not applicable owing to local conditions.

Convention No. 9 (Placing of seamen). The seamen are aboriginals and the application of the provisions of the Navigation Act relative to the supply and engagement of seamen is impracticable.

Convention No. 21 (Inspection of emigrants). There is no emigrant traffic.

As to Convention No. 8 (Unemployment indemnity, shipwreck), it is not applied to *Norfolk Island* or *Nauru*, but its application to *New Guinea* and *Papua* is under consideration.

Convention No. 27 (Marking of weight, packages transported by vessels) is stated to be applied in *New Guinea*, *Nauru*, *Norfolk Island* and *Papua*.

*Belgium.* — The report for 1932 gave much information regarding the possibility or otherwise of applying to the *Belgian Congo* and to the mandated territory of *Ruanda Urundi* the many Conventions ratified by the Government, and regarding the intentions of the Government in considering the application of certain of these Conventions. Further information as to the progress of this study was given in the Government's letter of 18 May 1934, and in reply to comments in the Committee's report of last year the Minister for the Colonies, in a letter of 4 May 1935, summarised the position up to date as follows.

Conventions Nos. 4, 12, 17 and 18 were made applicable to both territories as from 1 April 1935, and Decrees were being drafted bringing the legislation of the colony into agreement with the provisions of these Conventions.

With reference to Convention No. 4 (Night work, women) it has since been noted that shortly after the close of the year a Belgian Congo Order of 5 October 1935 was issued prohibiting the employment of women between 8 p.m. and 6 a.m. in industrial establishments, i.e. for ten consecutive hours, which period, for a maximum of three years only, is allowable under the Convention. As to Convention No. 18 (Workmen's compensation, occupational diseases), a further letter of 1 October 1935 states that measures to bring the legislation into agreement with the Convention are being studied, the intention being to assimilate occupational diseases to industrial accidents.

The letter of 4 May 1935 states that Convention No. 6 (Night work, young persons) has not been applied in either territory since it is impossible owing to the non-existence of general birth registration, to discover the age of Natives. Since, however, it appears that the Order of 5 October 1935 extends the prohibition of night work to all Natives who are not "recognised to be adult and fit for employment", the Government may consider whether the Convention is not now applicable subject to the substitution under Article 35 of the Constitution of the International Labour Organisation of the phrase "recognised to be adult and fit for employment" for the precise age-limits of the Convention.

The position would appear to be similar in the case of Convention No. 5 (Minimum age, industry), also mentioned in the letter of 4 May, since previous reports show that only adults may be engaged in industrial undertakings and subject to medical certificates of fitness including age conditions.

The letter of 4 May lastly states that Convention No. 19 (Equality of treatment, accident compensation) has not been made applicable to either territory, and that it would be premature to do so. The question will be considered afresh when

the Colonial Council is in possession of the draft Decrees mentioned above.

The Government's reports for the present year contain new information on four Conventions;

Convention No. 13 (White lead, painting). The application of this Convention is being studied by the Minister for the Colonies in conjunction with the Governor-General, but it is stated that since painting is classed among dangerous and unhealthy trades it is subject to surveillance by the authorities (Ordinance of 17 February 1919) and the employer is also responsible for the health of his workmen (Decree of 16 March 1922). The legislation of the *Congo* is thus partly in conformity with the provisions of the Convention.

Convention No. 18 (Workmen's compensation, occupational diseases). As stated above, the text of the Convention is being examined with a view to the issue of a Decree, but workers are already to some extent protected by § 16 of the Decree of 16 March 1922, which makes the employer responsible for care of the long-term worker for fifteen days or till the expiry of the term of the contract, whichever is the longer.

Convention No. 27 (Marking of weight, packages transported by vessels). The question of applying this Convention to both territories is under consideration.

Convention No. 33 (Minimum age, non-industrial employment) is not, it is said, applicable "owing to local conditions".

The other Conventions ratified by Belgium, Nos. 1, 2, 7, 8, 9, 10, 11, 14, 15, 16, 19, 21, 22 and 23, are not applied, though it is stated that Belgian legislation on the subject of Conventions No 7 (Minimum age, sea) and No. 8 (Unemployment indemnity, shipwreck) applies to Natives of the dependencies on Belgian ships.

*France.* — The report this year contains no new information in regard to colonies and dependencies except in the case of two Conventions.

The report on Convention No. 2 (Unemployment) includes a description of the system of public employment agencies which has been established in *Algeria*, *Morocco* and *Tunis*, with statistics of the work done by them.

In last year's report it was stated that Convention No. 12 (Workmen's compensation, agriculture) would be applied by Decree of 9 September 1934 to *Indo-China* as far as Europeans are concerned, but that this law does not come into force until the Governor-General fixes a date, which he is bound to do within a year of publication in the Official Gazette. This publication took place on 2 February 1935.

Legislation exists also in respect of *Algeria*, *Tunis*, *Martinique*, *Guadeloupe*, *Reunion*, *Guiana* and *New Caledonia*.

The following is the position in regard to other Conventions.

Convention No. 13 (White lead, painting). In the Committee's report for the years 1931 and 1932 the question was raised whether this Convention, which applies in *Algeria* and *Morocco*, is applied also in *Tunis*. A reply to this question is still desired. The Convention has been declared applicable in respect of *Martinique*, *Guadeloupe* and *Reunion*, but it is not clear whether measures in application of the provisions of the Convention have been taken in these three colonies.

Conventions No. 4 (Night work, women), No 6 (Night work, young persons) and No. 11 (Right of association, agriculture). Legislation exists in respect of, and the Conventions have been declared applicable to, *Algeria*, *Guadeloupe*, *Martinique* and *Reunion*, but it is not clear whether measures have been taken to apply the provisions of the Conventions in these dependencies.

Convention No. 14 (weekly rest, industry). Legislation exists only in the case of *Algeria*.

Conventions No. 15 (Minimum age, trimmers and stokers) and No. 16 (Medical examination of

young persons, sea). In its report for the year 1932 the Government stated that the Colonial Department proposed to study the possibility of adapting these Conventions, which apply in *Algeria* (and Convention No. 15 also in *Morocco*), to the circumstances of the various colonies. The same remark was made with regard to the four maritime Conventions Nos. 8, 9, 22 and 23, which apply in *Algeria* by reason of the Maritime Code.

Convention No. 22 (Seamen's articles of agreement) applies also in *Morocco* and *Tunis*, and Convention No. 23 (Repatriation of seamen) in *Tunis*. It would be interesting to know the results of this study.

Convention No. 18 (Workmen's compensation, occupational diseases). Legislation exists in *Algeria* and in *French West Africa*.

Convention No. 19 (Equality of treatment, accident compensation). Legislation exists in *Algeria*, *Morocco* and *Tunis*.

Convention No. 26 (Minimum wage-fixing machinery). The Convention has been stated to be inapplicable.

*Great Britain*. — Further progress has been made in the extension of Conventions relating to women and children and to workmen's compensation to various colonies. In some cases the Ordinances which have been passed for this purpose are not yet in force.

Convention No. 2 (Unemployment). This Convention is not applied.

Convention No. 4 (Night work, women). Applied by Ordinance in three fresh colonies. In the case of *Mauritius* it is noted that Ordinance 37 of 1934 has been amended by Ordinance 16 of 1935 to enable the Governor in Executive Council to make regulations reducing the night period for the non-employment of women to ten hours on sixty days of the year in industrial undertakings which are influenced by the seasons, and in all cases where exceptional circumstances demand it. Legislation now exists in 35 dependencies.

Convention No. 5 (Minimum age, industry)\* Applied by Ordinance in three fresh colonies, in two cases with modification of the age-limit from 14 to 12. It is further noted that the employment of boys under 16 and also women and children in any underground working in the *Federated Malay States* is prohibited by the Rules made under the Mining Enactment of 1928. Legislation now exists in 34 dependencies.

Convention No. 6 (Night work, young persons). Applied by Ordinance in three new colonies with, in two cases, the modification of the age-limit from 18 to 16. It is noted that in *Mauritius* Ordinance 37 of 1934 has been amended by Ordinance 16 of 1935 to enable the Governor in Executive Council to make regulations suspending the prohibition of night work for young persons between the ages of 16 and 18 when, in case of serious emergency, the public interest demands it. Legislation now exist in 37 dependencies.

Convention No. 7 (Minimum age, sea). Applied by ordinance in three new colonies, in two cases with the modification of the age-limit from 14 to 12. Legislation now exists in 29 dependencies.

Convention No. 11 (Right of association, agriculture) is regarded as applying in all dependencies.

Convention No. 12 (Workmen's compensation, agriculture). Newly applied in *Ceylon* to workers on plantations of tea, coffee, rubber, etc. where at least ten persons are employed; in *Grenada* to persons employed on agricultural machinery only; in *Johore* to workers on estates where at least fifty are employed; in the *Straits Settlements* to workers on estates in which at least 25 persons are employed. Legislation now exists in 27 dependencies, providing compensation in certain cases for agricultural workers.

Convention No. 15 (Minimum age, trimmers and stokers). Legislation now exists in 15 dependencies.

Convention No. 16 (Medical examination of young persons, sea). Legislation now exists in 13 dependencies.

Convention No. 18 (Workmen's compensation occupational diseases). Applied in two new dependencies with some modification of the list of diseases mentioned in the Convention. Legislation now exists in six dependencies.

Convention No. 19 (Equality of treatment, accident compensation). Applied by legislation in five new dependencies, bringing the total number up to 27.

Convention No. 22 (Articles of agreement). Legislation now exists in 14 dependencies.

Conventions Nos. 24 and 25 (Sickness insurance, industry, etc. and agriculture). These Conventions are not applied.

Convention No. 26 (Minimum wage-fixing machinery). The provisions of this Convention have not been fully applied in any colony or dependency, but seven colonies have been added to the list of those where legislation of a simple character to regulate wages has been enacted.

The above note shows the considerable progress made in the application of the Conventions to British colonies and other territories. It is noted, however, that in the case of certain African territories (*Nyasaland*, *Basutoland*, *Bechuanaland* and *Swaziland*) no Convention is reported to have been applied, with the exception of No. 11 (Right of association, agriculture), with regard to which a general statement has been made that it applies to all dependencies.

*Italy*. — As stated last year, Conventions No. 8, 22, 23 and 27 appear to apply to the colonies. Convention No. 14 (Weekly rest, industry) also applies in practice and Convention No. 11 (Right of association, agriculture), since it is said that there is no difference between the rights of association enjoyed by industrial and agricultural workers.

It is stated this year that a legislative measure has been drafted by the Minister for the Colonies which will bring into effect Conventions Nos. 7, 9, 15 and 16, that Convention No. 4 (Night work, women) and No. 6 (Night work young persons) are inapplicable owing to the limited industrial development of the colonies and the small number of children employed at night, that Convention No. 12 (Workmen's compensation, agriculture) is inapplicable because the system under which agriculture is carried on does not allow of insurance against accidents, and that Convention No. 18 (Workmen's compensation, occupational diseases) is inapplicable owing to limited industrial development, but that a Decree of 26 July 1935 has established for white workers in the *East African* colonies a system of insurance against death from pernicious fever and tropical diseases.

Under Convention No. 19 (Equality of treatment, accident compensation), which was previously reported to apply to *Libia*, *Rhodes*, *Kos* and *Leros*, the Government now reports the extension to *Italian Somaliland* of insurance against industrial accidents (Decree of 27 June 1935) and the Decree of 26 July 1935 mentioned above relating to insurance against death from tropical diseases in the *East African* colonies.

With regard to the application to the colonies of Convention No. 26 (Minimum wage-fixing, machinery), which was under consideration last year the report states that a Decree of 29 April, 1935 has extended trade union regulations to *Libia*, and that a second Decree of the same date has provided for the establishment and regulation of provincial councils and offices. Lastly, the report states that the application of the new Convention No. 32 (Protection against accidents, dockers — revised) is under consideration.

*Japan*. — Convention No. 2 (Unemployment). Further information is given regarding employment agencies in *Chosen*.

Convention No. 10 (Minimum age, agriculture): It is stated this year that the provisions of §§ 27 and 35 of the Imperial Ordinance respecting elementary schools are not applicable to *Taiwan*.

Otherwise the Japanese Government's reports contain no new information regarding the application of Conventions to colonies and dependencies, reference as usual being made to last year's reports, which themselves contain a similar entry. Yet in its report for 1931 the Government stated that it hoped to apply the three maritime Conventions affecting young people, Nos. 7, 15 and 16, to the colonies as far as circumstances permit. A Bill was being drafted applying the principles of these Conventions to *Taiwan*, and this measure was actually effective in 1933. In its report for 1933 the Government again stated, with reference to Convention No. 7 (Minimum age, sea) its hope to apply it to other colonies as far as circumstances permit, but up to date no further communication has been received, and it is suggested that an enquiry be now made as to the progress made in the application of the above three Conventions.

Convention No. 19 (Equality of treatment, accident compensation) is applied in *Karafuto* and *Taiwan*, and Convention No. 27 (Marking of weight, packages transported by vessels) in all dependencies.

*Netherlands*. — The Netherlands Minister for the Colonies, in response to a request from this Committee, has been good enough to give for each Convention detailed reasons why its application to the colonies of *Surinam* and *Curaçao* is considered either impracticable or unnecessary.

For Conventions Nos. 4, 5, 6, 7, 15 and 16 it is stated that "the employment of women and children dealt with in these Conventions does not occur in the territories in question". The Committee might point out that the application of these Conventions with suitable modifications to certain other colonial territories appears to have been regarded as a useful measure of precaution in view of any possible industrial development.

With regard to Conventions Nos. 12, 17, 18 and 19, the Minister states that at the beginning of 1935 the Government introduced for *Curaçao* a Draft Order in the Colonial Council "establishing the obligation of the employer to pay, and the right of the worker to claim, compensation for an industrial accident or disease occurring in the undertakings covered", and with regard to Convention No. 27 (Marking of weight, packages transported by vessels) the Governor of *Curaçao* is considering in what manner the matter can be included in existing legislation.

The Minister for the Colonies stated last year that certain Conventions (Nos. 11, 15 and 27) had been promulgated in *Surinam*, 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. In reply to the Committee's enquiry as to the meaning of this statement, the Governor wrote on 21 May 1935 that the expression "the Conventions have been promulgated" signifies that they have been published in the Government Gazette because it may be possible later to apply them to the colony, but that up to the present no circumstances have arisen to make it necessary to pass legislative measures.

The Governor-General of the *Netherlands Indies* has, as in past years, supplied full information regarding the application of Conventions to his charge.

Convention No. 4 (Night work, women) is applied subject to permits of exemption, which are gradually being reduced.

Convention No. 6 (Night work, young persons) is applied with the modification that prohibited hours are between 8 p.m. and 5 a.m., and the age-limit is reduced to 12.

Convention No. 5 (Minimum age, industry) applies with the modification that the age of 14 is reduced to 12.

Conventions No. 7 (Minimum age, sea), No. 15 (Minimum age, trimmers and stokers) and No. 16 (Medical examination of young persons, sea) also apply subject to modification of the age-limit.

Convention No. 11 (Right of association, agriculture) is said to apply in view of § 165 of the Indian State Regulations.

Conventions Nos. 12, 17, 18 and 19, dealing with workmen's compensation, have been under consideration for some years, but the final regulations have been held up on account of the financial depression.

As to Convention No. 21 (Inspection of emigrants), it is stated that it cannot be carried out in view of the requirements of Article 3.

Convention No. 2 (Unemployment) is also partially applied, seven large and twelve small public labour exchanges supervised by such a Committee as is contemplated by the Convention being now in operation.

*Portugal*. — The reports, with the exception of that on Convention No. 17 (Workmen's compensation, accidents), merely refer to those of the previous years and declarations of the Portuguese Delegate. There is no mention of application to the colonies, and indeed the Conventions were ratified subject to the reservation that they should not apply to the colonies. The position is as stated in the Committee's report of last year, that many of the Conventions, e.g. Nos. 1, 4, 6, 14, 17 and 18, are in practice partially applied by the provisions of the Native Labour Code, which provides for a nine-hour day and for a weekly rest and prohibits the night work of women and children, while workers are entitled to compensation in case of accidents and certain occupational diseases.

*Spain*. — In reply to the remarks made last year the Spanish Government, in a letter of 31 May 1935, gave certain information regarding labour legislation in the colonies and Protectorate. Some of this related to the protection of workers in the Spanish territories on the *Gulf of Guinea* engaged under contract in respect of matters not directly covered by the Conventions of the International Labour Organisation. With regard to the *Protectorate of Morocco*, it was stated that the backwardness of the country had proved an obstacle to the development of protective legislation for the workers, but certain Decrees regarding the length of the working day and compensation for industrial accidents were referred to.

But this year's reports contain the following information:

The maritime Conventions, Nos. 7, 8, 9, 15, 22, 23 and 27, are said to apply to all Spanish colonies and possessions.

Convention No. 3 (Childbirth) has not been applied anywhere.

Conventions No. 4 (Night work, women) No. 5 (Minimum age, industry) and No. 6 (Night work, young persons) are said to apply in the Spanish cities of *Morocco* and with modification in the Protectorate.

Conventions No. 10 (Minimum age, agriculture), No. 16 (Medical examination of young persons, sea) and No. 20 (Night work, bakeries) apply only in the Spanish cities of *Morocco*.

Convention No. 11 (Right of association, agriculture) is said to apply also in the Protectorate and the cities of *Morocco*.

Conventions Nos. 12, 17 and 18 (Workmen's compensation, agriculture; accidents; occupational diseases) have not been applied in the colonies or Protectorate, but in the latter the industrial accidents scheme approved by the *Dahir* of 26 May 1919 is in force. The reform of the legislation concerning accidents is said to be under consideration.

Convention No. 13 (White lead, painting) is not applied in the Protectorate though there is provision for compensation in case of disease arising from the occupation.

Convention No. 14 (Weekly rest, industry) is applied in *Spanish Morocco* and also in the Protectorate according to the Dahir of 7 September 1931.

Convention No. 33 (Minimum age, non-industrial employment) has not been adopted in the Protectorate, but the work of children under 12 is prohibited by the Dahir of 7 September 1931.

*Union of South Africa.* — The Union, which has ratified Conventions Nos. 2, 19, 26 and 41, reported in 1933 that only one, No. 19 (Equality of treatment, accident compensation) was applied in the mandated territory of *South-West Africa*. Subsequent reports on the other Conventions do not show any change, and enquiry might be made whether some of them could not be applied to that territory with any modifications found necessary.

### APPENDIX III.

#### LIST OF ANNUAL REPORTS NOT RECEIVED BY THE OFFICE BY 30 MARCH 1936.

*Convention No. 1. Hours of work (industry) :*

Argentine Republic.  
Dominican Republic.  
Greece.  
Spain.

*Convention No. 2. Unemployment :*

Argentine Republic.  
Greece.  
Spain.

*Convention No. 3. Childbirth :*

Argentine Republic  
Greece.

*Convention No. 4. Night work (women) :*

Albania.  
Argentine Republic.  
Greece.

*Convention No. 5. Minimum age (industry) :*

Albania.  
Argentine Republic.  
Dominican Republic.  
Greece.

*Convention No. 6. Night work (young persons) :*

Albania.  
Argentine Republic.  
Greece.

*Convention No. 7. Minimum age (sea) :*

Argentine Republic.  
Dominican Republic.  
Greece.

*Convention No. 8. Unemployment indemnity (shipwreck) :*

Argentine Republic.  
Greece.

*Convention No. 9. Placing of seamen :*

Argentine Republic.  
Greece.

*Convention No. 10. Minimum age (agriculture) :*

Dominican Republic.  
Luxemburg.

*Convention No. 13. White lead (painting) :*  
Greece.

*Convention No. 14. Weekly rest (industry) :*  
Greece.

*Convention No. 15. Minimum age (trimmers and stokers) :*  
Greece.

*Convention No. 16. Medical examination of young persons (sea) :*  
Greece.

*Convention No. 17. Workmen's compensation accidents) :*  
Uruguay.

*Convention No. 18. Workmen's compensation (occupational diseases) :*  
Spain.

*Convention No. 21. Inspection of emigrants :*  
Albania.

*Convention No. 24. Sickness insurance (industry, etc.) :*  
Spain.

*Convention No. 25. Sickness insurance (agriculture) :*  
Spain.

*Convention No. 26. Minimum wage-fixing machinery :*  
Mexico.  
Spain.

*Convention No. 27. Marking of weight (packages transported by vessels) :*  
Mexico.  
Spain.

*Convention No. 28. Protection against accidents (dockers) :*  
Spain.

*Convention No. 29. Forced labour :*  
Mexico.

*Convention No. 30. Hours of work (commerce and offices) :*  
Spain.

*Convention No. 32. Protection against accidents (dockers) (revised) :*  
Mexico.

*Convention No. 33. Minimum age (non-industrial employment) :*  
Uruguay.

List showing, by countries, the number of reports not received :

*Albania* : 4 reports (out of 4 reports due).

*Argentine Republic* : 9 reports (out of 9 reports due).

*Dominican Republic* : 4 reports (out of 4 reports due).

*Greece* : 13 reports (out of 13 reports due).

*Luxemburg* : 1 report (out of 27 reports due).

*Mexico* : 4 reports (out of 9 reports due).

*Spain* : 9 reports (out of 30 reports due).

*Uruguay* : 2 reports (out of 30 reports due).