

# INTERNATIONAL LABOUR CONFERENCE

TWENTY-THIRD SESSION

GENEVA, 1937

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



INTERNATIONAL LABOUR OFFICE  
GENEVA, 1937

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## INTRODUCTION.

Article 22 of the Constitution of the International Labour Organisation 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 1935-30 September 1936 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.

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The Report of the Committee of Experts appointed by the Governing Body, in

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

accordance with a resolution of the International 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.<sup>1</sup>

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

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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.

an early number of the *Provisional Record* of the Conference.<sup>1</sup>

Germany ceased to be a Member of the Organisation on 21 October 1935. No reports for the year 1935-36 have been received from the German Government in respect of the application of the seventeen Conventions ratified by Germany. All further reference to the situation in Germany, in respect of these Conventions, has accordingly been provisionally omitted from the present volume.

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<sup>1</sup> The following abbreviations are used throughout the summary:

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

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

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



## FIRST SESSION (WASHINGTON, 1919).

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

This Convention came into force on 13 June 1921. The following table shows the States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935-30 September 1936 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	6. 4.1937
Belgium . . . . .	6. 9.1926	22.10.1936
Bulgaria . . . . .	14. 2.1922	23.11.1936
Canada . . . . .	21. 3.1935	23.10.1936
Chile . . . . .	15. 9.1925	4. 1.1937
Colombia . . . . .	20. 6.1933	25. 1.1937
Cuba . . . . .	20. 9.1934	2.12.1936
Czechoslovakia . .	24. 8.1921	7. 1.1937
Dominican Republic	4. 2.1933	
Greece . . . . .	19.11.1920	5. 1.1937
India . . . . .	14. 7.1921	16.12.1936
Lithuania . . . . .	19. 6.1931	30. 3.1937
Luxemburg . . . . .	16. 4.1928	8. 2.1937
Nicaragua. . . . .	12. 4.1934	
Portugal . . . . .	3. 7.1928	10.12.1936
Rumania . . . . .	13. 6.1921	22. 3.1937
Spain . . . . .	22. 2.1929 <sup>1</sup>	30. 3.1937
Uruguay . . . . .	6. 6.1933	23.12.1936

In a letter dated 7 October 1936 the Government of *Canada* states that with

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

regard to the following three Conventions which have been ratified by Canada, i.e., No. 1 (Hours of work, industry); No. 14 (Weekly rest, industry); and No. 26 (Minimum wage-fixing machinery), statutes have been adopted by the Parliament of Canada to give effect thereto. The letter continues as follows: "A reference was made to the Supreme Court of Canada by Order in Council of November 5, 1935, with respect to the jurisdiction of the Parliament of Canada to enact these three statutes. Judgments were delivered by the Supreme Court of Canada in these matters on June 17, 1936. Appeals have since been taken to the Judicial Committee of the Privy Council in London and the same have been set down for hearing at the Michaelmas term opening this month. From the foregoing it will be observed that the necessary arrangements to obtain a final decision as to the validity of these respective enactments are being expedited to the utmost. In the circumstances, we are not in a position at present to furnish a report in the particular form which has been approved by the Governing Body of the International Labour Office."

In its report on the measures taken, in accordance with Article 22 of the Constitution of the International Labour Organisation, to give effect to the Conventions ratified by *Colombia*, the Colombian Government makes the following general statement: "During the present year, Act No. 12 of 1936 and Decree No. 666 of 1936 were promulgated, reorganising the Labour Office and the Sectional Labour Offices and Labour Inspection Branches of the Central Office, resulting in an extension of the scope and an increase in the efficiency of supervision in social matters. The bodies mentioned above are responsible for seeing that social legislation is applied and for conciliation in the event of labour disputes. Under § 5 of the Act, Sectional Labour Offices have authority, within their respective areas, to ensure the application of Acts, Decrees, Resolutions and Regulations dealing with social matters. Under § 7 of the Act, sectional inspectors rank as Chiefs

of Police and consequently have power to impose fines of 50 to 500 pesos for breaches of social regulations". The texts of the Act and of the Decree accompany the report. Further, the Government states that it is seeking to lay down appropriate lines for further social legislation, taking as a basis the following considerations: "Inasmuch as public health is of primary importance and is, in Colombia, governed by the peculiarities of a tropical climate, the Government is anxious above all to improve conditions of health for workers and is approaching this problem from two angles: on the one hand, provision must be made for curative means, while on the other, appropriate measures must be taken to prevent infection and sickness in general. In order to attain the first objective, the Government is considering a Bill to introduce social insurance, beginning with sickness insurance, and proceeding, step by step, with such other branches of insurance as are adaptable to the special conditions prevailing in the country. Concurrently a Bill has been prepared to reform workmen's compensation and to ensure its satisfactory working by means of compulsory insurance. When the Colombian Social Insurance Office has been set up, it will be responsible for the prevention of sickness and particularly of endemic diseases. A system of medical practitioners and institutions will be formed for the protection of workers and will co-operate with the existing public health organisation. The Government is moreover aware that the provision of healthy dwellings is essential to the prevention of disease, and accordingly, during the year under review, the Colombian Congress passed two Acts dealing with this matter. Under these Acts, local authorities must appropriate a percentage of their estimated receipts for the construction of workers' dwellings, while an institution affiliated to the Central Mortgage Bank is to be set up to promote and finance the construction of such dwellings. Further, Colombia's social legislation requires co-ordination and standardisation in order that it may become as simple and efficient as possible. With this end in view the Government has already begun preparatory work which may lead to the adoption of a Labour Code. The Government hopes that some progress will be made with this programme during the coming year and has accordingly proposed, by means of a Bill, that a Permanent Committee consisting of members of both Chambers be set up to prepare the necessary legislation and to avoid the initiation of measures which do not conform to the programme. The Bill was passed as Act No. 199 of 1936, and the text is attached as an appendix to this report. In this way the Government hopes to fulfil its international obligations step by step according to a methodical and well-balanced plan. A system of labour sta-

tistics is being developed, but the figures required cannot be supplied in the present report. Nor is it possible to communicate the reports received from the labour inspectors, owing to the fact that labour inspection has only been recently introduced in its present form, and that a method for collection of information by the inspectors will only be instituted during the coming year. The jurisprudence of the labour courts is in its initial stage, and the Government Departments have not so far collected sufficient material to supply the abstracts required. For these reasons, the Government is not yet in a position to supply all the information required under the different headings of the annual report forms."

In its letter of October 1936 accompanying the annual reports the Government of *Cuba* expresses a "lively regret that a large number of the reports contain none of the statistical information required, since it has been impossible to obtain it, in spite of repeated requests to the respective bodies, owing to the interruption caused by the change of Government in our country, a change which took place in May 1936 and which has resulted in a reorganisation of the administration which is not yet completed."

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

In a letter of 17 December 1936 which accompanies the annual reports, the *Greek* Government states that the year 1 October 1935 to 13 September 1936 should be divided into two periods, according to the results in the sphere of social reform which have been achieved. The first period, from 1 October 1935 to 4 August 1936, was fruitful in regard to social legislation, i.e. Acts and Regulations; but bitter antagonism both in the political and in the social sphere made it impossible to enforce these Acts and Regulations, and all attempts to apply them were vain up to 18 June 1936, at which date a Royal Decree put into force the Act concerning compulsory arbitration and appointed Arbitration Committees. The present Government has, ever since its inception, devoted particular attention to social questions and questions affecting workers. It has been filled with a desire to put an end to the intense struggle between the various classes engaged in production. In one of his speeches, Mr. Metaxas said: "We wish to undertake the organisation of the various classes, employers, intellectual workers, handicraft workers and wage-earners, so that each of these social categories may possess an autonomy which will enable it, in collaboration with the State, to ensure its respective interests and thus bring about a state of harmony

in production as a whole which will result in wealth." During the last three months many Acts have been put forward and workers' questions which were raised many years ago are within sight of a definite solution. The social policy of the national Government has already yielded positive results, shown by a sensible improvement in conditions of work and in the life of the workers of the country as a whole. No aspect of the problem of the workers has been neglected and, if as yet there has not been time enough to achieve a definite solution, it has nevertheless been possible to determine the characteristic features of the problem. The report states in addition that a Bill, which has already been drafted, will bring the various Acts into complete harmony with the international Conventions which have been ratified. Further, in order to achieve better and more complete application of the international Conventions which have been or will be ratified, the Government has established the following method: the Act to ratify a Convention will contain general provisions which, by Decrees to be issued later, will allow the national law to be brought into conformity with the Conventions, and will also allow the actual application of the latter, since the Decrees in question will require less detailed formalities. In the same way it will be possible to lay down special sanctions for the non-application of Conventions.

The Government of *Luxemburg* states in its report that an exemption in accordance with Articles 4 and 6 of the Convention was asked for by the drivers of motor-cars, and that the Government has been engaged in regulating the position as regards these workers. When a draft was being prepared concerning hours of work for drivers of touring cars and cars for hire, the question arose whether it would not be advisable to wait for the settlement of the question along international lines, which was being contemplated, provided that the matter was considered at one of the next Sessions of the International Labour Conference.

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

By letter dated 25 March 1937, the Government of *Spain* recalls the fact that the International Labour Office sends it every year, during July or August, the annual report forms due under Article 22 of the Constitution of the International Labour Organisation, together with the Reports of the Committee of Experts and the Conference Committee set up to examine the annual reports in question. The Spanish Government's letter adds: "Replies should have been sent long ago to the forms mentioned above; but we feel obliged to state that, doubtless owing

to the abnormal conditions which have obtained in our country since last July, the report forms and accompanying documents have not been received by the Ministry of Labour and Social Welfare, possibly because they have been lost in the post. Further, the Section of the Ministry responsible for the international labour service has become completely disorganised, for, owing to many different causes, all the staff of the Section in question left it, and have had to be replaced by persons who, at the present moment, have been working for a very short time in this most important Section. With every wish to co-operate enthusiastically in the important work of the International Labour Office, the Ministry, although it has not received the relevant report forms, has examined the reports sent last year, and considers that the same information may be repeated this year, with certain necessary corrections of possible errors or omissions in last year's reports. Nevertheless, if the Office considered it advisable to send a new set of report forms, the Ministry would do its utmost to reply to them as speedily as possible."

## 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.*

### *Argentine Republic.*

Act No. 11,544 of 12 September 1929 concerning the eight-hour day (L. S. 1929, Arg. 1).

Decrees of 11 March 1930 and 16 January 1933 issuing regulations under Act No. 11,544 above (L. S. 1930, Arg. 1 and 1933, Arg. 1).

Decree No. 560 of 31 December 1930 to issue regulations concerning the employment of persons engaged in the railway services (L. S. 1930, Arg. 4), amended by Decrees of 11 February 1931 (L. S. 1931, Arg. 1), 19 August, 26 October and 29 November 1935, and 30 January and 16 July 1936.

Decree No. 561 of 31 December 1930 to issue regulations concerning the employment of persons engaged in tramway and omnibus undertakings (L. S. 1930, Arg. 3A), amended by Decree No. 17,816 of 3 March 1933.

Decree No. 562 of 31 December 1930 to issue regulations concerning the employment of persons engaged in maritime and inland navigation and dock and harbour services (L. S. 1930, Arg. 3 B), amended by Decree of 14 November 1935.

Decree No. 563 of 31 December 1930 to issue regulations concerning the employment of persons engaged in the telephone, telegraph and wireless telegraphy services (L. S. 1930, Arg. 3 C).

Decree No. 564 of 31 December 1930 to issue regulations concerning the employment of persons engaged in electricity and gas undertakings (L. S. 1930, Arg. 3 D).

Decree of 24 June 1936 to issue regulations concerning the employment of carders in cotton-spinning and weaving mills.

Various Decrees issued in 1930 and 1931 by the authorities of the Provinces of Buenos Aires, Entre Rios, Corrientes, San Luis, Santa Fé and Tucuman.

### *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.

Regulations of the Directorate of Labour and Social Insurance concerning the posting up of hours of work and rest intervals.

### *Canada.*

The Limitation of Hours of Work Act, assented to 5 July 1935 (L. S. 1935, Can. 11).

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).

### *Greece.*

Act No. 2269 of 24 June 1920 to ratify the Convention (O. B. Vol. II, No. 1, p. 20).

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

Decree of 1 June 1935 to amend § 14 of the preceding Decree.

Decree of 7 December 1932 to extend the provisions respecting the eight-hour day to Italian paste factories (L. S. 1932, Gr. 2B).

Decree of 7 December 1932 respecting the regulation of hours of work for the staff of motor omnibuses (L. S. 1932, Gr. 2C).

Decree of 23 November 1933 to extend the provisions respecting the eight-hour day to mechanical engineering workshops not operating independently (L. S. 1933, Gr. 3B).

Decree of 29 December 1933 to extend the provisions respecting the eight-hour day to factories for the manufacture of boots and shoes (including Army boots) by machinery (L. S. 1933, Gr. 3C).

Decree of 19 June 1935 extending to bakeries in the City of Syra the provisions of the Royal Decree of 14 September 1920 relating to hours of work in bakeries.

Decree of 9 July 1935 to extend the provisions concerning the eight-hour day to establishments for the manufacture of oil, cement, oxygen, calcium carbide, soap, and beer.

Decree of 15 September 1935 relating to the application of the Eight-Hour Day Act to the furniture industry.

Royal Decree of 18 February 1936 to extend the provisions respecting the eight-hour day to ironing work.

Royal Decree of 30 June 1936 to extend the provisions respecting the eight-hour day to the work of welding with oxygen and of soldering articles made of lead and lead substances.

Royal Decree of 10 July 1936 to extend the provisions respecting the eight-hour day to manufactories of wines and alcohol, sugar, dried raisins, spirituous liquors and malt.

Royal Decree of 23 July 1936 to extend the provisions respecting the eight-hour day to all departments of glass works.

Royal Decree of 14 August 1936 to extend the provisions respecting the eight-hour day to different industries and occupations.

*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), amended by Acts of 24 November 1925 (L. S. 1925, Lith. 1) and 2 April 1931 (L. S. 1931, Lith. 2).

*Luxemburg.*

Act of 31 October 1919 (§ 6) on service agreements for private salaried employees.  
 Orders of 14 May 1921 and 26 May 1930 approving §§ 52 and following of the Railway Staff Regulations.  
 Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).  
 Order of 30 March 1932 concerning the application of certain Conventions adopted by the International Labour Conference during its first ten Sessions (L. S. 1932, Lux. 1).  
 Order of 6 January 1933 to amend Order of 30 March 1932 (L. S. 1933, Lux. 1).

*Portugal.*

Decree No. 5516 of 7 May 1919, limiting the hours of work of workers and employees in commercial and industrial establishments (L. S. 1919, Por. 1).  
 Decree No. 8244 of 8 July 1922 of the Ministry of Labour concerning hours of work, approving the Regulations issued under Decree No. 5516 of 7 May 1919 (L. S. 1922, Por. 2).  
 Decree No. 10782 of 20 May 1925, to amend the Regulations concerning hours of work in order to ensure the better carrying out of the provisions laid down in Decree No. 5516 (L. S. 1925, Por. 2A).  
 Decree No. 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.  
 Legislative Decree No. 26917 of 24 August 1936 to amend Legislative Decree No. 24402 of 24 August 1934.

*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 17 October 1932 concerning the establishment of chambers of labour.  
 Regulations of 4 October 1933 for the workers and officials of the Rumanian railways.  
 Regulations of 1 August 1936 for the workers of the Self-governing Fund for Monopolies of the Kingdom of Rumania.

*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.*

Act No. 5350 of 17 November 1915 limiting the daily work of workers, employees, etc., to eight hours throughout the territory of the Republic (B. B. 1916, Vol. XI, p. 29).  
 Decree of 15 May 1935 issuing Regulations under the above Act.

## 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.*

*Argentine Republic.* — Under § 1 of Act No. 11,544 the provisions of the Act apply to persons employed on account of another in any public or private undertaking, even if not carried on for profit. The provisions of the Act do not apply to employment in agriculture, stock raising and domestic work. The report adds that no decision has been taken with regard to the line of demarcation between agriculture and stock raising on the one hand and the undertakings covered by the Act on the other, but that in practice the Act applies to all undertakings enumerated in this Article of the Convention.

The Decrees issued in pursuance of the Act regulate hours of work for persons engaged in the railway services, tramway and omnibus undertakings, maritime and inland navigation and dock and harbour services, telephone, telegraph and wireless telegraphy services, electricity and gas undertakings, and carding in cotton-spinning and weaving mills.

*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 decision 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.

*Greece.* — The Act of 24 June 1920 to ratify the Convention reproduces the text of this Article. The Decree of 27 June 1932 applies to the following undertakings and occupations: I. underground mining work of all kinds, surface mining and metallurgical work at Laurium, the crushing of ores in general and quarrying; II. engine building, iron and steel making, boiler making, copper and brass works in general, foundries and factories of hydraulic apparatus, the manufacture and repair of safes, scales, beds, electric accumulators and metal objects in general, the manufacture of wire, nails, lead pipes and lead shot, tinware factories, hollowware workshops, workshops for the repair and cleaning of gas meters, the galvanising departments of all the above works and undertakings, and the spray painting of metal objects. The Decree does not apply to departments of establishments which are not subject to its provisions if the said departments are exclusively engaged in the maintenance and repair of the machinery of the establishments in question; III. lime works and lime kilns, plaster and stucco works, brick works, tile works, potteries, marble carving and sawing yards, paving stone factories, the construction, reconstruction, maintenance, repair, alteration or demolition of any building, excavation work, the construction of railways or tramways, the construction or alteration of harbours, docks, piers, canals, installations, and all preparatory work connected therewith; IV. dyeing and bleaching departments of weaving and spinning mills; V. roller mills with a daily output of more than ten tons, bakeries with a large output as defined in Act no. 3770<sup>1</sup>, manufacture of fancy bread, biscuits, chocolates and confectioners' products including pastries and vermicelli confections, pork butchers' establishments, gut works and factories for the treatment of animal refuse, slaughterhouses and knack-ers' yards, condensers in the food preserving industry, the fermentation malt houses of breweries, and salt works; VI. carbon bisulphide works, paper mills, waste paper

and rag stores, gas works, departments for (a) the extraction of fat, (b) glazing and washing, (c) the extraction of gelatine, and (d) boiler houses, in factories, for the working up of bones and horns, the compounding of rubber and the spray colouring of rubber, glass works (blowers and persons employed at the presses and at the furnaces), and electric lamp factories; VII. factories for the preparation and working up of leather, except boot and shoe factories; VIII. factories for the manufacture of envelopes, record books, boxes and bags; bookbinding, printing, lithographing and zinc engraving establishments; IX. coverlet and mattress factories, laundries, textile printing, dyeing and cleaning works, and workshops for pressing; X. brush and broom factories, all woodworking industries (except the manufacture of furniture), and spray painting work; XI. works for the generation and distribution of electricity, electric light and power, and electrical apparatus workshops; XII. motor omnibus drivers and conductors; XIII. tobacco warehouses and factories. The provisions of the Decree apply to all work in the preparation, finishing, transport and storage of any raw material or article in the above undertakings or occupations, provided that it is carried out on the premises utilised for the undertaking or occupation. The provisions of the Decree also apply to all factories or departments thereof with continuous processes. Factories or departments thereof with continuous processes are deemed to mean factories or departments in which the daily hours of actual work of the persons employed therein exceed ten hours. The provisions of the Decree have been extended to Italian paste factories (Decree of 7 December 1932); to mechanical engineering workshops not operating independently (Decree of 23 November 1933); to factories for the manufacture of boots and shoes by machinery (Decree of 29 December 1933); to establishments for the manufacture of oil, cement, oxygen, calcium carbide, soap and beer (Decree of 9 July 1935); to the furniture industry (Decree of 15 September 1935); to the work of welding with oxygen and of soldering articles made of lead and lead substances (Royal Decree of 30 June 1936); to all departments of glassworks (Royal Decree of 23 July 1936); and, finally, the Royal Decree of 14 August 1936 has extended the provisions respecting the eight-hour day to the following industries and occupations: I. all surface mining and metallurgical work; II. flour mills and roller mills, without reference to their daily output, in so far as they use mechanical power, with the exception of those worked by forces of nature or animal power; III. factories for the production of milk and dairy products; IV. manufactories of jams, fruits and food products in general (tinned foods and pork butchers' products); V. store houses

<sup>1</sup> Act of 12 January 1929 respecting the establishment and operation of bakeries.



where dried raisins are cleaned and the work of packing dried raisins, figs and dried fruits in general, and warehouses where the sorting of olives is carried on; VI. undertakings or parts of undertakings for the manufacture of beer; VII. in general, all factories for the production of mineral waters; VIII. all chemical industries in general, workshops for the preparation of colours and the manufacture of fertilisers, rosin, turpentine, tartrates, paraffin, pharmaceutical products, oxygen, varnish, scents, volatile oil, linseed oil, explosives, glycerine, nitroglycerine, powder, plastic objects made of rubber, extracts of tannin and of acids in general; IX. manufactories of ice in general; X. mirror-making works and workshops where glass and crystal is made; XI. manufactories of photographic plates, gramophones and gramophone records; XII. all processes connected with the manufacture of arms, cartridges and fireworks; XIII. manufacture and repair of jewellery, clocks and engravings, and the making of rubber stamps, etc.; XIV. furniture industry in general, without regard to the number of workers employed; XV. basket industry and workshops for weaving articles in wood, paper, raffia, straw and metal thread; XVI. undertakings for the manufacture of shoes in general and of sandals; XVII. manufacture of umbrellas and sunshades, hat factories, workshops where hats are cleaned and workshops for the manufacture of artificial flowers, feathers, buttons, corsets, orthopaedic apparatus, lace, millinery in general and embroidery; XVIII. ready-made clothes (women's establishments, sewing and underclothes workshops, shirtmaking (men's) establishments, and the manufacture of neckties, handkerchiefs and articles of clothing in general; XIX. hatmaking (women's) establishments (manufacture and modelling of hats), hat-making (men's) establishments, workshops for the manufacture of berets and caps; XX. tailors' workshops; XXI. the work of loading and unloading; XXII. drivers of motor lorries in general. In addition, the eight-hour day has been applied to the staff of motor omnibuses (Decree of 7 December 1932); to ironing work (Royal Decree of 18 February 1936); to manufactories of wine and alcohol, sugar, dried raisins, spirituous liquors and malt (Royal Decree of 10 July 1936). The report states that the line of division between industry, on the one hand, and commerce and agriculture, on the other hand, has not yet been fixed. It adds that "the Government has lately extended the Eight-Hour Day Act very widely, with the result that only the textile industry is now exempt from this general rule. Only a last effort remains to be made in order to give the Convention complete and loyal application, and to bring to an end every existing discrepancy,

with regard to scope, between the Convention and the national legislation. It is to be hoped that this discrepancy will soon be eliminated."

*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.

*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(3), the staff of land transport services which are connected with commercial or industrial undertakings as defined in § 1 (1) shall be subject to the provisions of the Decree. Conditions of work in the transport industry properly so-called are still regulated by Decree No. 22500 of 10 May 1933. § 1 of the Decree provides that the hours of work in the industries for the transportation of persons or goods by road, rail, sea or inland waterway, including the handling of goods in docks, quays, etc., with the exception of transportation by hand, shall be regulated in accordance with the provisions of the Convention and in accordance with the Decree. Decree No. 5516 of 7 May 1919 remains in force in so far as it relates to workers and employees of the State and of administrative authorities. The report does not mention any decisions taken under the last paragraph of the Article, but § 1(4) of Legislative Decree No. 24402 prescribes that industrial undertakings which are clearly rural in character may be excluded from the application of the Decree.

*Rumania.* — Regulations were issued in 1933 and 1936 for workers and officials on the Rumanian railways and for workers in the Self-governing Fund for Monopolies of the Kingdom of Rumania.

*Uruguay.* — The Act of 17 November 1915 applies to workers employed in 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 (§ 1), and also to persons employed on public works (§ 2). The report adds that these two sections of the Act are wider than the provisions of the Convention, and that no line of demarcation is drawn between industry and commerce because the Act is a general one, including in addition persons employed by the State (on public works, in State undertakings, etc.).

## ARTICLE 2.

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

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

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

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

*Argentine Republic.* — § 1 of Act No. 11,544 lays down that the working hours of persons employed in the undertakings enumerated above, under ARTICLE 1, shall not exceed eight in the day or forty-eight in the week. Undertakings in which only members of the family of the head, owner, occupier, manager, director or principal persons in charge of the undertaking are employed are exempted from the provisions of the Act. § 3 of the Act also exempts persons holding positions of supervision or management, who are defined in § 11 of the Regulations of 16 January 1933 as being: "(a) the head, manager, director or principal person in charge of the undertaking; (b) superior managing or technical employees who replace the persons mentioned in (a) in the direction or management of the undertaking; the assistant manager; members of the liberal professions who are employed exclusively in work proper to their profession or who include in their work any duties of management or supervision; secretariat staff employed for purposes of management or supervision and not merely in a subordinate capacity; heads of a branch, department or workshop, persons in charge of a shift, heads of the staff of engine rooms or boiler rooms and of groups of workers (*cuadrillas*), and also the assistant heads when replacing them; foremen, time-keepers and inspectors when replacing the holders of the posts and provided that they perform work of management or supervision; (c) collectors and inspectors of collecting work and salesmen who are paid exclusively on commission". All these persons are deemed to be exceptions only in so far as they are employed exclusively in work

proper to their post. § 16 of the Regulations of 16 January 1933 lays down that the cases in which the daily hours of work may be prolonged in order to make up hours lost for reasons for which the workers were not responsible shall be fixed by special regulations, provided that there is an express agreement between employers and workers, and that, in the opinion of the competent authority, such prolongation is justified, and, further, provided that the normal daily hours of work are not increased in any such case by more than one hour. § 3 (b) of Act No. 11,544 lays down that where persons are employed in shifts, it shall be permissible to employ persons in excess of eight hours in any one day and forty-eight hours in any one week if the average number of hours over a period of three weeks or less does not exceed eight per day or forty-eight per week. The Decrees issued in pursuance of the Act establish the principle of an eight-hour day and a forty-eight-hour week and, on the question of work in shifts, refer to the provisions of § 3 (b) of Act No. 11,544.

*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. The report adds that Decree No. 702 of 8 June 1935 was issued after being previously approved by the Supreme Labour Council, on which the employers and workers concerned were represented. The exceptional working hours apply only to employees and workers engaged on intermittent tasks, or whose work sometimes consists merely in being present. This is necessitated by the special conditions of the country with regard to private railway companies.

*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. § I 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.

*Greece.* — § 2 of the Decree of 27 June 1932 lays down that the hours of work in the occupations and industrial undertakings mentioned in the Decree shall not exceed eight hours in the day and forty-eight hours in the week. (a) The report states that paragraph (a) of this Article of the Convention is applied in all cases. (b) Under § 3 of the Decree of 27 June 1932, the daily hours of work fixed by § 2 may be extended by one hour daily in pursuance of a permit issued in conformity with §§ 9 and 10 of the Decree, subject to the following conditions, viz., (1) that the factory does not work on Saturday afternoon; (2) that the daily wage is paid in full for Saturday; and (3) that the total hours of work do not exceed forty-eight hours in the week. The daily hours of work fixed above may also be exceeded by one hour daily for one engineman in each factory, designated by the manager thereof. (c) § 7 provides that where persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in any one day and forty-eight hours in any one week if the average number of hours over a period of three weeks or less does not exceed eight per day and forty-eight per week. The report adds that factories which employ the shift system work for sixteen or twenty-four hours, and in such cases no extension of working hours is permitted. The various Decrees which extend the provisions respecting the eight-hour day include conditions similar to those of the Decree of 27 June 1932.

*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.

*Portugal.* — § 1 of Legislative Decree No. 24402 lays down that hours of work shall not exceed eight in the day, except in the cases which are expressly mentioned in the Legislative Decree. § 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.

*Rumania.* — The Regulations of 4 October 1933 fix the normal hours of work for workers and officials on the Rumanian railways at forty-four a week; for the staff of the trains hours are fixed at 240 a month. The Regulations of 1 August 1936 fix hours of work for workers in State monopolies at forty-four to forty-eight according to the kind of work; daily hours of work must not exceed eight in normal times.

*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. See also introductory note.

*Uruguay.* — The Act of 17 November 1915 prescribes in § 1 that hours of actual work must not exceed eight per day. Under § 9 of the Decree of 15 May 1925, this provision does not apply to sons working in their father's undertaking, provided that they are not permanently employed or in receipt of remuneration. (a) § 9 of the Decree of 15 May 1935 excludes a director or manager of an industrial or commercial undertaking and technical directors of industrial services when they are not subject to a regular time-table of work. Under § 10, the limits of hours of work do not apply to workers and salaried employees who share the profits of the undertaking, provided that their wages, or shares, or both together, are not less than 3,000 pesos a year. § 11 lays down that in smaller undertakings, in order that a partner shall not be considered as a worker or salaried employee he must have a minimum share in the profits, which is fixed according to the following scale: (1) when the profits do not exceed 2,400 pesos a year or 200 pesos a month: for one partner, not less than 33 %; for two partners, not less than 30 % each; for more than two partners, equal shares in the profits with the employer; (2) for profits from 2,400 and 4,800 pesos a year or from 200 to 400 pesos a month; for one partner, not less than 30 %; for two partners, not less than 25 % each; for three partners, not less than 20 % each; for more than three partners, equal shares in the profits with the employer; (3) for profits from 4,800 to 7,200 pesos a year or from 400

to 600 pesos a month; for one partner, not less than 20 %; for two partners, not less than 20 % each; for three partners, not less than 18 % each; for more than three partners, equal shares in the profits with the employer; (4) for profits from 7,200 to 12,000 pesos a year or from 600 to 1,000 pesos a month: for one partner, not less than 18 %; for two partners, not less than 18 % each; for three partners, not less than 16 % each; for more than three partners, equal shares in the profits with the employer; (5) annual profits of more than 12,000 pesos are regulated by the provisions of § 10. In all such cases partnership must be established by a contract signed in the presence of a notary, giving the partners the right to examine the accounts of the firm. Contracts which have not been concluded in this way shall not be considered valid. The report states that the wording of § 10 might be misinterpreted unless it were realised that in Uruguay only persons in a position of supervision or management or employed in a confidential capacity would earn as much as 3,000 pesos a year. § 11, which deals with group contracts, was enacted so as to prevent the violation of the law by means of fictitious contracts, for the Commercial Code permits even verbal contracts of employment when the capital of the undertaking concerned does not exceed 1,000 pesos. Paragraph 5 of § 11 makes the intention of the executive authorities perfectly clear. (b) § 3 of the Act of 17 November 1915 lays down that in special cases the limits of hours of work for adults may be exceeded, provided that in no case shall the total number of hours for each period of six days' work exceed forty-eight. This provision is confirmed by §§ 12 and 13 of the Decree of 15 May 1935, which allows the eight-hour day to be exceeded in special cases and for certain industries and processes which must be carried on continuously, without limiting the daily overtime to one hour, but stipulating that in no case may the total number of hours of work exceed forty-eight per week. § 14 allows undertakings which are not subject to the Act concerning the week of five-and-a-half working days to adopt, in agreement with their workers, a system of nine hours a day for five days a week, and three hours on the sixth day. (c) Uruguayan legislation lays down that weekly hours of work must in no case exceed forty-eight.

### 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.

*Argentine Republic.* — § 3 (c) of Act No. 11,544 allows an extension of the limits of hours of work fixed by § 1, in case of accident, actual or threatened, or in case of urgent work to be done to the machinery, tools or plant, or in case of *force majeure*, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking and provided that the work in question cannot be carried out during the normal working day; each such case shall be reported without delay to the authorities responsible for supervising the observance of this Act. The Decrees issued in pursuance of the Act refer to the provisions of the section given above.

*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.

*Greece.* — Under § 4 of the Decree of 27 June 1932, the daily hours of work may be extended beyond the limits fixed above in case of urgent work which must be carried out in order to prevent impending accidents, for salvage purposes, or to repair accidental injuries to the materials, equipment or buildings of the under-

taking. In this case the owner or manager of the undertaking shall be bound to report the extension to the labour inspector or, where there is none, to the police authority. The extension of the hours of work in this case shall be unlimited on the first day, but on the following days shall be subject to a permit issued in conformity with §§ 9 and 10 of this Decree, provided that it shall not be more than two hours in excess of the ordinary hours of work and shall not continue for longer than is necessary to avoid serious interference with the ordinary working of the undertaking. § 5 provides that the daily hours of work may be extended in pursuance of a permit in order to make up lost time, provided that the daily hours of work shall not exceed ten hours in the day, in cases of total suspension of work due to: 1. accident or *force majeure* (accidents to materials, failure of driving power, general lack of raw materials, catastrophes); 2. official or local festivals, except Sunday and days placed on the same footing as Sunday; 3. changes in the weather in industries or occupations which on account of their nature are subject to the influence of such changes. The permit mentioned above shall be granted subject to the following conditions: (a) that the owner or manager of the undertaking notifies the nearest police station within twenty-four hours and receives a certificate respecting the time lost after investigation by the competent police authority; (b) that, if the stoppage does not exceed one day, the lost time is made up within a fortnight dating from the day when work is resumed; (c) that, if the stoppage does not exceed one week, the lost time is made up within thirty days dating from the day when work is resumed; (d) that, if the stoppage exceeds one week, the time lost is made up within the time limit fixed by the labour inspector in whose district the factory is situated; (e) that the average hours of work reckoned from the notice of the interruption of work to the expiry of the time limits fixed in the preceding clauses for the making up of lost time do not in any case exceed forty-eight hours in the week. § 6 lays down that in case of proved exceptional pressure of work the hours of work specified above may be exceeded in pursuance of a permit: (a) by not more than two hours in the day (except on Saturday), on sixty days in the year; (b) for more than two hours in the day, on the eves of holidays, provided that the total hours of work in excess of the eight-hour day shall not exceed 120 hours in the year. The permit referred to above shall be withheld in the case of work which is performed in places which are proved to be unhealthy. The various Decrees to extend the provisions respecting the eight-hour day are inspired by the above conditions of the Decree of 27 June 1932.

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

*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, and the reason for it, to the notice of the competent authorities. § 18 of Decree No. 10782 provides, in pursuance of § 6 of Decree No. 5516, that hours of work may be increased in case of urgent requirements of the State, mobilisation, fire, flood, landslip, explosion, serious disaster, and in the cases specified in the Decree, and also in other special cases, in accordance with official instructions. Applications for prolongations of hours of work must be made to the authorities. A similar provision is contained in § 4 of Decree No. 22500.

*Rumania.* — The Regulations of 4 October 1933 provide that the limit of hours of work may be exceeded, for workers and officials on the railways, in case of great pressure of work, accidents, floods, or stoppage of the trains owing to falls of snow. The Regulations of 1 August 1936 allow the limit to be exceeded in cases of *force majeure*, such as necessary repairs to the plant of the undertakings of State monopolies.

*Uruguay.* — Under § 13 of the Decree of 15 May 1935, the limit of daily hours of work may be exceeded in cases of *force majeure*, provided that the weekly hours of work do not exceed forty-eight.

#### 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.

*Argentine Republic.* — The report states that no provision of this kind exists in the Act, as it has not been found necessary.

*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.

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

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

*Portugal.* — § 11 of Legislative Decree No. 24402 prescribes that in continuous process industries or others in which, for special reasons, the daily hours of work are long, shifts of different persons shall be employed. No shift shall work longer than the maximum daily hours prescribed for the industry in question. § 12 provides that the National Institute of Labour and Social Welfare shall, after consulting the competent official bodies, determine what are to be regarded as continuous process industries. § 18 lays down that shifts shall be arranged in such a way as to ensure a weekly rest day for the workers concerned. If this is not practicable, the workers shall be entitled to a period of holidays with pay, as compensation for the rest days which they have not taken, and these paid holidays shall be independent of the annual holidays with pay to which they are entitled under § 28 of Legislative Decree No. 23048. Decree No. 10782 provides that in continuous process industries or in cases where, owing to *force majeure*, the work of the undertaking cannot be stopped, the work shall be organised in shifts. § 3 of Decree No. 22500 provides that the limit provided in § 2 may be exceeded in processes whose continuous working must, by reason of the nature of the work, be secured by means of successive shifts in the transport industry in accordance with Article 4 of the Convention, provided, however, that in this case the hours of work do not exceed an average of fifty-six hours per week. This shall not affect the right of the workers to fifty-two days' holiday a year.

*Rumania.* — The Regulations of 1 August 1936 lay down similar provisions for continuous processes carried on by a succession of shifts, in which cases normal hours of work may be fifty-six a week.

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

*Uruguay.* — Under § 13 of the Decree of 15 May 1935, the limit of daily hours

of work may be exceeded in certain continuous processes, provided that the weekly hours of work do not exceed forty-eight.

#### 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.

*Argentine Republic.* — Act No. 11,544 does not contain any provision of this kind, but the special Regulations issued in pursuance of it, after consultation with the employers' and workers' organisations concerned, allow the limit of eight hours a day to be exceeded in certain cases, provided that, over a given period, the weekly average of forty-eight hours is observed.

*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.

*Greece.* — The report does not refer specifically to this Article.

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

*Portugal.* — Legislative Decree No. 24402 of 24 August 1934, as amended by Legislative Decree No. 26917 of 24 August 1936, provides, in § 9 (2), that when the work cannot be fitted into the provisions of the Legislative Decree because it is normally governed by special circumstances, the Under-Secretary of State for Corporations and Social Welfare shall have power to authorise a special time-table taking account of those circumstances.

*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 and introductory note.

*Uruguay.* — See above, under ARTICLES 2, 3 and 4.

#### 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.

*Argentine Republic.* — § 4 of Act No. 11,544 lays down that regulations may be issued by the Executive to fix for each industry, branch of commerce or occupation and for each region: (a) the permanent exceptions that may be allowed in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of an establishment, or for certain classes of workers whose work is essentially intermittent; (b) the temporary exceptions that may be allowed, so that establishments may deal with exceptional cases of pressure of work. In granting permits for such exceptions, account shall be taken of the extent of unemployment at the time. § 5 lays down that all these regulations and permits for exceptions shall be issued after consultation with the organisations of employers and workers concerned, and shall fix the maximum amount of overtime to be authorised in each instance. The normal rate of pay shall be increased by not less than 50 per cent. in the case of overtime and 100 per cent. if work is carried out on holidays.

*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.

*Greece.* — Under § 9 of the Decree of 27 June 1932, on which are based the other Decrees which extend the provisions respecting the eight-hour day, the remuneration to be paid for overtime shall not be less than 25 per cent. higher than the ordinary rates. See also under ARTICLE 3.

*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...

*Lithuania.* — . . . . The report adds that the authorities have granted special permits for carrying out work beyond the limits prescribed for general working, and



have also fixed the rate of payment for overtime at 25 per cent. above normal wages. The permits in question were granted for a very short period for urgent seasonal work in the building industry.

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

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

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

decision will be based on this opinion. The Regulations of 1 August 1936 provide for exceptions such as those permitted by this Article in the following cases: certain kinds of preparatory or complementary work; certain kinds of essentially intermittent work; exceptional cases of pressure of work; and seasonal work in connection with fermentation and salt-works at Tuzla.

*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 and introductory note.

*Uruguay.* — (a) § 3 of the Decree of 15 May 1935 provides that in manufacturing undertakings where work is intermittent, and where the general work is done with the aid of machinery, a maximum of thirty minutes' overtime is allowed before work begins and after it ends. This exception applies to managers, foremen, engineers and stokers. A supplementary rest period must be given to these workers during the general working hours

of the undertaking. (b) The legislation does not provide for temporary exceptions. The report states that undertakings are expected to meet exceptional pressure of work by engaging extra workers or by working shifts, while observing the limit of forty-eight hours a week. Overtime must be paid for at twice or one-and-a-half times the normal rates.

#### 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.*

*Argentine Republic.* — § 6 of Act No. 11,544 lays down that, in order to facilitate the administration of the Act, every employer shall be required : (a) to notify by means of the posting up of notices in conspicuous places in the works or other suitable place the hours at which work begins and ends, or whether work is carried on by shifts. The hours at which the work of each shift begins and ends shall be so fixed that the duration of the work shall not exceed the limits laid down in the Act, and when so notified they shall be applied in that form, and shall not be changed except with such fresh notice as may be specified by the Executive ; (b) to notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours ; (c) to enter in a register all overtime worked in pursuance of §§ 3, 4 and 5 of the Act.

*Bulgaria.* — . . . § 20 of the Health and Safety of Workers' Act, 1917 lays down 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. The report adds that regulations issued by the Directorate of Labour and Social Insurance require every employer

of an industrial or commercial undertaking : (a) to notify by means of the posting of notices in conspicuous places in the works or other suitable place, 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 ; (b) to notify in the same way such rest intervals as are accorded during the period of work.

*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.

*Greece.* — § 13 of the Decree of 27 June 1932, upon which are based the various Decrees to extend the provisions respecting the eight-hour day, lays down that owners or managers of undertakings specified in § 1 shall draw up an easily legible time-table in duplicate and sign it and submit it for approval to the competent labour inspector or in default of such to the local police authority. The time-table shall specify: (a) the names in full of the workers in each shift; (b) the times for the beginning and cessation of the work of the shifts and the duration of the breaks; (c) the overtime approved with the rate of remuneration therefor. One copy of the time-table shall be affixed in a conspicuous place in every workplace and shall be protected from damage by the materials being worked up or by weather conditions.

*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:

*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. The competent authorities must be notified at once of any change in the time-table. § 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. See also introductory note.

*Uruguay.* — (a) and (b). The report states that the registers, the work registers for intermittent work, and the work-books of workers whose work is carried out on the public highways, supplied by the National Institute of Labour and its subsidiary departments, fully satisfy the provisions of this Article of the Convention, and serve as a basis for the supervisory work of the inspectors. In these returns the employer gives a signed statement as to the hours worked and the breaks for all members of his staff. These documents must be posted up in the workplaces and be available for submission to the inspectors on demand. (c) The report states that no such registers are kept, since the national legislation does not permit the overtime referred to in Articles 3 and 6 of the Convention.

#### 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.

*Greece.* — See above, under ARTICLE 1.

ARTICLE 13 (*Rumania only*).

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

## 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.*

*Argentine Republic.* — § 7 of Act No. 11,544 lays down that the provisions of the Act may be suspended either wholly or in part by a Decree of the National Executive in the event of war or other emergency endangering public safety. The report adds that the powers referred to in this section of the Act have not been exercised.

*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.

*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.* — No suspension of this kind has been effected.

## 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.

*Argentine Republic.* — The report gives the following information:

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

There is no list of processes classed as being necessarily continuous, since Argentine law contains no provision corresponding to that of Article 4 of the Convention. Shift work hours in no matter what industry conform to the average of forty-eight per week.

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

See above, under ARTICLE 5.

(c) *Regulations made under Article 6.*

The regulations mentioned in Article 6 of the Convention are issued by the executive authority at the suggestion of the authorities responsible for supervising the application of the legislation. These authorities must first consult the representative organisations of employers and workers in the industry or branch in question. The regulations issued in pursuance of the Act concern persons engaged in gas and electricity services, persons engaged in the railway services, persons engaged in maritime and inland navigation and dock and harbour services, persons engaged in telephone, telegraph and wireless telegraphy services, persons engaged in tramway and omnibus services, and carders in cotton-spinning and weaving mills. All these regulations fix the normal hours of work at eight in the day and forty-eight in the week. They prescribe the way in which the working day is to be calculated for the different categories of staff, under what conditions overtime may be worked and the rates at which it is to be paid, in accordance with § 5 of the Act. The report adds that there is no special procedure for consulting employers' and workers' organisations. The regulations referred to in Article 6 are issued by the executive authority on the recommendation of the authority responsible for the enforcement of the law. It is this latter authority which in the course of its preparatory work gives the representative employers' and workers' organisations the opportunity of expressing their views. This consultation does not, however, commit the authority in any way to the views of the interested parties.

*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, quarries, 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; brickworks, where the bricks are dried by natural means in the open air; clothing and subsidiary industries; textile industry (dyeing, bleaching and dressing sections of the industry, for exclusively jobbing work); industry for the manufacture of women's hats; food industries; confectionery, icemaking and the manufacture of chocolate; manufacture of biscuits, gingerbread and marzipan; retting of flax in streams, ponds and fields; lemonade and aerated water factories; laundries in holidays resorts; electric tramways along the coast; confectioners shops in Bruges and along the coast; temporary sawmills, manufacture of straw hats; preservation of eggs by the freezing process. Under § 6 of the Act, general authorisations to work up to a specified maximum number of hours overtime have been granted by Royal Orders in the following cases: loading and unloading work in ports; fish curing and preserving of vegetables and fruit; transportation, loading and unloading of goods, shunting of trucks, weighing of trucks and other vehicles (in so far as accessory to an industrial undertaking); plate-glass making; manufacture of

artificial slates; manufacture of varnish (boiling gums and finishing varnishes); manufacture of gum, gelatine and bone glue (emptying moulds, cutting, placing on sieves and carrying to gelatine drying rooms); vulcanising of rubber goods (vulcanising); electro-plating (electrolytic baths); galvanisation of iron and cast iron by a hot process (iron galvanising); manufacture of artificial silk by the collodion process (denitrifying, bleaching and drying); glazing of powders; manufacture of photographic requisites (coating and drying photographic plates, films and papers and treating them with barytes); manufacture of composition mouldings for frames; manufacture of glucose and of amalgams of cement and stones; manufacture of artificial wool; certain electricians employed by the Electricity Office; printing and kindred industries (binding, boarding, stitching, paper-making, lithography, photogravure and heliogravure, phototypography, colouring, typography—except the printing of daily newspapers—machine-rooms, type casting, block making, electrotypes); repair of harbour vessels of the Port of Antwerp; undertakings mainly engaged in the sale and distribution of petroleum and its derivatives. 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 1935 TO 30 SEPTEMBER 1936 UNDER § 7 OF THE EIGHT-HOUR DAY ACT.**

Industries	Undertakings in which the majority of those employed are members of unions			Undertakings in which the majority of those employed are not members of unions			Total no. of undertakings		
	No. of auth.	No. of workers	No. of hours overtime	No. of auth.	No. of workers	No. of hours overtime	No. of auth.	No. of workers	No. of hours overtime
Building	2	34	544	—	—	—	2	34	544
Woodwork and furnishing	6	261	16,670	—	—	—	6	261	16,670
Food and drink	—	—	—	3	46	3,422	3	46	3,422
Textiles	4	112	5,727	13	491	27,505	17	603	33,232
Metals	15	585	19,261	10	189	8,438	25	774	27,699
Clothing	1	22	792	7	286	12,060	8	308	12,852
Artistic and fine work	1	8	9,120	1	5	190	2	13	9,310
Book printing, binding, etc.	4	387	39,372	—	—	—	4	387	39,372
Hides and skins	3	134	3,484	8	156	8,142	11	290	11,626
Tobacco	1	110	5,610	2	360	9,360	3	470	14,970
Chemicals	1	9	914	1	25	950	2	34	1,864
Paper	1	13	702	2	13	406	3	26	1,108
Special	3	47	2,398	9	498	34,629	12	545	37,027
Ceramics	—	—	—	1	13	338	1	13	338
Quarries	—	—	—	—	—	—	—	—	—
Glass	—	—	—	—	—	—	—	—	—
Transport	1	8	816	—	—	—	1	8	816
<b>Total</b>	<b>43</b>	<b>1,730</b>	<b>105,410</b>	<b>57</b>	<b>2,082</b>	<b>105,440</b>	<b>100</b>	<b>3,812</b>	<b>210,850</b>

N.B. No authorisation was 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. 2513, 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 1935 and 1 January to 30 September 1936. The figures which refer to the latter period are given in brackets. Permits were granted to 60 (243) undertakings (0.0025 (0.0103) per cent. of the total number of undertakings covered by accident insurance, or 0.0083 (0.034) per cent. after deduction of agricultural undertakings) ; the total number of workers employed in these 60 (243) undertakings was 14,233 (99,046) (0.32 (2.23) per cent. of the total number of wage-earners) ; the number of workers who worked overtime was 3,297 (13,738) (0.07 (0.31) per cent. of the total number of wage-earners) ; the total number of hours of overtime expressed in working days of eight hours was 11,395 (70,220) or 1,899 (11,703) working weeks.

*Greece.* — The report states that the list of continuous processes has not yet been drawn up. It adds that, under the Decree of 27 June 1932, factories with continuous processes are deemed to mean factories in which the daily hours of actual work of the persons employed therein exceed ten hours. The report does not refer specifically to the information required under Articles 5 and 6 of the Convention.



*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 the collective agreements which cover workers in the principal industries throughout the country refer, in so far as hours of work are concerned, to the legislation in force. See also introductory note. No agreements have been made in the sense of Article 5.

*Rumania.* — See above, under ARTICLES 4 and 6.

*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.

See also introductory note.

*Uruguay.* — The report refers to the information supplied under ARTICLES 4, 5 and 6.

#### 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 35 of the Constitution of the International Labour Organisation (Article 421 of the Treaty of Versailles and the corresponding Articles of the other Treaty 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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. See also introductory note.

## 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.*

*Argentine Republic.* — Act No. 11,544 is part of the national law and is expressly incorporated in the Civil Code in accordance with § 67 (11) of the Constitution. Its enforcement, however, is in the hands of the authorities in each of the fourteen provinces. In the capital and in the national territories the legislation is enforced by the national Government acting through the national Department of Labour and its local officials.

*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. See also introductory note.

*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.

*Greece.* — The supervision and enforcement of the Acts and Decrees concerning the eight-hour day lies with the factory inspectors or, where there are none, with the police. The Decree of 6 July 1935 divided Greece into forty districts for factory inspection purposes. The report adds: "The national Government considers that the effective application of most of the legislative provisions already enacted or to be enacted must depend to a great extent on a better organisation of the services responsible for putting them into execution, and it therefore set up, during its first days in power, the Ministry (Under-Secretariat of State) of Labour, to which have been attached the different departments which deal with labour and social welfare questions. The Government considers at present that, after having set up the Under-Secretariat of State for Labour, it should undertake the reorganisation of the central services as well as the inspection services. These changes (reorganisation of the services and probable additions to the personnel) will be included in the rules of the new Ministry, the publication of which is imminent.

*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....

*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. The Act of 29 April 1936 concerning the organisation of a Superior Labour Council and of occupational chambers contains a similar provision. 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 15 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.* — The National Institute of Labour and the services attached to it are responsible for the application of the legislation. The most important documents for ensuring supervision are: the registers, the work registers for intermittent work, and the work-books of workers whose work is carried out on the public highways. Moreover, by means of the pay-rolls and the lists of staff which undertakings have to send to the Pensions Fund, an additional check can be kept on workers paid by the day and the hour, for, as the legislation does not permit overtime in excess of the statutory hours, and since the pay-rolls cannot be falsified, any abuses which may have escaped the vigilance of the inspectors automatically come to light in these documents. The inspectorate consists of four chief inspectors, fifty-eight inspectors and five women inspectors. Uruguay is divided for inspection purposes into four areas, thirty-eight districts, and eleven special services dealing with cold-storage plant, railways, tramways, omnibus services, docks, Government industrial undertakings, water supplies, gas supplies and petroleum wells.

## 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 and to the obligation to post up hours of work prescribed by Article 8 of the Convention. Owing to the intervention of the labour inspectorate, three firms were sentenced to pay fines of from 100 to 200 pesos for having neglected to post the necessary notices.

*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.

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.*

*Argentine Republic.* — The total amount of fines inflicted for breaches of the law was 122,155 paper pesos, and the number of fines was 2,196.

*Belgium.* — During the period under review, 798 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 502,594. 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 number of workers protected by the legislation is about 200,000. The number of cases of infringement reported was 963. No observations have been received from the employers' and workers' organisations with regard to the practical application of the provisions of the Convention or the application of the national law implementing the provisions of the Convention.

*Canada.* — See introductory note.

*Chile.* — An extract from the report of the Labour Inspection Service states that as the legislation concerning hours of



work has been in force for several years, no serious difficulties have been met with in the application of the eight-hour day and the 48-hour week in commercial undertakings. Work in excess of these hours is treated as overtime and paid for at 50 per cent. above normal rates. It is an exceptional measure and no abuses have been noted, overtime being usually restricted to the maximum of two hours permitted by the legislation. Works regulations contain provisions fixing working hours and determining the circumstances in which overtime may be worked, and this facilitates the supervision of the application of the relevant provisions. No information is available as to the number of hours of overtime worked in the cases mentioned in Articles 3 and 6 of the Convention, because the General Labour Inspectorate has not been in a position to collect information on this point. The work of the following persons is considered by the inspectorate as being work of supervision or management, confidential work or particularly intermittent work: overseers, foremen, door-keepers, watchmen, signalmen, telegraph and telephone linesmen, furnacemen and their assistants in electric light plant where there is not much activity, and certain classes of hotel servants. The number of workers to whom the eight-hour day and the 48-hour week apply in industrial and commercial undertakings is 357,637. The number of workers covered by the provisions concerning hours of work in private railway undertakings is 6,307 of whom 1,349 are salaried employees and 4,958 are workers. Notwithstanding the provisions of Decree No. 702, the hours of work for all workers and salaried employees in private railway companies in which circumstances permit are only eight hours a day and forty-eight hours a week. The number of persons employed by the State railways is 18,700, of whom 2,694 are salaried employees and 16,006 are workers. The number of offences against the provisions of the Convention was 207.

*Colombia.* — See introductory note.

*Cuba.* — During the fiscal period of 1933-34, 2,776 visits of inspection were made in the provinces of Pinar del Río, Havana, Matanzas, Santa Clara, Camaguey and Oriente. Of this number, 1,731 did not give rise to any special observations and in 1,045 cases infringements were noted. The total amount of fines was 24,780 dollars. The corresponding figures for the periods 1934-35 and 1935-36 were as follows: 2,311 and 1,447 visits, 1,181 and 746 without observations; 1,130 and 701 infringements; 37,140 and 29,034.05 dollars. Neither the employers' nor the workers' organisations concerned have made any observations with regard to the Convention. See also introductory note.

*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 has been transmitted to the International Labour Office, and adds that the report for 1935 will be forwarded to the Office as soon as possible.

*Greece.* — The report states that the reports of the labour inspectors show that both the Convention and the laws relating to it are applied (except in the textile industry). Nevertheless, the competent bodies of the first labour inspection district of Athens have reported some 170 cases of infringement of the Eight-Hour Day Act. Side by side with the extension of the Eight-Hour Day Act, its strict enforcement and the rigid supervision exercised by the labour inspection services, the present Government, with a view to remedying the unemployment situation, considers that it would be advisable to limit overtime permits as much as possible, and has therefore instructed the competent services to grant such permits only in cases of absolute necessity. During the first nine months of 1936, the labour inspectorates of the first area granted 1,268 permits to extend the eight-hour day by two hours daily, and 642 permits for one hour's extension per day. The permits in question concerned 13,708 men and 2,591 women. The inspection services of the Piraeus granted 915 permits for two-hour extensions and 200 permits for one-hour extensions. These permits concerned 9,516 men and 6,300 women. For this overtime the workers always receive an increase of 25 per cent. See also introductory note.

*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, Bombay, Baroda and Central India, and Madras and Southern Mahratta Railways during the year 1935-1936" contains detailed information with regard to the number of employees covered by the Regulations, the extent of inspection, the adjustment of hours of employ-

ment and periods of rest, the classification of staff, temporary exceptions, continual night duty, payment of overtime, etc. It indicates that a Gazette Notification, dated 5 June 1935, has extended the application of the Regulations, with effect from 1 November 1935, to two company-managed lines, viz., the Bombay, Baroda and Central India Railway and the Madras and Southern Mahratta Railway. It will be seen, therefore, that all State-managed railways, with the exception of the Burma railways, have now been brought within the scope of the Regulations, together with two of the largest company-managed systems, so that the majority of railway servants in India are now protected by legislation, which is the outcome of the Government of India's ratification of the two international labour Conventions adopted respectively at Washington in 1919 and at Geneva in 1921. Even on those railways which have not yet been brought formally within the scope of the Regulations, there is reason to believe that the hours of work of the majority of employees fulfil the provisions of the law. The industrial and economic depression which has had such an unfortunate effect upon the volume of railway traffic during the last few years, has been advantageous as far as the application of the Regulations is concerned. The decrease in business has created opportunities for the reorganisation of work at stations and in traffic and loco yards, which has facilitated the correct rostering of staff. The number of inspectors of railways is now 11. The number of railway staff covered by the Regulations on 31 March 1935 was 473,110. Of this number, 49,681 were attached to the Madras and Southern Mahratta Railway and 63,658 to the Bombay, Baroda and Central India Railway. Certain difficulties still obtain in the application of the Regulations to the East Indian and Eastern Bengal Railways. It would appear that the standard of application on the Bombay, Baroda and Central India and the Madras and Southern Mahratta Railways is higher than that which obtained on the other railways when the Regulations were first introduced (1931). This is partly due to the fact that all railways have, according to instructions issued years ago, been working to the provisions of the Regulations, where this could be done without additional expenditure, even before they were applied. In the course of the eleventh half-yearly meeting (January 1936) between the Railway Board and the All-India Railwaymen's Federation, the Federation submitted that the Regulations should be given statutory effect on the Nizam's State Railway and Jodhpur Railways. The Chief Commissioner informed the Federation that the Indian Railways (Amendment) Act, 1930, was not applicable to railway servants who were subjects of Indian States work-

ing on railway lands within Indian States where jurisdiction over such lands had not been ceded to the British Government. During the twelfth half-yearly meeting (July 1936), the Federation observed that the Regulations had not yet been applied to the Bengal and North Western Railway. The Chief Commissioner replied that financial reasons still hindered the application of the Regulations to other railways.

*Lithuania.* — The Ministry of the Interior is not in a position to supply this year detailed information, such as texts of decisions given by courts, extracts from the reports of the Labour Inspectorate, and statistics as to the number and nature of the contraventions reported, etc. In order to obtain this information, the relevant services will have to be re-organised, and new standards will have to be set up for the presentation of the monthly reports of the labour inspectors, a task which there is no hope of completing before next year. The Ministry therefore finds itself obliged to supply only the following information of a general kind, which is all it has available at the moment: 1. Number of workers protected by Conventions No. 1 (Hours of work, industry), No. 4 (Night work, women), No. 6 (Night work, young persons), and No. 14 (Weekly rest, industry), during the year 1 October 1935 to 30 September 1936: men, 12,398: women, 7,261; children, 623. 2. Number of appeals relating to cases of infringement by employers of the laws which give effect to the Conventions: 3,839. 2,516 of these appeals were settled by the labour inspectors, 86 were referred by the inspectors to the courts, while 155 resulted in civil proceedings instituted before the courts by the workers themselves. The remaining appeals have not yet been decided. (The information given under 2. refers to the year 1 July 1935 to 1 July 1936.) During the year 10 September 1935 to 10 September 1936, the number of fines inflicted by the administrative authorities on employers for breaches of the law concerning employment of wage-earners in industry was 216. The authorities have not received any observations with regard to the application of the ratified Conventions either from employers' or workers' organisations.

*Luxemburg.* — It appears from a report of the factory inspectorate that, during the period under review, proceedings were instituted in two cases of infringement; in one case the courts founds the defendant guilty, in the other the defendant was acquitted.

*Portugal.* — The report states that the new legislation, which is strictly applied by means of rigorous inspection, 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 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 Twentieth Session to the effect that Portugal took a very serious view of its obligations under the Convention and that its provisions were not only fully embodied in the national legislation but had been very strictly applied in practice ever since Portugal ratified the Convention.

*Rumania.* — The legal measures which give effect to the provisions of the Convention are applied throughout the country. The labour inspectors indicate in their reports that small undertakings also respect the law, and that the number of cases of infringement discovered in small industrial workshops continues to decrease. This is moreover clearly shown by statistics, since in 1935 the number of cases of proceedings instituted by the labour inspectors for breaches of the provisions of the Act of 9 April 1928 relating to the employment of young persons and women and the regulation of hours of work was 768, while in 1936 the number fell to 586.

*Spain.* — 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. See also introductory note.

*Uruguay.* — The number of industrial workers protected by the law is about 103,000 salaried employees and wage-earning workers. During the year 1935 the labour inspection services made 50,439 visits (as against 58,872 in 1934). Infringements reported numbered 261 (312 in 1934); fines inflicted amounted to 3,380 pesos (5,422 pesos in 1934). No overtime has been worked. Neither the employers

nor the workers have submitted any observations with regard to the application of the provisions of the Convention or of the legislation which implements it.

## 2. Convention concerning unemployment.

This Convention came into force on 14 July 1921. The following table shows the States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935-30 September 1936 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	6. 4.1937
Austria . . . . .	12. 6.1924	21.11.1936
Belgium . . . . .	25. 8.1930	22.10.1936
Bulgaria . . . . .	14. 2.1922	23.11.1936
Chile . . . . .	31. 5.1933	4. 1.1937
Colombia . . . . .	26. 6.1933	25. 1.1937
Denmark . . . . .	13.10.1921	15. 1.1937
Estonia . . . . .	20.12.1922	26.10.1936
Finland . . . . .	19.10.1921	17.11.1936
France . . . . .	25. 8.1925	6. 2.1937
Great Britain . . .	14. 7.1921	10.12.1936
Greece . . . . .	19.11.1920	5. 1.1937
Hungary . . . . .	1. 3.1928	3.12.1936
India . . . . .	14. 7.1921	16.12.1936
Irish Free State . .	4. 9.1925	14.11.1936
Italy . . . . .	10. 4.1928	24. 2.1937
Japan . . . . .	23.11.1922	4. 2.1937
Luxemburg . . . . .	16. 4.1928	8. 2.1937
Netherlands . . . .	6. 2.1932	9.10.1936
Nicaragua . . . . .	12. 4.1934	
Norway . . . . .	23.11.1921	4.12.1936
Poland . . . . .	21. 6.1924	28.11.1936
Rumania . . . . .	13. 6.1921	22. 3.1937
Spain . . . . .	4. 7.1923	30. 3.1937
Sweden . . . . .	27. 9.1921	23.11.1936
Switzerland . . . . .	9.10.1922	31.10.1936
Union of South Africa	20. 2.1924	16.11.1936
Uruguay . . . . .	6. 6.1933	23.12.1936
Yugoslavia . . . . .	1. 4.1927	13.11.1936

The Government of *Colombia* states in its report that during the period covered by the report there has been little unemployment in the country. For this reason there was no need to keep the register for recording offers of employment and applications for work prescribed by Decree No. 837 of 1928. Moreover, this Decree has been replaced by Decree No. 666 of 1936, § 12 (23) of which prescribes that the National Labour Directorate shall keep itself informed of the state of the demand for, and supply of, labour in the different parts of the country. Further, the first official labour exchange has been established this year by the municipality of Bogota. The exchange deals with the placing of all workers in the capital and its operations are on a fairly large scale, owing to the fact that municipal undertakings are bound to make use of it when recruiting their staff. The report adds that, in view of the abnormal circumstances mentioned above, it has been impossible to reply to the various points contained in the report form. For the general information supplied by the Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Finland* states in its report that the Public Employment Exchanges Act of 27 March 1926 and the 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 have been superseded by the Act of 23 July 1936 and a Resolution of the Council of Ministers, the date of the coming into force of which was fixed at 1 January 1937. An Order of 23 July 1936 concerning placings effected by the Society of Hospital Nurses was also to come into force on 1 January 1937.

For the general information contained in a letter from the Government of *Greece*, dated 17 December 1936, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

For the general information supplied by the Government of *Spain*, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Uruguay* states in its report that Chapter IV of the Act of 11 January 1934 and its Administrative Regulations (Decree of 2 April 1934) provide for the creation of a national system of employment exchanges for the purpose of co-ordinating the supply of and demand for labour throughout the Repub-

lic. It has not yet been possible, however, to bring these provisions into force and to set up a system of employment exchanges. On 25 March 1936, the Minister of Industry and Labour laid before Parliament a Bill to amend the provisions of Chapter IV of the Act of 11 January 1934. This Bill provides, *inter alia*, for the extension of the activities of the labour exchanges, which, under the terms of the Bill, will be responsible for placing work in regard to all salaried employees and workers in industry without exception.

## 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.*

### *Argentine Republic.*

Act No. 8,999 of 8 October 1912 concerning the National Department of Labour.

Act No. 9,148 of 25 September 1913 concerning official labour exchanges.

Act No. 11,868 of 21 August 1934 concerning the unemployment census.

Act No. 11,896 of 28 August 1934 concerning the institution of a National Unemployment Board.

Act No. 12,101 of 29 September 1934 to amend Act No. 9,148 of 25 September 1913 (L. S. 1934, Arg. 2).

### *Austria.*

Social Insurance Act of 30 March 1935 (L. S. 1935, Aus. 2), amended by amending Act No. I of 1936.

Orders Nos. IV, V and VI issued in 1936 in pursuance of the above Social Insurance Act.

### *Belgium.*

Royal Order of 27 July 1935 to set up the National Employment and Unemployment Office, amended by Royal Order of 23 August 1935 (L. S. 1935, Bel. 10 A and B).

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

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

Various legislative and administrative measures 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 3), 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.

See also introductory note.

*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.

*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.)

Unemployment Insurance (Agriculture) Act, 1936 (L. S. 1936, 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.

*Greece.*

Act No. 5288 of 31 August 1931 respecting the regulation of the labour market (text of Decree of 8 October 1932—L. S. 1932, Gr. 7), amended 13 June 1935.

Decree of 19 November 1935 to establish advisory committees relating to public employment exchanges.

Ministerial Decree No. 88650 of 3 August 1936 to repeal the Ministerial Decree of 24 August 1935 concerning, *inter alia*, public employment exchanges.

Act of 28/31 October 1935 for the protection of ex-service men.

Various legislative measures relating to unemployment relief.

*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 1 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.

*Japan.*

Employment Exchange Act No. 55 of 8 April 1921 (L. S. 1921, Jap. 1-4), as amended by Act No. 12 of May 1936.

Imperial Ordinance No. 292 of 28 June 1921 for the enforcement of the Employment Exchange Act (L. S. 1921, Jap. 1-4), as amended by Imperial Ordinances No. 108 of March 1923, No. 240 of June 1925 and No. 275 of August 1936.

Regulations for the enforcement of the Employment Exchange Act, as wholly amended by Ordinance No. 29 of August 1936 of the Department for Home Affairs.

Imperial Ordinance relating to the organisation of the Bureau for Social Affairs, as amended by Imperial Ordinance No. 278 of August 1936.

Imperial Ordinance relating to the organisation of the Prefectural Offices, as amended by Imperial Ordinance No. 284 of August 1936.

Imperial Ordinance relating to the organisation of the Hokkaido Office, as amended by Imperial Ordinance No. 283 of August 1936.

Imperial Ordinance No. 281 of August 1936 for the organisation of the Employment Exchange Commission.

Regulations concerning the issue of warrants for the reduction of railway fares to persons placed by the employment exchanges (Notification No. 466 of August 1936 of the Department for Home Affairs).

*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).

*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).

*Spain.*

Act of 27 November 1931 concerning the establishment by the State of a national, public and free employment exchange system under the direction of the Ministry of Labour and Social Welfare (L. S. 1931, Sp. 17), amended by the Decree of 18 September 1935.

Regulations of 6 August 1932 concerning the development and application of the principles contained in the above-mentioned Act.

Decree of 25 May 1931 (which became an Act on 9 September 1931) setting up a service to organise insurance against involuntary unemployment.

Regulations of 30 September 1931 concerning the execution of the Decree which set up the National Unemployment Insurance Fund.

Act of 27 November 1931 respecting joint boards for labour (L. S. 1931, Sp. 15), amended and supplemented by the Act of 16 July 1935 and the Decree of 29 August 1935.

Order of 18 January 1934 addressed to the provincial boards concerning the creation of employment exchanges and registers.

*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, 27 February 1934 and 27 March 1936 relating to the Federal Act of 17 October 1924.

Federal Order of 13 April 1933 granting emergency assistance to the unemployed, extended by Federal Order of 11 December 1935.

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.*

Act of 11 January 1934 to make additions and adjustments in the pension system on the basis of the Pensions Fund for industry, commerce and the public services, Chapter IV (employment exchanges) (L. S. 1934, Ur. 1).

Decree of 2 April 1934 issuing administrative Regulations in pursuance of the above Act. See also 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.*

*Argentine Republic.* — The National Department of Labour sends regularly to the International Labour Office its *Boletín Informativo*, which contains at regular intervals a table showing the activities of the free public employment agencies attached to the Department. This table shows, by occupations and by trades, the applications for employment and vacancies notified, the vacancies filled and the wages paid, etc. With regard to unemployment statistics, the census taken in March 1936 showed a total of 333,997 persons unemployed. This figure is lower than that obtained in February 1935, owing to an improvement in the general economic situation.

*Belgium.* — Statistical information is transmitted with the least possible delay to the International Labour Office by means of the Monthly Bulletin of the National Employment and Unemployment Office and also by weekly notes and communications. With regard to the legislative provisions relating to unemployment (Orders, Circulars, Instructions, etc.), measures are taken to ensure that they shall be sent to the International Labour Office within three months at latest of their publication.

*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.

*Greece.* — The report states that Ministerial Order No. 88,650 of 23 April 1936 has revealed that of 24 August 1935, with the result that the public employment exchanges prescribed by the latter have not been able to operate, and it has therefore been impossible to collect information or statistics regarding 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.

*Japan.* — Notification No. 559 of March 1920 of the Department for Home

Affairs, and Notification No. 24 of the Bureau for Social Affairs of March 1924, addressed to the local Governors and directors of the Mine Inspection Offices, provide for the drawing up of reports relating to the dismissals and engagements taking place in factories or mines where more than 50 workers or miners are usually employed; and the Notification of the Bureau of Social Affairs of August 1929, addressed to the local Governors, directs that an enquiry and report on the conditions of employment is to be made in each Prefecture on the first of every month. These reports, together with the results of the operations of the employment exchange offices, are transmitted to the Office in accordance with the provisions of this Article, and with the resolution adopted at the Eighth Session of the International Labour Conference.

*Spain.* — See under *Convention No. 1 (Hours of work, industry)*, 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.* — The report states that for various reasons it has proved impossible to organise a scientific statistical system to provide information concerning unemployment in Uruguay and that at present the Government has no exact knowledge of the number of salaried employees and workers who are wholly unemployed or working short time, or of the proportion of those persons belonging to different sexes, trades or occupations. It may be noted, however, that the municipal authorities keep records of workers who are unemployed, but those records generally refer only to navvies and day labourers. Consequently, the only figures that can be offered concerning workers and employees who are out of employment refer to those groups of workers. The figures for 1935 and for the first six months of 1936 were 26,583 and 26,016 respectively. See also 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.

*Argentine Republic.* — (a) and (b). § 1 of Act No. 9,148 lays down that free public employment agencies shall be set up, directly dependent on the Employment Registry of the National Department of Labour (§ 5 of Act No. 8,999), as follows: two in the Federal Capital, one in each provincial capital and in each capital of the national territories, one in the town of Rosario and one at Bahia-Blanca. The report states that up to the present only one exchange has been set up, which is situated in the capital, but it receives applications for and offers of employment from the interior of the Republic. The report adds that, with a view to the ratification of the Convention, the Government has passed Act No. 12,101 of 1934 to amend Act No. 9,148. § 3 of the former Act prescribes that the Department of Labour shall take steps to co-ordinate on a national scale the operations of all free employment exchanges, whether public or private and whether national, provincial or municipal in scope. § 12 provides for the appointment by the National Department of Labour of a joint committee composed of three employers' and three workers' representatives, selected from candidates proposed by the most representative employers' and workers' organisations, with a representative of the Department of Labour as chairman. This committee is to be consulted on all matters concerning the working of the free employment agencies. During the period covered (1 October 1935-30 Sep-

tember 1936) the Employment Registry received 43,390 offers of and 22,234 requests for employment, and effected 19,377 placings.

(c) The Argentine Government considers that, in view of the present international economic situation, the moment is not opportune for launching a scheme for the co-ordination of various national systems of free employment agencies.

*Austria.* — (a) § 311 of the Social Insurance Act of 1935 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 1935 was 348,675; the number of vacancies notified during the same period was 236,787, and the number of posts filled was 228,082.

*Belgium.* — (a) and (b) The organisation of free employment exchanges in Belgium is regulated by the National Employment and Unemployment Office, which has at its head a Directing Committee, the employers' and workers' members of which are selected from the most representative

employers' and workers' organisations. 55 district offices work under the National Office, and to each of these is attached an employment exchange service. These district offices register persons seeking employment in any occupation, and are required to work in constant touch with the employers, in order to be able to satisfy the employers' offers of employment as quickly as possible and to procure work for unemployed persons. These offices are co-ordinated with each other by the District Compensation Service and are linked up with the Central Office at Brussels by the National Compensation Service. Any offer of employment which cannot be satisfied by a district office must be sent by this office to the other offices which belong to the system under the District Compensation Service. If none of these offices can provide the required labour, the district office which received the offer of employment sends it to the National Compensation Service, which informs the offices which are likely to have this form of labour on their books. An Advisory Committee works in close touch with each office, its duty being to settle disputes with regard to the registration of persons seeking employment and, in particular, disputes relating to occupational qualifications; it also gives advice on placing questions. These Committees include employers' and workers' members, chosen by the Minister of Labour and Social Welfare from lists of candidates submitted by the most representative occupational organisations of employers and workers respectively. A Medical Committee also operates in connection with each office for the purpose of examining medically unemployed persons who are insured. In addition to these 55 official employment exchanges, there are 28 free labour exchanges which have been set up by private initiative and which are recognised by the Ministry of Labour and Social Welfare at the suggestions of the National Office. These latter are subject to supervision by the National Office and must transmit to the National Compensation Service any offers of employment which they are unable to satisfy. The report states that, during the period 1 March to 31 July 1936, the official district offices received 43,063 offers of employment and effected 25,372 placings. The free labour exchanges effected 13,477 placings during the same period.

(c) Since the new Regulations with regard to employment exchanges have only been in force for a few months, the Belgian Government has not yet contemplated the co-ordination of the operations of the various national systems of placing by the International Labour Office. Further, the policy of national labour protection which is at present being followed by most States makes the realisation of an international system of co-ordination of placing opera-

tions extremely difficult at the present moment.

*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, which have been drafted by the General Labour Inspectorate, have been approved. With regard to dockers and seamen, river workers in the province of Valdivia, and workers in bakeries and similar establishments, however, the question is already settled by the fact that special employment agencies have already been set up under Decrees No. 399 of 5 May 1934, No. 551 of 8 June 1936 and No. 445 of 30 May 1936 respectively. The members of these committees are appointed by lot from lists submitted annually to the Governor of the appropriate department by the employers' and workers' organisations within his jurisdiction. The number of public employment exchanges is as follows: 70 for workers in general, 19 for dockers and 6 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 1936, which show that the number of applications for employment during the month was 5,998 (against 7,848 in August 1935), and the number of vacancies filled, 1,083 (against 790 in August 1935).

(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 1935, the number of free employment exchanges was 30. During the period from 1 April 1934 to 31 March 1935, these exchanges received 695,999 applications for employment and 75,531 notices of vacancies. The number of vacancies filled during the same period was 68,491.

*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 the period 1 August 1935-31 July 1936, the number of applications for employment received by the employment exchanges was 29,855, the number of vacancies notified was 30,907, and the number of vacancies filled was 20,883.

*Finland.* — (a) ... See also introductory note.

...

(c) Owing to the position of Finland international placing is not for the moment of much importance. Under the Order of 22 February 1933, when foreigners come to Finland and settle there the Government makes every effort to ensure that all available employment in the country should be reserved by preference for its own nationals. Labour permits are as a rule only granted to foreign workers in cases where there are no persons in the country with the appropriate qualifications to fill the vacant posts in question, or where special reasons may be considered to justify such a permit.

*France.* — (a) ... The report states that the system of public employment exchanges is developing more and more widely, and that at the present moment every department has a departmental office. In addition, a certain number of departments, owing to the results obtained by their offices, have proceeded to reorganise them. Up to 30 October 1935, the co-ordination of the working of the various departmental and municipal offices was ensured by seven regional labour offices, but a Legislative Decree of 30 October 1935 has suppressed these regional offices and has transferred their powers to the Labour Inspectorate. In future, therefore, the twelve divisional labour inspectors will be responsible for supervising the operations of the public employment exchange offices and ensuring liaison between them. At the present moment, the number of employment offices and exchanges in France is as follows: 90 departmental offices (1 in each department); 1,146 municipal exchanges (as against 1,120 last year), 675 of which are attached to departmental offices and operate as sections of these offices. In addition, 88 departmental offices have appointed local correspondents to develop their acti-

vities inside the department, more particularly in agricultural centres the activities of which are of insufficient importance of too transitory to justify the creation of permanent offices. The total number of such correspondents is 20,842, as compared with 19,738 last year. The number of vacancies filled in 1935 by the public employment exchanges was 1,193,817.

(b) The co-ordination of the public employment exchanges is ensured by the divisional labour inspectors; the supervision of the private offices was strengthened by the Act of 19 July 1928...

*Great Britain.* — (a) ... The report states that the number of free employment agencies is 1,216 (Great Britain, 1187, Northern Ireland, 29); the average number of applications for employment, 1,890,375 (Great Britain, 1,824,924, Northern Ireland, 65,451); the number of vacancies notified, 3,110,604 (Great Britain, 3,084,560, Northern Ireland, 26,044) and the number of vacancies filled, 2,651,965 (Great Britain, 2,628,443, Northern Ireland, 23,522).

*Greece.* — The report states, on the one hand, that the Act concerning free public employment exchanges is still in force but that it has not been applied, and, on the other hand, that Ministerial Order No. 88,650 of 3 August 1936 has repealed that of 24 August 1935, and therefore the public employment exchanges provided for in the latter cannot operate. This repeal is due to general reasons. A special free employment exchange office, set up under the Act of 28/31 October 1935 for the protection of ex-service men, has been able to operate since the beginning of the year 1936. It has been attached as a separate branch to the unemployment section and operates as a public service. The employment exchange work of this office is done by a committee which includes, *inter alia*, representatives of the Ministry of Labour and of the ex-service men. A second office of this kind has been set up in Salonika. Ministerial Order No. 88,650 permits private fee-charging employment offices to continue to operate. Nine of these offices are operating in Athens; they undertake mainly placing of domestic servants.

*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 1935 to 30 September 1936, the free public employment exchanges received 603,442 applications for employment and 188,478 notices of vacancies, and effected 165,702 placings. During 1935 the free agricultural employment exchanges received 104,227 applications for employment and 97,805

notices of vacancies, and effected 135,790 placings.

*India.* — (a) and (b) The provisions of the provincial famine codes deal adequately with the case of agricultural unemployment or unemployment among the rural population. Although the agencies employed under these codes are not permanent, but open and close as circumstances demand, the system is permanent. The rural unemployment relief schemes under the famine codes provide work for applicants and not merely information as to employment. The report states that the question of setting up urban agencies to cater specially for the industrial worker has been considered on more than one occasion, and the conclusion of the Royal Commission on Labour in India, based on reasons which appear to the Government to be cogent, was adverse to the institution of any general system of such agencies. The Government of India 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. During the year covered by the report, all Port Trusts in India were asked to examine the possibility of evolving a scheme of registration in consultation with the interests concerned, and their replies, together with remarks of the Local Governments concerned, are being examined by the Government of India. The delay in coming to a decision in the matter is due to the fact that the port authorities at all the major ports in India are opposed to the proposal and the view is held that the system proposed would not be beneficial to the workers.

(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: 123,705 on 28 October 1935; 129,403 on 25 November 1935; 133,319 on 30 December 1935; 144,764 on 27 January 1936; 141,858 on 24 February 1936; 123,336 on 30 March 1936; 116,621



on 27 April 1936 ; 109,185 on 25 May 1936 ; 70,274 on 29 June 1936 ; 68,959 on 27 July 1936 ; 67,045 on 31 August 1936 ; and 68,278 on 28 September 1936. During the twelve months under review, 90,415 vacancies were notified and 71,558 filled.

*Italy.* — (a) Under the various Decrees the placing of unemployed workers free of charge is effected by special offices for each class of workers ; these offices have a national, inter-provincial or provincial jurisdiction, and are attached to the trade unions. 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 employment exchanges, in order to co-ordinate and regulate the question on a fundamental basis. The report states that in 1936 the number of provincial employment offices was 94 and that there were 4,921 local sections. The placings effected by these offices in 1936 were as follows : agriculture, 7,084, 199 ; transport industry, 1,802,490 ; commerce, 208,122. The national employment exchange for persons employed in cleaning and harvesting rice and in harvesting olives and corn effected 6,981,536 placings in 1936, and in the same year the national employment exchange for persons employed in theatrical undertakings effected 237,627 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) In Japan, a system of free employment exchanges has been established since July 1921, in accordance with the Employment Exchange Act. According to this Act, the establishment of employment exchanges is assigned to the cities, towns and villages, as well as to the local prefectures and Hokkaido prefectures. These cities, etc., have full liberty to establish on their own initiative such exchanges, but, in virtue of the Imperial Ordinance, the Minister for Home Affairs may direct such cities, towns and villages to establish employment exchanges. Bodies other than prefectures, cities, towns and villages can establish employment exchanges with the authorisation of the Governor. All these exchanges, established by virtue of this Act, must carry on their duties free of charge, and are not allowed to accept reward in any form whatsoever.



The Employment Exchange Commission was established in accordance with an Imperial Ordinance as an organ of consultation under the control of the Minister for Home Affairs. The central and local employment exchange commissions, which formerly were annexed to the central and local exchange bureau, were abolished. The Commission is composed of a Chairman and members, whose number is not to exceed 20, and in case of necessity there may be temporary members. The chairmanship is confined to the Minister for Home Affairs. The members, whether permanent or temporary, are nominated by the Cabinet of Ministers, pursuant to the recommendation of the Minister for Home Affairs. §§ 2 and 3 of the Imperial Ordinance for the organisation of the said Commission provide that the members representing the employers and employees are to be equal in number. In addition to the above-mentioned, the prefectural, city, town, and village authorities may establish a Commission, with a view to assisting the local Governor, the mayor, or the chief of the village in the administration and operation of the exchanges, and to answer their queries. The number of members, the organisation and operation of the Commission as well as the nomination of the members, is to be decided by the Governor, mayor or village chief. The Commission should have an equal number of members representing the interests of both employers and employees, except in circumstances where this is rendered impossible. The authorities are by no means obliged to consult the organisations of employers or workers in nominating members representing their respective interests. On 30 September 1936 there were in Japan 693 public employment exchanges. During the period 1 October 1935 to 30 July 1936, the public employment exchanges registered, so far as ordinary workers are concerned, 1,707,914 offers of employment, 1,494,436 requests for employment, and 681,695 placings effected. The corresponding figures for the casual workers are as follows: 10,661,574 offers of employment; 11,739,348 request for employment; and 10,508,876 placings effected.

(b) In Japan, there are two kinds of free public employment exchanges: one established by the local authorities, the other by private organisations. These exchanges, without distinction, are subject to the control of the local Governor who supervises and co-ordinates their activities in accordance with the regulations for the application of the Employment Exchange Act, as amended in August 1936.

*Luxemburg.* — (a) . . . in 1935, the Luxemburg Labour Exchange registered 10,337 offers of and 15,314 demands for employment, and effected 7,546 placings. The corresponding figures for labour

exchanges in Esch-sur-Alzette and Diekirch are as follows: 6,480; 7,790; and 5,347; 4,861; 5,815; and 4,126.

*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, 67 communal exchanges in Upper Silesia, 1 employment exchange for dockers

and 1,078 registration offices in the communes. These exchanges found employment for 508,433 workers between 1 October 1935 and 30 August 1936. The number of unemployed persons seeking work who were registered with the exchanges numbered 264,863 on 15 September 1936.

(b) ... The number of employment agencies carried on by social organisations during the period under review was 147. These agencies received 61,466 applications for employment and 39,739 notices of vacancies, and effected 29,218 placings. The number of fee-charging agencies during the same period was 11, as against 12 in 1935. These agencies, one of which was for theatrical artists, 3 for agricultural workers, and 7 for all professions except domestic service, received 7,095 applications for employment and 4,116 offers of employment, and effected 3,228 placings...

*Rumania.* — (a) In application of the Employment Exchanges Act of 22 September 1921 public departmental employment exchanges have been established in the towns of chief commercial and industrial importance. On 30 September 1934, there were 33 departmental and also two communal exchanges... During the year 1936, employment was found for 90,266 persons; the numbers of applications for and offers of employment were respectively 112,765 and 114,348.

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

(b) and (c) ...

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

*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 1936 the number of public employment exchanges was 29, controlling 29 employment offices and 126 branch offices, 4 of which were engaged in finding employment for seamen. About 820 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 1935 to 30 September 1936, the number of applications for employment was 1,108,855, the number of vacancies, 425,092, and the number of placings, 296,252.

(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. The Act lays down that 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 adds that some attempt has been made to achieve the required co-ordination, but so far without definite results.

*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 important communes. The public employment exchange system now covers the whole territory of the Confederation, and may be considered, on the whole, to be working satisfactorily. Every year regional conferences and a general assembly are held, in which the directors of the labour exchanges and their principal

colleagues may exchange experiences and thus improve the technique of placing. Further, placing is tending to lose its mechanical character and is being brought more closely into touch with industrial and commercial conditions. 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 1935 to 31 August 1936: applications for employment, 360,228; vacancies notified, 116,611; vacancies filled, 96,044.

(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 3,741 offers of employment (603, 2,386 and 752) and 12,173 applications for employment (2,508, 8,736 and 929), and effected 1,840 placings (184, 1,132 and 524). In addition, a joint committee of enquiry has been set up for singers and actors, to which is attached a registry office, and this office undertakes to collect all possible information with regard to the supply and demand of work in the above professions and also to facilitate placing so far as possible. The office is also worked on a joint basis, and is under the supreme supervision of the Federal Office. The Order of 11 November 1924 lays down that the Federal Department of Public Economy shall take the necessary steps to co-ordinate the activities of free public and private employment

exchanges. Some employers' or workers' organisations collaborate in the monthly statement upon the situation of the Swiss labour market. In addition, the daily bulletin prepared by the Federal Office is communicated, whenever it contains information likely to interest them, to all the employers' or workers' organisations. In order to facilitate and promote cooperation between public and private employment exchanges, the Federal Office has supplied the public exchanges with a list of the employment exchanges carried on by employers' and workers' occupational associations, with a recommendation to the public exchanges to cooperate as far as possible with the latter. Finally, the Federal Office has published a list of occupational associations in Switzerland, which should serve, *inter alia*, as a basis for the investigations which the public services and the occupational associations are called upon to undertake, in particular with regard to placing.

*Union of South Africa.* — (a) ... In rural areas, there were about 150 post office exchanges under postmasters still in operation at the end of September 1936. The Government employment exchange system has been enlarged by the appointment of 13 departmental welfare officers stationed in rural areas, who have taken over the employment activities of the post office exchanges in their areas. These welfare officers have also undertaken the duties of the secretaries to the Church Poor Relief Committees and are full-time Government officers. 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 continued. The Church Poor Relief Committees, together with the Sub-Committees, which are under their control, have superseded the post office employment exchanges in certain rural 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.* — The Act of 11 January 1934, Chapter IV (employment exchanges) provides in § 17 that the Minister of Labour shall organise in the chief town of each Department and within the framework of the Fund employment exchanges for the purpose of co-ordinating the supply of and the demand for labour and to find work for workers and salaried employees who are involuntarily unemployed. Under § 18, the necessary staff for the working of these exchanges shall be provided from the staffs of the public services. § 19 provides that the system of employment exchanges shall apply : (a) to the workers and salaried employees of all undertakings affiliated to the Fund ; (b) to the workers employed in all the offices of the State, municipalities and decentralised services, and also to staff employed on public works carried out by the Government or by contract. Exceptions to the above are permitted for technical staff and persons occupying confidential posts or positions of management. § 21 lays down that the placing operations shall be free. § 23 provides that to each employment exchange shall be attached a supervisory committee composed of three members, one of whom shall be the chairman, and the two others representatives of the workers and employers respectively. § 24 lays down that employers' and workers' associations which are corporate bodies shall be entitled to appoint delegates to supervise all the operations of the exchanges. If the delegates in question notice any irregularity or carelessness, they may submit the case to the competent supervisory committee with the possibility of appeal to the Ministry of Labour. § 25 provides that the operations of the labour exchanges shall be centralised and co-ordinated by the National Employment Exchange Office, which shall operate at Montevideo and shall be directly attached to the Ministry of Labour. See also introductory note.

*Yugoslavia.* — (a) ... At the end of September 1936 the number of employment exchanges was 26, including 6 central provincial offices. During the period from 1 October 1935 to 30 September 1936, these offices registered 633,424 unemployed workers ; 32,035 vacancies were notified and 25,679 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 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.*

*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.*

*Argentine Republic.* — There is no system of unemployment insurance in the Argentine Republic.

*Austria.* — The provisions of the Social Insurance Act of 30 March 1935 make no distinction between foreigners and nationals as regards unemployment insurance . . . The Austrian Government is at present negotiating with the Swedish Government on the question of applying to Austrian nationals the provisions with regard to unemployment relief which are in force in Sweden. The negotiations are almost concluded.

*Belgium.* — Arrangements on unemployment questions, based on a system of complete reciprocity, have been concluded by Belgium with the Grand Duchy of Luxemburg, France and the Netherlands. Negotiations have also been undertaken with Poland, but they have not so far achieved any result. Nevertheless, it is proposed to undertake negotiations shortly with other countries. In the absence of such arrangements foreign workers are not admitted to the unemployment insurance system in Belgium. Those who were insured against unemployment before 5 January 1933, however, have continued to enjoy the benefits of the insurance, but their rights have been limited to the benefits provided by the rules of their Fund.

*Bulgaria.* — The report states that Bulgaria has not as yet made any arrangements such as are prescribed by this Article with any other Members which have ratified the Convention.

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

*Colombia.* — See introductory note.

*Denmark.* — . . . Negotiations are being carried on with Sweden with a view to concluding a convention by which Sweden will engage, if a corresponding obligation is undertaken by Denmark, to grant Danish citizens equal rights with Swedish citizens to benefits from Swedish unemployment funds recognised by the State. As a result of negotiations, the Belgian Government has stated that Danish workers registered before 31 May 1933 as members of the Belgian unemployment fund may continue their membership; the Belgian Government has not, however, found it possible to consent to conclude a convention between Denmark and Belgium with regard to reciprocal aid to needy employed persons. With regard to the French Government, the Danish Government has raised the question as to the possibility of concluding a convention to establish equal treatment between the citizens of the two countries in respect of unemployment relief, i.e., relief for the citizens of either country who are in the territory of the other country.

*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.

*Great Britain.* — . . . During the year the question of embodying in a formal instrument the principle of non-discrimination against one another's nationals was

the subject of negotiation with the French Government. The negotiations continue. 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.

*Greece.* — The report states that no system of unemployment insurance has been established, and that, in consequence, Greece cannot enter into any negotiations for making arrangements with other States Members of the Organisation.

*Irish Free State.* — . . . No negotiations were undertaken during the year covered by the report with other Members which have ratified the Convention with a view to making arrangements upon agreed terms as provided in this Article.

*Poland.* — A Belgian Royal Order of 1933 cancelled the membership of foreigners who belonged to unemployment insurance funds and this restriction also applied to the nationals of States Members which have ratified this Convention. The Polish Government therefore opened negotiations with the Belgian Government with a view to concluding an arrangement in accordance with the provisions of this Article. These negotiations (Brussels, 4-9 March 1935) have not so far achieved any definite results. The Belgian delegation stated that Belgium could refuse to Polish nationals all allowances to which the National Emergency Fund contributed (and this involved most of the allowances under the Belgian unemployment insurance system), by considering these allowances as relief, and that, until an arrangement to that effect had been concluded, the Belgian Government did not consider itself bound by the provisions of the Convention, even in so far as concerned allowances in respect of which the Belgian Government recognised in principle the obligation to grant Polish nationals equality of treatment. Polish nationals have therefore been excluded up till now from the unemployment insurance funds. Considering that this divergence of views with regard to the application of the Convention was based on a difference of interpretation, the Polish delegation expressed the opinion that it would appear desirable, in order to arrive at a definite solution of the dispute, to submit it by common agreement

to the International Labour Office, whose opinion on the question would be recognised in advance by both Governments as binding. The Belgian Government took note of this statement without adopting any definite position with regard to it. On 4 July 1935, the Polish Legation at Brussels addressed a note to the Belgian Government requesting it to examine the problem once more before Poland took any further steps in the matter and, in particular, before Poland informed the International Labour Office of the "progress and results of these negotiations" in accordance with the obligations incumbent upon States Members which have ratified the Convention. The Belgian Government has not yet taken up any definite attitude with regard to this note. The Polish Government adds that it considers it desirable that a prompt and definite solution should be found of the existing fundamental doubts, both as regards the scope of the legislation covered by the Convention and as regards the question whether Governments may invoke the absence of bilateral arrangements on the subject as a reason for excluding nationals of States Members which have ratified the Unemployment Convention from their system of unemployment insurance. 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.* — The legislation concerning optional unemployment insurance, which was promulgated on 15 June 1934, having come into force at the beginning of the year 1935, the Government has opened negotiations with a number of other States with a view to making arrangements such as are prescribed in this Article of the Convention. These negotiations have so far resulted in the conclusion of only two arrangements, one with Switzerland and the other with Czechoslovakia. A Royal Decree of 5 December 1936 lays down the methods of application of these arrangements. With regard to other measures of unemployment relief, agreements have been concluded by Sweden with Denmark, Norway, Germany, Switzerland and Czechoslovakia, under which the nationals of any one of these countries are authorised to receive, when on the territory of the other party to the agreement, the same treatment as national workers.

*Switzerland.* — In accordance with the constitutional principles in force, it is the cantons who assist unemployed workers in the first place. The Confederation, however, takes its share in a general way by means of subsidies. This is particularly

the case as regards unemployment insurance and emergency relief to the unemployed, which have been introduced into a large number of cantons since the year 1932. The legal sanction for unemployment insurance, as far as the Confederation is concerned, depends on the Act of 17 October 1924, which is an Act for granting subsidies. Under this Act the Confederation grants a subsidy to recognised funds under certain conditions, the subsidy being calculated in relation to the amount of compensation paid out by the funds in question. The cantons, who are competent to legislate in matters of relief to the unemployed in the first place, have also contributed to a great extent to the development of unemployment insurance in Switzerland. At the end of September 1933 the 25 cantons, with the exception of Oberwalden, which has as a rule very few unemployed, had passed legislative provisions concerning unemployment insurance. 13 of these cantons have introduced measures for compulsory insurance, and grant subsidies to unemployment insurance funds recognised by the Confederation; the remaining 11 cantons merely grant subsidies to the funds. Foreign workers are assimilated to nationals in all respects. Nevertheless, § 11 of the Act provides that the Federal Council may refuse or reduce subsidies in the case of foreign workers belonging to a State which does not grant equality of treatment to unemployed of Swiss nationality or does not apply equivalent measures against unemployment. The report adds that in 1926 the Swiss Government approached the States which had ratified the Convention, and which had established systems of insurance against unemployment, in order to ascertain whether they were willing to grant to Swiss citizens established in their territories absolute equality of treatment as regards insurance against unemployment, or whether they intended to make the treatment to be accorded to Swiss citizens dependent upon certain conditions. Up to 30 September 1936 an agreement has been concluded with Italy, and arrangements have been made, by an exchange of notes, with Austria, Denmark, Germany, Great Britain (England, Scotland and Wales), Poland, the Irish Free State, Belgium and Sweden. 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.

*Uruguay.* — There is no legislation dealing specifically with unemployment insurance. § 69 of the Act of 11 January 1934, however, provides that all persons under the age of 40 years who are pensioned off shall be considered as having a right to unemployment relief. This provision is at present suspended because no unemployment exchanges have been set up, but from the moment when it comes into force it will be applied without distinction of nationality, equality of treatment being granted to national and foreign workers. See also 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 35 of the Constitution of the International Labour Organisation (Article 421 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace), please indicate, in 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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 Belgian Government has not yet contemplated the application to the *Belgian Congo* of the provisions relating to unemployment insurance.

*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 1936, the departmental and municipal employment exchanges in *Algeria* effected 8,096 placings and registered 29,963 applications for employment and 11,109 notices of vacancies. 21,867 applications for employment were not satisfied and 3,011 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. Owing to various practical difficulties, no unemployment relief has been distributed to the unemployment 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. 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. On the other hand, in addition to those established in the Chamber of Commerce of *Hanoi* and *Sargan* in conformity with the Act of 6 November 1929, there exist strictly speaking no employment exchanges in the other French Colonies. Labour offices have been organised in *New Caledonia* (local Act of 8 December 1899), in *Madagascar* (Decree of 22 September 1925) and in *French West Africa* (Act of 29 March 1926), which, among other operations, collect and analyse the demands for manual labour. So far as unemployment relief is concerned, the international unemployment Convention has been applied neither to Colonies under the French Ministry for Colonies, nor to protected territories, nor to mandated territories under the control of the French Ministry for Foreign Affairs.

*Great Britain.* — . . . *General observation:* His Majesty's Government in the United Kingdom are fully alive to the necessity for reviewing the position in the Colonial dependencies having regard to social and industrial developments. The Govern-



ment of each of the Colonial dependencies is required to furnish His Majesty's Government with an annual report on the progress made in applying the provision of the Conventions. The question of the application of the Conventions or the extension of their application in the light of changing circumstances is therefore constantly under review.

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

*Japan.* — ... I. *Chosen (Korea)*: 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 1935, there were 13 free public employment exchanges and 67 fee-charging exchanges. The public exchanges registered 30,364 vacancies notified and effected 41,833 placings. The corresponding figures for the fee-charging exchanges were as follows: 1,811, 1,635 and 1,213. A new general enquiry with regard to the employment situation was made on 1 October 1935. II. *Taiwan (Formosa)* ... III. *Karafuto (Saghalien)*. The actual circumstances in *Karafuto* do not permit of the application of the Employment Exchange Act, Ordinance and Regulations relating thereto. But foundational Judicial Person is established by Imperial Donation (*Karafuto Onshi Zaidan*) and is entrusted with the supervision of employment exchanges, and besides four other public exchanges established by private persons have shown good results. The authorities take measures to help these exchanges. During 1935, 3,156 persons

were offered employment, 3,622 applied for employment, and 2,529 placings were effected. IV. *Kwantung Leased Territory*. In 1935 the free employment exchanges registered 1,220 offers of employment, 2,047 demands for employment and 621 placings effected. In November 1935, the South Manchurian Railway Company established a free exchange in *Mokadan*. Besides this, five other private organisations engaged in social work, deal, among other matters, with the work of labour exchange without charging fees. Since August 1923, the *Dairen Kaimu Kyokai* (a maritime association) a corporate judicial person, is engaged in placing, free of charge, seamen in employment in accordance with the principles of the Seamen's Employment Exchange Act. This association, during 1935, effected 1,183 placings (1,183 offers of employment and 1,212 applications for work). V . . .

*Netherlands.* — While there is no legislation in the *Netherlands Indies* on employment finding or unemployment insurance, effect is given to the main provision of the Convention by labour exchanges, of which there were, in September 1936, eight large and nine small, and by 27 labour exchange officials. . . . 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.*

*Argentine Republic.* — The application of the relevant legislation is in the hands of the National Department of Labour, which also supervises the operations of the commercial employment agencies in the capital and in the national territories.

*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 Acts and Orders is entrusted to the National Employment and Unemployment Office. The carrying out of some provisions is, however, the work of the Department of Labour and Social Welfare as, for example, the provisions relating to the recognition of unemployment funds, free labour exchanges, labour camps, etc. the enforcement of certain sanctions, the establishments of committees for complaints, decisions and appeals on unemployment questions, and of consultative committees attached to the employment exchanges. The operations of the National Employment and Unemployment Office are supervised by three Government commissioners, who have unlimited rights of supervision.

*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.* — See introductory note.

*Finland.* — Supervision of the application of the provisions of the Act, of the Order, and of the Resolutions of the Council of Ministers with regard to employment exchange work, is entrusted to the Labour Section of the Ministry of Social Affairs, and more directly to the referendary adviser of the Ministry who, under the Order of 16 January 1935 concerning the institution and modification of some of the functions of the Ministry of Social Affairs, fulfils the duties which, under the Resolution of the Council of Ministers of 22 April 1926, formerly belonged to the inspector of employment exchanges.

*Greece.* — The application of the legislative provisions etc. lies with the members of the Factory Inspectorate, the special employees of the insurance funds, the benefit boards, and the police. See also under ARTICLE 1 and 2.

*Japan.* — The authorities entrusted with the application of the legislation relating to employment exchanges were until recently the Minister of Home Affairs and the directors of the central and local employment exchange bureaux. Since 1 September 1936, when the revised Employment Exchange Act was put into force, the Minister of Home Affairs and the local governors are the authorities in charge of application. The number of officials was increased in the section of professions of the Bureau of Social Affairs in order to deal with matters entrusted to the Minister of Home Affairs. As for matters entrusted to the local governors, a new section called the Section of Professions was created in the Division of Education of the following prefectures: Hokkaido, Tokyo, Kyoto, Osaka, Kanagawa, Hyogo, Niigata, Nagano, Aichi, Hiroshima and Fukuoka. In other prefectures, officials who have specialised in questions relating to employment exchange work were engaged to be attached to the Section of Social Affairs. The authorities order the exchanges to submit their reports or books relating to their business, or they take measures such as inspection of the management or accounts. When it is considered necessary for the effective application of the legislation, they send instructions or notifications to the directors of the exchanges prescribing to them the principles on which the exchanges should base their activities; or they hold conferences of the staff in order to co-ordinate the business. In this way all means are adopted to render the application of the law as efficient as possible.

*Poland.* — The supervision of employment exchanges is carried out, in pur-

suance 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.

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

*Sweden.* — ... The Labour Departments and the local police authorities are responsible for supervising the application of the Act of 18 April 1935, which contains certain provisions with regard to placing (private).

*Uruguay.* — The report states that the employment exchange offices are supervised by the National Labour Institute and its branches. See also introductory note.

## V.

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

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

The remaining reports supplied do not mention any such decisions.

## VI.

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

*Please state whether you have received from the organisations of employers 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.*

*Argentine Republic.* — The report does not refer to this point.

*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.* — Employment-finding for workers in theatrical undertakings has been entrusted up to the present to the impresarios. The official employment exchanges have not so far been able to undertake the work of employment-finding for this special class of worker, which is often composed of foreigners, the placing of whom is effected by theatrical agencies. No observations have been made by organisations of employers or workers concerning the practical application of the Convention.

*Bulgaria.* — The number of theatrical undertakings is 160, the number of workers employed in them is 2,500, and the number of unemployed is 200. No observations have been received from employers' and workers' organisations with regard to the application of the provisions of the Convention or of the national legislation which implements it.

*Chile.* — The reports of the labour inspection officials in charge of the employment exchanges show that the exchanges are working normally and without any difficulty throughout the whole country. A Circular of 28 October 1935, issued by the General Labour Inspectorate, lays down rules for its various services, with a view to making the work of the employment exchanges more effective. Further, a printed communication, offering the services of the principal employment exchange in Santiago, was sent in 1935 by the General Labour Inspectorate to some 10,000 industrial and commercial firms, with satisfactory results. Neither the employers' nor the workers' organisations concerned have made any observations concerning the practical application of the provisions of the Convention or of the legislation to give effect to it.

*Colombia.* — See 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 a letter of 30 October 1936 accompanying the annual reports the Government states that it is impossible to undertake special enquiries every year with regard to the application of Conventions. Consequently the Government has to be content with information either supplied by regular current statistics, or collected in some other way by the authorities.

*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.

*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 1935. 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.

*Greece.* — See under ARTICLES 1 and 2.

*Hungary.* — The report does not refer to this point. See, however, under ARTICLE 2.

*India.* — The All-India Railwaymen's Federation, at the half-yearly meeting held between the Railway Board and the Federation, in July 1936, referred to the Unemployment Convention, and contended that, under the Convention, the Government were under an obligation to supply all available information every three months. The Chief Commissioner said that the collection of information referred to the action to be taken by Provincial Governments, who sent up a list to the Government of India detailing the number of people employed on famine relief work, etc., which was in turn sent to the International Labour Office, but it was not the responsibility of the Railway Department to collect any information. The report adds that no other representations regarding the Convention have been received by the Government of India.

*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 indicates that the number of free employment exchanges which was 94 in July 1921 increased to 693 by 30 September 1936. Employment exchanges specialised for dealing with particular categories of workers and those with specialised branches, as well as seasonal employment exchanges or temporary exchanges, have been established. The number of special agencies on 30 September 1936 as follows:

	Specialised agencies	Agencies maintaining specialised branches
Casual workers	62	30
Women	8	11
Young persons	2	8
Intellectual workers	1	7
Skilled workers	—	2
Ex - soldiers	—	4
Korean workers	4	—
Total	77	62
Seasonal agencies	27	
Temporary agencies	47	

The employment exchanges endeavour to meet the supply and demand of labour in general, and a special effort is made to supply the workers registered as needing relief (namely, the unemployed) with work in the various public enterprises undertaken with a view to relieve unemployment. No statistical information is available concerning the finding of employment for employees in theatrical undertakings. With regard to the employment exchange undertakings charging fees, as well as those carried on for pecuniary purposes, the Regulations for the control of employment exchange undertakings carried on for commercial purposes (Ordinance No. 30 of the Ministry of Home Affairs) were enacted in December 1925 and came into force on 1 July 1927. According to these Regulations, no one can open a new exchange for commercial purposes without an authorisation of the local Governor. But in reality the authorities adopt the policy of refusing such authorisation except in special circumstances, such as in the case of succession. 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 the Convention.

*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 un-

employment and placing is to be found in the annual reports of the State Unemployment Insurance and Employment Exchange Service. No infringements have been reported. No observations from employers' or workers' organisations regarding the practical application of the Convention have been brought to the notice of the Ministry of Social Affairs.

*Norway.* — The report states that no infringement of the relevant legal provisions has been reported during the period under review. No special provisions have been taken with regard to workers employed in theatrical undertakings. Such workers are entitled to apply to employment exchanges, but in practice their placing is done by private agencies. 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. It adds that the number of unemployed has diminished considerably as compared with

that of the previous years. Thanks to the measures taken by the Government, business recovery can now be considered to be general in industry and commerce. It has often been stated in recent months that unemployment among intellectual workers has appreciably increased. In order to ascertain the real position and take appropriate measures, the Government started, on 1 March 1937, a general census of unemployment among intellectual workers in the whole country. The results of this census will be communicated to the International Labour Office, as soon as they are known.

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

*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 artistes 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.* — During the period 1 August 1935-31 August 1936 the Artistes' Agency at Belgrade received 2,295 offers of employment and effected 2,280 placings.

### 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 States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935-30 September 1936 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	6. 4.1937
Brazil. . . . .	26. 4.1934	
Bulgaria . . . . .	14. 2.1922	23.11.1936
Chile . . . . .	15. 9.1925	4. 1.1937
Colombia . . . . .	20. 6.1933	25. 1.1937
Cuba . . . . .	6. 8.1928	2.12.1936
Greece . . . . .	19.11.1920	5. 1.1937
Hungary . . . . .	19. 4.1928	3.12.1936
Latvia . . . . .	3. 6.1926	28.12.1936
Luxemburg . . . . .	16. 4.1928	8. 2.1937
Nicaragua. . . . .	12. 4.1934	
Rumania . . . . .	13. 6.1921	22. 3.1937
Spain . . . . .	4. 7.1923	30. 3.1937
Uruguay . . . . .	6. 6.1933	23.12.1936
Yugoslavia . . . . .	1. 4.1927	13.11.1936

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

The Government of *Colombia* stated in its report for the year 1 October 1934-30 September 1935 that Colombia was an essentially agricultural country and its economic development was only just beginning to reach an advanced stage. The economic and industrial tradition of the nation had not so far permitted complete enforcement of this Convention. In certain industrial undertakings and establishments, however, pregnant women were protected before and after childbirth. As had already been stated in previous reports, the Government of Colombia had submitted to Congress, for its consideration, a draft Labour Code in which the essential provisions of the Convention were included, but the exacting nature of legislative activity had so far delayed examination of this measure. § 2 of the Colombian Act No. 18 of 1924, although 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. In its report for this year, the Government states that the situation is unchanged, and that there is nothing to add to the previous statements. For the general information supplied by the Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Greece* states in its report that Act No. 6298 concerning social insurance, which will be in force

very shortly, provides for the payment of an allowance for a period of six weeks before and six weeks after confinement. The Act only lays down the general principle, however, without fixing the less important details of application. A Bill, the publication of which is both certain and imminent, will put an end to all discrepancies between the Convention, the Act concerning social insurance, and the Act concerning the employment of women and young persons. It is intended to include in that Bill a provision stating explicitly that a woman wage-earner shall retain her post during any absence due to confinement. In cases of miscarriage, or where a mistake has been made by the doctor with regard to the date of confinement, provision is also made for an extension of the leave of absence, if a medical certificate is supplied; further, provision is made for time off for nursing the child. The Legislative Decree of 29 June 1934 to amend some of the provisions of Act No. 6298 by separating sickness insurance from invalidity, old-age, and survivors' insurance, provides in its § 8 (1) that the amount paid by the insured woman shall be 25 per cent. of the whole cost of the benefits (i.e. attendance by a midwife or doctor, and medicaments). For the general information contained in the Government's letter of 17 December 1936, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

For the general information supplied by the Government of Spain, see under *Convention No. 1 (Hours of work, 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 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.*

*Argentine Republic.*

Act No. 11,317 of 30 September 1924 to regulate the employment of women and young persons (L. S. 1924, Arg. 1).

Act No. 11,932 of 29 September 1934 to amend § 15 of the preceding Act (L. S. 1934, Arg. 1 B).

Act No. 11,933 of 29 September 1934 concerning the employment of women before and after childbirth (L. S. 1934, Arg. 1 A).

Decree No. 80,229 of 15 April 1936 to issue regulations under the preceding Act (maternity fund for women workers and employees) (L. S. 1936, Arg. 1).

*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 No. 442 of 20 March 1925 respecting the welfare of working mothers and respecting crèches (L. S. 1925, Chile 3 A).

Decree No. 345 of 28 May 1925 [to approve the Regulations for the administration of Legislative Decree No. 442 of 20 March 1925] (L. S. 1925, Chile 3 B), superseded by Decree No. 576 of 30 April 1935.

Decree No. 34 of 22 January 1926 promulgating the text of Act No. 4054 respecting insurance against sickness and invalidity, as amended to date (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. 781 of 28 December 1934 [concerning the employment of women before and after childbirth] (L. S. 1934, Cuba 5), amended by Legislative Decrees No. 114 of 23 April 1935 and No. 147 of 14 August 1935 (L. S. 1935, Cuba 9).

Decree No. 787 of 5 April 1935 (L. S. 1935, Cuba 1) [to repeal Decree No. 2761 of 19 October 1934 and to issue in lieu thereof regulations for the administration of Legislative Decree No. 781 of 28 December 1934 concerning the employment of women before and after childbirth].

Legislative Decree No. 472 of 23 December 1935 extending the rights granted under Legislative Decree No. 781 to women employed by State, provincial, or municipal authorities.

Various administrative Decrees and Orders of dates from 18 February 1935 to 31 July 1936.

*Greece.*

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

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

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

See also introductory note.

*Hungary.*

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

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

Act No. V of 1928, respecting the protection of children, young persons and women employed in industry and in 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 industry and in 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 supplementing certain provisions of Act No. XXI of 1927.

*Latvia.*

Sickness Insurance Code, 1922 (L. S. 1922, Lat. 2), amended and supplemented 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).

*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.*

Act of 6 April 1934 to approve with amendments a draft Children's Code (L. S. 1934, Ur. 4).

*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, Yug. 5).

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

Circular issued by the Minister of Social Affairs and Public Health concerning the Childbirth Convention.

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.*

*Argentine Republic.* — Under §13 of Chapter III (Protection of maternity) of Act No. 11,317, the provisions of the Act apply to industrial or commercial establishments, whether in town or country, and whether public or private. Under §1 of Act No. 11,933 the provisions of the Act apply to industrial and commercial undertakings or dependencies thereof of whatever nature, rural or urban, public or private, not excluding undertakings for vocational training or charitable undertakings. §16 of the Decree of 15 April 1936 reproduces, with slight variations, the terms of this Article of the Convention.

*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.

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

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

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

*Uruguay.* — The report states that Uruguayan legislation with regard to this Convention covers all industrial and commercial activities. No statement is made in regard to the last paragraph.

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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.

*Argentine Republic.* — The report states that the national legislation refers to all women workers and employees employed in industrial and commercial undertakings, and is interpreted in such a way as to be in complete harmony with this Article of the Convention.

*Colombia.* — See introductory note.

*Cuba.* — § XIII of Legislative Decree No. 781, amended by Legislative Decree No. 114 of 23 April 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.

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

*Uruguay.* — The report states that, for the purposes of this Convention, Uruguayan legislation takes no account of the age or nationality of the woman, or of whether she is married or unmarried.

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.

*Argentine Republic.* — (a), (b) and (c). § 13 of Act No. 11,317 of 30 September 1924 lays down that a woman shall not be employed during the six weeks following her confinement in industrial or commercial establishments or dependencies there-

of, whether in towns or in the country, public or private, with the exception of establishments in which only members of the family of the employer are employed. A woman shall be entitled to leave her work on the production of a medical certificate stating that her confinement will probably take place within six weeks. § 1 of Act No. 11,933 of 29 September 1934 lays down that in all industrial and commercial undertakings, or in any branch thereof, of whatever nature, whether urban or rural, public or private, not excluding undertakings for vocational training or charitable undertakings, a woman may not be employed for thirty days before and forty-five days after her confinement. § 2 provides that during this period a woman shall receive an allowance equal to her full wage or salary, up to a maximum of 200 pesos. This allowance, which may not be assigned and is immune from seizure, is paid to the beneficiary by the National Superannuation and Pensions Fund out of a fund constituted by a compulsory contribution of one day's wage per quarter payable by every woman worker and salaried employee between the ages of 15 and 45 years, together with equal contributions from the employers and the State. The woman is also entitled to free attendance by a doctor or midwife. § 14 of Decree No. 80,229 prohibits the employment of women workers or employees from the thirtieth day preceding the day indicated on the medical certificate as being the probable day of confinement, up to the forty-fifth day counting from the date of the confinement. A mistake in the estimated date involving an extension of the period of absence from work before confinement cannot be considered as a reason for reducing the period of absence following confinement. § 5 determines the amount of benefit, which varies, according to the wage category of the worker, from 75 to 200 pesos. The report adds that, although the period of thirty days laid down by Act No. 11,933 is less than the six weeks prescribed by the Convention, the provisions of the Act are compulsory, unlike those of paragraph (b) of this Article of the Convention. Further, the labour inspection service is in a position to supervise the enforcement of these provisions, thanks to §§ 37-41 of Decree No. 80,229, which disregard any wish on the part of a woman worker or employee to make use of the right of option given her by the Convention. The Government considers that the national legislation, although it is not in exact literal agreement with the Convention, sets up a standard of protection substantially equal to that granted by the Convention, since the Act imposes, under reserve of the uncertainty with regard to the date of confinement, a rest period of seventy-five days instead of the compulsory six weeks and the optional six weeks fixed

by the Convention. In case of a complaint made in accordance with the procedure laid down by Articles 23 to 25 of the Constitution of the International Labour Organisation (Articles 409-411 of the Treaty of Versailles) to the effect that the application of the Convention is not assured in a satisfactory manner, the Government would, however, be willing to investigate this point with the Governing Body, in order to decide whether it is advisable to ask Congress to revise Act No. 11,933. As regards the benefits fixed by the Act in question and by Decree No. 80,229, the report states that women workers in industry receive benefits equal to one hundred per cent of their wages and that apprentices receive a sum almost equal to that of the two lowest wage categories. There are relatively few qualified women workers who receive a higher wage than that fixed for the highest wage category. On the other hand, many women salaried employees earn more than 80 pesos a month, that is to say, more than the salary fixed for the highest category of salaries. This group of persons in receipt of benefits under the Act receive benefits which are considered sufficient by the legislature, although they do not wholly represent the amount of the wages lost. The free relief granted in cases of confinement is given in accordance with the wide terms of §§ 19-24 of Decree No. 80,229. Until the prescribed services are set up, each beneficiary will receive a supplementary grant of 100 pesos to pay the expenses of attendance by a doctor or midwife. (d) § 15 of Act No. 11,317, amended by Act No. 11,932, provides that nursing mothers shall be entitled to two periods of half an hour each during the working day for the purpose of nursing their children, except when a shorter interval is prescribed by a medical certificate. In establishments in which the number of women employed is not less than a minimum number to be specified by the regulations, suitable nurseries shall be provided for children under the age of two years, in which such children shall be cared for while their mothers are at work.

*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 preg-

nancy, 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 for the year 1 October 1934 to 30 September 1935 stated, 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 had been requested to examine the form in which the statutory benefit for women workers and salaried employees in case of childbirth might be paid in full out of the funds at their disposal. The report for this year makes the following statement: "in connection with the instructions given by the Government to the Compulsory Sickness Insurance Fund and the Private Employees' Welfare Institution to study the possibility of providing in full, out of the funds at their disposal, the benefits granted by the legislation to women workers and salaried employees during childbirth, the Committee of Experts asked to be informed of the results. All that can be said is that the funds in question have again been requested to study the matter and that their proposals are still in course of preparation." (d) . . . The report makes the following statement: "the Committee of Experts requested information as to the position of salaried employees with regard to the two intervals prescribed by this paragraph to permit mothers to nurse their children. Our legislation makes no provision for such intervals for women salaried employees, and the value of such a provision would be extremely doubtful, because it could not be put into practice without providing a special room for the purpose, and it is probable that salaried employees would, for reasons of social prejudice or the difficulty of bringing their children to their place of employment, refrain from making use of the room in question."

*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 en-

titled to attendance by a doctor or midwife at the expense of the maternity fund concerned. 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 actually 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.

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

*Hungary.* — ... (c) ... Under the Compulsory Sickness and Accident Insurance Act an insured woman is entitled to receive: (1) such medical treatment and care as are required (including attendance by a doctor and a midwife); (2) during the last six weeks before confinement an allowance equal to her full average wage or salary; (3) during the six weeks following 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. If, however, 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. 185660 of 1932 has fixed at 60 per cent. the amount of benefit granted in cases of pregnancy or confine-

ment 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 compulsorily insured: (1) workers, assistants, journeymen and apprentices; (2) servants and day-labourers who are employed on regular part-time work in the commercial or industrial undertaking of their employers; (3) servants and day-labourers in agriculture 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.

*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. (d) . . .

*Uruguay.* — § 37 of the Children's Code lays down that a woman wage-earning or salaried employee who is pregnant shall not perform work of any kind during the last month of pregnancy. After confinement one month shall be deemed to be the average rest period for the mother before returning to work. During this period she shall not lose her post, shall receive 50 per cent. of her wages pending the institution of a maternity insurance system, and shall not be replaced otherwise than temporarily. § 33 provides that the Children's Council shall study maternity insurance and provide for its introduction by means of the necessary organisations.

*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 employed, the contract of employment remains in force; consequently the woman has the right to her wage, in addition to three-fourths of the basic salary representing the maternity benefit. The report 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." In reply to a further observation on this point which was made by the Committee of Experts in 1936, the Government stated that it could only repeat its previous explanations and ask the Committee to take note of the views put forward. The representative of the Government on the Conference Committee on the application of Conventions once more stated that the Government hoped, as soon as circumstances permitted, to return to the four months' period for payment of benefit. 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. 31625, 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) § 24 of the Act of 28 February 1922 lays down that "occupiers of undertakings shall afford to mothers facilities for nursing their children at the proper times. For this purpose every occupier of an undertaking shall grant a special break for nursing to mothers who nurse their children themselves, in addition to the ordinary breaks, as follows: (1) if the child is at the mother's dwelling, not more than 30 minutes every four or five hours of work, or (2) if the child is in the crèche of the undertaking where the mother works, fifteen minutes every four or five hours of work. The ordinary breaks and wages of the mothers concerned shall not be reduced on account of this break." In 1936, the Committee of Experts pointed out that the provision given in (2) above was not in accordance with the terms of the Convention, and, in reply to this observation, the report states that the Minister of Social Affairs and Public Health has issued a Circular ordering that the necessary instructions shall be given to labour inspectors to enforce this provision of the Act in the sense of Article 3 (d) of the Convention. A copy of the text of the Circular accompanies the report.

#### 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.

*Argentine Republic.* — § 13 of Act No. 11,317 provides that a woman shall not be dismissed on account of pregnancy; and a woman who absents herself from her work in virtue of the provisions laid down above shall retain her employment. § 14 adds that if a woman remains absent from her work for a period longer than that specified above on account of an illness which is medically certified to be due to pregnancy or confinement, and which renders her unfit to resume her work, she shall not be dismissed for this reason. § 3 of Act No. 11,933 lays down that the woman's post or employment must be kept open for her for the periods during which she is not working, as determined by the Act.

*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 determine in the light of the circumstances of the case.

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

*Uruguay.* — § 37 of the Children's Code lays down that, after confinement, one month shall be deemed to be the average rest period for the mother before returning to work. On the expiration of this period, if the woman employee is unable to perform her work owing to her confinement and this is established by a medical certificate, she shall not be dismissed for this reason but shall not receive any wages.

### III.

*Article 6 of the Convention is as follows:*

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, 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 35 of the Constitution of the International Labour Organisation (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 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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.*

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

*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, an executive committee of the maternity fund shall be set up in the chief town of each province consisting, *inter alia*, of the head of the provincial labour inspectorate, as chairman, and representatives of the employers' and workers' organisations registered at the Ministry of Labour. The Legislative Decree also lays down penalties and fines to be inflicted in case of infringement.

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

*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.* — The responsible authority is the Children's Council, which is constituted as follows (§ 2 of the Children's Code): The Council shall consist of a chairman appointed by the Executive, who shall be a person well known for his experience in the problems of childhood, and shall be paid the salary allotted to him in the Act respecting the Budget, and six honorary members as follows: the director of the Institute of Pediatrics



and Puericulture ; a lawyer appointed by the High Court of Justice ; a teacher appointed by the Elementary Education and Teachers' Training Council ; a representative of the Labour Council ; a representative of the Technical Education Council ; a representative of the private institutions for child welfare ; the last three members shall be appointed by the Executive from lists of three names submitted by the institutions concerned.

## 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 for the year 1 October 1934 to 30 September 1935 stated that decisions of this nature had been and were 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 question 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. The report for this year states that the General Factory Inspectorate is not aware of any decisions having been given by the labour courts during the past year.

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

The remaining reports supplied do not mention any such decisions.

## VI.

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

*Argentine Republic.* — Ever since the provisions of Act No. 11,933 which relate to the compulsory contribution by women workers to maternity insurance have begun to be put into force, considerable difficulty has arisen, owing to the fact that the women workers covered by these provisions resist any keeping back of their wages for the purposes of this contribution. In a large number of industrial undertakings the women who were opposed to this measure left their work, or threatened to do so if their wages were kept back. Faced with this state of affairs, the labour inspection service has adopted an attitude of persuasion rather than compulsion as a means of obtaining the execution of the legal provisions in question. Up to the present, no penalties have been inflicted for non-payment of insurance premiums, and it is to be hoped that in time the resistance mentioned above will gradually decrease. The report communicates the copy of the text of a Bill to amend § 4 of Act No. 11,933. This Bill, which was submitted to the Chamber of Deputies by the Industrial Union of the Argentine Republic, provides that the quarterly contribution payable by the woman worker, which the Act fixes at a sum equal to one day's salary or wages, shall be reduced to one third of this amount, the two remaining thirds being paid in equal shares by the employers and the State.

*Bulgaria.* — The report states that no cases of infringement have been reported. A woman receives, both before, during and after confinement, free attendance by a doctor or midwife, and benefits sufficient for the maintenance of herself and her child. No observations have been received from employers' or workers' organisations with regard to the practical application



of the provisions of the Convention or of the national laws which implement the Convention.

*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 factory inspectors, among whom are a certain number of women inspectors especially responsible for supervising the employment of women and young persons, pay daily visits to ensure strict compliance with the legislation. The reports of the inspectors show that, generally speaking, the period of leave is granted to women workers and the corresponding maternity allowance is paid in a satisfactory form. The women inspectors have not met with any difficulties in carrying out their work in this connection. The number of infringements noted was 195, but, in the great majority of these cases, it proved sufficient for the administrative services to intervene and the offenders then carried out their obligations under the legislation without any judicial action being required. The following data for 1935 are taken from an enquiry carried out by the provincial and departmental inspection services and from information supplied by the Compulsory Insurance Fund: (1) number of women workers granted leave before or after childbirth: 14,501; (2) amount of cash allowances paid: 1,527,022 pesos; (3) number of women salaried employees granted leave: 173; (4) amount of cash allowances paid: 50,930.03 pesos. The figure given under (2) above does not include the nursing allowance, equal to 25 per cent. of wages, payable by the Compulsory Insurance Fund from the

third week after childbirth until the child is weaned, provided that the mother nurses her child herself. No statistics are available as to the cost of the free medical attendance and the attendance of midwives provided for women workers. 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.* — Attached to the report as appendices are various financial statements supplied by the executive committee of the maternity fund of Havana and by the maternity fund of the Province of Oriente. The receipts and payments account of the former fund for the period 1 January 1935 to 30 September 1936 gives the following information: total receipts: 667,523.37 pesos; total expenditure: 210,591.27 pesos, divided as follows: benefits paid to women workers, 116,934.57 pesos; grants to wives of men workers and women living with men workers, 61,950 pesos, administrative expenses, 31,706.70 pesos; balance in hand: 456,932.10 pesos. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention.

*Greece.* — No information. The report refers to last year's report.

*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 1935, the average number of women subject to compulsory sickness insurance was 343,911.

*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 1935 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 1934 was 534,860.34 francs, the number of insured persons being 48,296. In 1935 the amount spent was 591,665.96 francs and the number of insured persons was 49,754. The average cost of relief for each case of confinement was 1,105.23 francs in 1934 and 1,215.65 francs in 1935. The number of women who received such relief, which in 1927 was 91, was 163 in 1931, 139 in 1932, 122 in 1933, 131 in 1934 and 120 in 1935. The Government has not received any observations from the employers' or workers' organisations concerned with regard to the practical application of the Convention or of the national legislation which implements its provisions.

*Rumania.* — The report gives the following information for the year 1 April 1935-31 March 1936: number of insured women confined who received maternity benefit as legally prescribed, 2,787; number of women confined who were wives of insured persons, to whom maternity benefit was paid as legally prescribed, 2,808; amount of maternity benefit (in cash), 6,722,000 lei; amount of nursing benefit (in cash), 3,145,000 lei.

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

*Uruguay.* — The report states that no publications or statistical material on this subject exist.

*Yugoslavia.* — During 1935, the benefits granted under § 45 of the Workers' Insurance Act amounted to 7,907,097 dinars for pecuniary benefit and 2,455,736 dinars for attendance by midwives, i.e., 18.36 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 6,106,892 dinars for insured persons, i.e., 38.65 dinars per insured woman, and 4,255,941 dinars for members of the families of insured persons, i.e. 7.54 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 States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935-30 September 1936 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Albania . . . . .	17. 3.1932	
Argentine Republic.	30.11.1933	6. 4.1937
Austria . . . . .	12. 6.1923	21.11.1936
Belgium . . . . .	12. 7.1924	22.10.1936
<sup>1</sup> Brazil . . . . .	26. 4.1934	
Bulgaria . . . . .	14. 2.1922	23.11.1936
Chile . . . . .	8.10.1921	4. 1.1937
Colombia . . . . .	20. 6.1933	25. 1.1937
Cuba . . . . .	6. 8.1928	2.12.1936
Czechoslovakia . .	24. 8.1921	7. 1.1937
<sup>2</sup> Estonia . . . . .	20.12.1922	26.10.1936
France . . . . .	14. 5.1925	12. 4.1937
Great Britain . . .	14. 7.1921	28.12.1936
<sup>2</sup> Greece . . . . .	19.11.1920	5. 1.1937
Hungary . . . . .	19. 4.1928	3.12.1936
<sup>1</sup> India . . . . .	14. 7.1921	16.12.1936
Irish Free State . .	4. 9.1925	15. 2.1937
Italy . . . . .	10. 4.1923	24. 2.1937
Lithuania . . . . .	19. 6.1931	30. 3.1937
Luxemburg . . . . .	16. 4.1928	8. 2.1937
<sup>1</sup> Netherlands . . .	4. 9.1922	9.10.1936
Nicaragua . . . . .	12. 4.1934	
Portugal . . . . .	10. 5.1932	10.12.1936
Rumania . . . . .	13. 6.1921	22. 3.1937
Spain . . . . .	29. 9.1932	30. 3.1937
<sup>2</sup> Switzerland . . .	9.10.1922	31.10.1936
<sup>2</sup> Union of South Africa . . . . .	1.11.1921	24.11.1936
Uruguay . . . . .	6. 6.1933	23.12.1936
Venezuela . . . . .	7. 3.1933	11. 1.1937
Yugoslavia . . . . .	1. 4.1927	13.11.1936

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

The Government of *Belgium* states in its report that a new Act of 7 April 1936 allows the substitution of the interval between 11 p.m. and 6 a.m. for the normal interval between 10 p.m. and 5 a.m. which constitutes the "night" period, in exceptional circumstances and under fixed conditions. The Government adds that

<sup>1</sup> Has ratified Convention No. 41 but has not denounced this Convention.

<sup>2</sup> Has ratified Convention No. 41 and has denounced this Convention.

this amendment of the national legislation will "permit the eventual ratification of the international Convention No. 41".

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

The Government of *Colombia* stated in its report for the year 1 October 1934-30 September 1935 that it must emphasise the fact that Colombia was only at the beginning of any industrial development comparable to its agricultural development—agriculture being the traditional occupation of the country. It had therefore not been possible to take the official action necessary for putting into force practical legislation with a view to the application of this Convention. 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 intended, as it had already stated in previous reports, to proceed to a preliminary examination of the Convention, in order to give it practical application. At the moment it was 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. In its report for this year, the Government states that the situation is unchanged, and that there is nothing to add to the previous statements. For the general information supplied by the Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Great Britain* states in its report that legislation to give effect to Convention No. 41 has been passed but is not yet in force.

The *Greek* Government states in its report that Greek legislation with regard to employment of women during the night is comprised in the two following Acts: the Act (of 1912) concerning the work of women and minors and Act No. 2275 to ratify the Convention. The former Act prohibits the employment of women during the night, but it was an Act concerning the protection of women and young persons in general, and included provisions with regard to hours of work, Sunday rest, etc., with the result that at the present moment few of its provisions remain in force. Act No. 2275 is in force and is, moreover, fully applied either by the Courts or by the labour inspection and police authorities. Seven women inspectors are responsible for supervising the enforce-

ment of this Act, which gives rise to very few cases of infringement. Even in the case of the exceptions permitted by Article 4 for the non-application of Article 3 the labour inspection services are reluctant to grant permits for night work; in fact, the labour inspection service of the first district only granted two such permits during the year 1935 (cf. the report of the inspector of the first district). For the general information contained in the Government's letter of 17 December 1936, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *India* stated in its last report that, as a result of the decision given by the Permanent Court of International Justice in 1932, the Factories Act, 1934 had 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 Government of the *Irish Free State* states in its report that the Conditions of Employment Act, 1936, which came into force on 29 May 1936, repeated, with effect as from that date, the whole of the Employment of Women, Young Persons and Children Act, 1920, so far as it related to any form of industrial work within the meaning of the later Act.

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

For the general information supplied by the Government of *Spain*, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The report of the Government of *Uruguay* states that the legislation of Uruguay has not dealt with the night work of women because it is not customary to employ women in industrial undertakings that work at night. Women may, however, in cases of emergency, be employed on night shifts in weaving or spinning mills, in some sections of cold storage undertakings, and in the bottle-washing departments of dairies, and the Committee appointed to bring the national legislation into harmony with the international Conventions will therefore deal in the first place with the employment of women during the night. In doing so it will take full account of the provisions of this Convention, or of Convention No. 41 if the Government of Uruguay denounces the former and ratifies the latter.

*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.*

#### *Argentine Republic.*

Act No. 11,317 of 30 September 1924 to regulate the employment of women and young persons (L. S. 1924, Arg. 1).

#### *Austria.*

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

Mining Act of 28 July 1919 (L.S. 1919, Aus. 11).

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

#### *Belgium.*

Act 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).

Act of 7 April 1936 to supplement § 8 of the consolidated text of the Act of 28 February 1919 relating to the employment of women and children (L. S. 1936, Bel. 7 A).

#### *Bulgaria.*

Health and Safety of Workers Act of 1917 (B. B. 1918, Vol. XIII, p. 26).

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 16 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).

Order of 11 January 1919 in pursuance of the Act respecting the eight-hour day (L.S. 1919, Cz. 2).

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. 3).

#### *Estonia.*

Act of 20 May 1924 relating to the employment of children, young persons and women in industrial undertakings (L. S. 1924, Est. 1).

#### *France.*

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

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

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

#### *Great Britain.*

Factory and Workshop Act, 1901.

Coal Mines Acts.

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

#### *Greece.*

Act No. 2275 of 1 July 1920 (O. B. Vol. II, No. 1, p. 20).

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

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

Act. No. 4819 of 14 July 1930 concerning the organisation of the factory inspection service (L. S. 1930, Gr. 9).

Royal Decree of 25 September/8 October 1913 respecting the night employment of women in factories and workshops for packing fish in boxes (preserved fish) (B. B. Vol. IX, 1914, p. 225).

Decree of 4 July 1925 respecting the employment of women over the age of eighteen years at night in dairies (L. S. 1925, Gr. 3).

Decree of 30 August 1927 respecting the employment of women at night in factories and workshops for the packing of dried and green figs (preserved figs) (L. S. 1927, Gr. 3).

Decree of 20 February 1932 respecting the employment of women over the age of eighteen years at night in the preparation and packing of grapes and raisins (L. S. 1932, Gr. 1).

#### *Hungary.*

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

Act No. V of 1928 respecting the protection of children, young persons and women employed in industry and in 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 2 June 1933 of the Minister of Commerce to provide for a nightly rest period of eleven hours for young persons and women employed in brickmaking (L. S. 1933, Hung. 5).

*India.*

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).

Conditions of Employment Act, 1936 (L. S. 1936, I.F.S. 1).

*Italy.*

Act No. 653 of 26 April 1934 to safeguard the employment of women and children (L. S. 1934, It. 6).

Ministerial Decree of 4 May 1936 issued in pursuance of § 8 of the preceding Act.

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

*Lithuania.*

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

Act of 14 November 1924 on labour inspection (L.S. 1924, Lith. 3).

Order by the Chief Labour Inspector dated 25 October 1931.

*Luxemburg.*

Act of 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.*

Decree of 21 July 1922 promulgating the text of the Labour Act, 1919, as amended (L. S. 1922, Neth. 1).

Mining Regulations, 1906 (B. B. Vol. I, 1906, p. 505), as amended by Decrees of 9 February 1917 and 7 October 1922 (L. S. 1922, Neth. 4).

*Portugal.*

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

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

*Rumania.*

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

Regulations of 30 January 1929 issued under the above Act (L. S. 1929, Rum. 1) and amended on 19 December 1932 (L. S. 1932, Rum. 6 B).

*Spain.*

Legislative Decrees of 15 August 1927 respecting nightly rest for women workers (L.S. 1927, Sp. 5).

Royal Decree of 6 September 1927 to approve the Regulations for the administration of the Legislative Decree of 15 August 1927 (L.S. 1927, Sp. 5 B).

Legislative Decree of 2 March 1928 to amend § 9 of the Legislative Decree of 15 August 1927 (L.S. 1928, Sp. 1).

*Switzerland.*

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

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

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

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

*Union of South Africa.*

Factories Act, No. 28 of 1918 (L. S. 1931, S. A. 2 B).

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

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 16 July 1936 (L. S. 1936, 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, transforma-

tion, 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.*

*Argentine Republic.* — Under § 6 of Act. No. 11,317 women may not be employed on night work, except in nursing, domestic occupations and undertakings for public entertainments given at night. The report adds that it has not been necessary to define the line of division which separates industry from commerce and agriculture, since the Act prohibits the employment of women on night work of any kind except nursing, domestic occupations, and public entertainments.

*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.

*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 16 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 report 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.

*Greece.* — . . . See also introductory note.

*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 Factories Act, 1934.

*Irish Free State.* — The Conditions of Employment Act, 1936 covers industrial undertakings as defined in this Article of the Convention, with the exception of mines and the transport of persons and goods. The provisions of the Convention are therefore applied, as from 29 May 1936 (the date of the coming into force of the above Act), by the Act in question, except as regards mines and the transport of persons and goods, to which the Employment of Women, Young Persons, and Children Act, 1920 is still applicable. § 3 of the Act of 1936 defines agricultural work and commercial work, and excludes both such forms of work from its scope.

*Italy.* — § 12 of the Act of 26 April 1934 lays down that night work shall be prohibited for women in industrial undertakings and the dependencies thereof. The report states that the inclusive drafting of this provision clearly makes it cover all the industrial activities enumerated in this Article. The report adds that, during the period under review, no decision has been arrived at with regard to the distinction between industry on the one hand and commerce and agriculture on the other, since clear criteria, determined by law and practice and differentiating between the two groups, are already in existence.

*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.

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

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

of land transport services which are connected with the commercial or industrial undertakings covered 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.* — § 8 of the Act of 16 July 1936 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.

#### 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.*

*Argentine Republic.* — Under § 6 of Act No. 11,317, women may not employed on night work, and, for the purposes of the section, night work is taken to mean work

between 8 p.m. and 7 a.m. in winter, and between 8 p.m. and 6 a.m. in summer. The report states that, although the night period is only ten hours in summer, § 7 provides that women who are employed both morning and afternoon shall be granted a break of two hours at midday. The report adds that the compulsory night rest period is only ten hours in summer, but it should be noted that the provisions which limit work to eight hours a day and forty-eight hours a week involve in practice a normal division of the day, so that as a rule there is a night period equal to, or longer than, the period prescribed by the Convention, between any two days. The Government considers, however, that it would be a good thing to put an end to the existing divergencies between the Convention and national legislation, and it therefore intends to recommend that the Act should be amended.

*Belgium.* — ... § 8 of the Act of 28 February 1919, as amended by the Act of 14 June 1921, is supplemented by an Act of 7 April 1936, which lays down that "the Crown may, in exceptional circumstances and after consulting the employers' and workers' organisations concerned, decide that, in any specified industry or area, for the women employed in such industry or area, the interval between 11 p.m. to 6 a.m. may be substituted for the normal interval between 10 p.m. to 5 a.m. ..." See also introductory note.

*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 16 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.

*Greece.* — ... See also introductory note.

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

*India.* — § 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.

*Irish Free State.* — § 46 of the Conditions of Employment Act, 1936 provides that no woman may be employed on industrial work between the hours of 10 p.m. and 8 a.m. and, further, that no woman may commence industrial work on any day until after the expiration of eleven hours from the time at which she ceased such work on the previous day. As regards mines, and the transport of persons and goods, Part III of the Schedule to the Employment of Women, Young Persons, and Children Act, 1920 reproduces the provisions of the Convention.

*Italy.* — § 13 of the Act of 26 April 1934 defines "night" as a period of not less than eleven consecutive hours including the interval between 10 p.m. and 5 p.m. The report adds that the Government has not made use of the power left to it under the second paragraph of this Article, the question of prohibiting night work for women in industry having already been regulated before the Convention was ratified.

*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.

*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.* — § 72 of the Labour Act of 16 July 1936 provides that women may only work between the hours of 6 a.m. and 7 p.m., except in nursing and domestic service, the press, hotels, restaur-

ants, cafés and theatres, which shall be subject to special regulations, and in other exceptional cases to be specified by the competent Federal authority in Regulations applying the present Act or in special Resolutions. The report adds that the Regulations applying the Act are in course of preparation.

### 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.

*In particular, please indicate whether the term 'women' for the purposes of the application of this Article is interpreted in your country as covering all women employed in industrial undertakings without distinction as to the nature of their duties.*

*Argentine Republic.* — Act No. 11,317 prohibits the employment of women during the night. See above, under ARTICLE 2. The Act contains no provisions to cover family undertakings. The report adds that the interpretation given to § 6 of Act No. 11,317, which establishes, in general terms, the prohibition of the employment of women on night work, except in nursing and domestic occupations, is to the effect that the term "women", in the case of industrial undertakings, covers all the women employed, without distinction as to the nature of their duties.

*Austria.* — The report states that, as mentioned in previous reports, the Act of 14 May 1919 relating to the prohibition of night work for women and the Mining Act of 28 July 1919, under both of which the prohibition applied only to manual workers, were amended as a result of the ratification of the Convention. In consequence, the employment of women at night is now illegal in all the undertakings covered by the Convention, irrespective of whether the women in question are manual or intellectual workers. The Convention is applied in Austria in conformity with these regulations.

*Chile.* — ... The report adds that the term "women" refers only to women manual workers, since § 48 of the Labour Code, which prohibits the employment of women at night in industrial establishments, is contained in Chapter II of Book I, which concerns the contracts of employment of manual workers.

*Colombia.* — See introductory note.

*Cuba.* — § I of Legislative Decree No. 598 of 16 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.

*Czechoslovakia.* — ... The report states that the prohibition of night work for women is general, the only exceptions being those which are permitted by Article 4 of the Convention. In the case of industrial undertakings, therefore, the prohibition applies to all women employees without distinction of any kind.

*Estonia.* — ... The report states that the term "woman" signifies any woman employed in an industrial undertaking, without regard to the nature of her work.

*Great Britain.* — The report states that in practice the Convention is regarded as applying to industrial employees, including all those engaged on work of the kinds indicated in Article 1, but not to persons engaged on office and similar work of a commercial character, or other classes of persons such as doctors and welfare workers whose employment may be incidental to the business of carrying on an industrial undertaking but is not of an industrial character. As regards authoritative interpretation, no decisions have been given by Courts of Law or other Courts regarding the application of the Convention.

*Greece.* — ... See also introductory note.

*Hungary.* — ... Order No. 33,469 of 1933 prohibits the employment of women during the night in brick works. The report adds that the Hungarian definition of "woman" for the purposes of application of this Article is any woman employed in an industrial undertaking, without distinction as to the nature of her work.

*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. The term "women" for the purposes of the application of this Article covers all women with the exception only of those who are exempted under Article 4. See also introductory note.

*Irish Free State.* — See above under ARTICLE 2. The report adds that the term "women" includes all women employed on industrial work. With regard to mines, and the transport of persons and goods, Part III of the Schedule to the Employment of Women, Young Persons, and Children Act, 1920 reproduces the terms of the Convention.

*Italy.* — § 12 of the Act of 26 April 1934 provides that night work shall be prohibited for women irrespective of age. The report states that, as regards the scope of the prohibition, in applying this Article the term "woman" has been understood as covering all women employed in industrial undertakings, without

distinction of age, and also, in a purely literal sense, without distinction as regards duties, such as would permit—within the general framework of the Act—a different interpretation in this respect for women employed in posts of management involving responsibility and not engaged in any manual work. The sole exception allowed is that provided for in the Convention, namely, for undertakings in which only members of the same family are employed.

*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. The report adds that the competent authorities state that the term "women" includes all women employed in industrial undertakings without distinction as to the nature of their duties.

*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.

*Switzerland.* — ... The report states that the term "women" does not mean all women employed in industrial undertakings without regard to the nature of their work. In so far as the Factory Act is concerned, the Administrative Order lays down in § 3 (b), (c) and (d) that the following are not deemed to be workers in the sense of the Act: persons employed exclusively in cleaning operations outside the working hours of the factory; the staff of the commercial and technical offices; and persons to whom the owner

has assigned an important function in the conduct of the undertaking or an agency outside of the premises. The Act relating to the employment of young persons and women in industry does not include similar provisions, but it may be said that within its scope the same rules are applied by analogy.

*Union of South Africa.* — ... The report states that the term "women" is construed to include all women without distinction as to the nature of their duties.

*Uruguay.* — See introductory note.

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

*Yugoslavia.* — ... In 1936, the Committee of Experts pointed out that the Workers' Protection Act of 28 February 1922 does not apply to persons holding posts of management, and suggested that the Government should examine the possibility of ratifying the revised Convention of 1934. In reply to this, the report states that the Government has already taken the necessary measures under Article 19 of the Constitution of the International Labour Organisation, and has recommended the ratification of the revised Convention, but that no final decision has yet been taken.

#### 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.*

*Argentine Republic.* — The Act of 30 September 1924 makes no provision for these exceptions.

*Colombia.* — See introductory note.

*Cuba.* — § V of Legislative Decree No. 598 of 16 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 fore-

see, 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.

*Greece.* — ... See also introductory note.

*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.

*Irish Free State.* — This Article is applied by § 54 of the Conditions of Employment Act, 1936, which lays down, *inter alia*, that an employer must satisfy a court that the employment was necessary or reasonably proper by reason of some emergency. The non-application of this Article in the cases mentioned under (b) may be effected by means of regulations made (subject to consultation with representatives of employers and workers) under § 29, or by permits (for a limited period) under § 30. With regard to mines, and the transport of persons and goods, Part III of the Schedule to the Employment of Women, Young Persons, and Children Act, 1920 reproduces the terms of the Convention.

*Italy.* — § 15 of the Act of 26 April 1934 lays down that the prohibition of night work shall not apply to women irrespective of age in cases of *force majeure* which interfere with the normal working of the undertaking. The employer shall forthwith notify the corporative inspectorate, stating the facts constituting the case of *force majeure*, the number of women employed, the hours of work adopted and the presumable duration of the night work. He shall subsequently notify the inspectorate of the date of the cessation of the night work. The corporative inspectorate shall be entitled to impose restrictions on night work or suspend it. An appeal may be made to the Ministry of Corporations against the decision of the inspectorate. § 16 provides that the Minister of Corporations shall have power to authorise the night work of women, laying down the conditions for it, during the seasons and in the cases where 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. The report states that so far the Minister has not given any such authorisation, but refers to the exemptions, noted in previous reports, which have been allowed under this proviso on the basis of the legislation previously in force.

*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.

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

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

tries, 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. The Committee of Experts, in its 1936 session, suggested that the Government might be asked to supply details with regard to the differences (mentioned above) between the regulations with regard to exceptions in the fish-preserving industry and the provisions of the Convention. In reply to this, a representative of the Portuguese Government informed the Conference Committee on the application of Conventions in 1936 that the words "very slightly" had been misunderstood, and that the practice followed in Portugal was in complete harmony with the letter and spirit of the Convention. The report for this year adds that the exception in question not only applies solely in case of necessity, subject to strict supervision, and during a special period of the year, but that it is also completely covered by Article 4 (b) of the Convention.

*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 em-

ployment 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 for the year 1 October 1932-30 September 1933 stated 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 1 October 1935-30 September 1936. The report for the year 1 October 1932-30 September 1933 further stated that 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 authori-

ties: (a) for suspension for not more than 10 nights, the district authority, or in default thereof the local authority; (b) for suspension for more than 10 nights, the cantonal Government. If, owing to an emergency, an order of the competent authority cannot be procured in due time, the said authority shall be notified not later than the following day." The enforcement of the Federal Act relating to the employment of young persons and women in industry is within the competence of the cantons, which, every two years, send reports to the Federal authorities. The report for this year states that no request for the suspension of the night work prohibition has been granted during the year.

*Union of South Africa.* — ... (b) ... From 1 September 1935 to 31 August 1936, § 15 (2) of the Act of 1918, as amended by § 4 of the Act of 1931, has been applied to the following occupations: bacon curing, etc. (hours permitted: 6.15 a.m.-4.30 p.m.; 5.15 a.m.-3.30 p.m.); clothing, dressmaking and millinery (7 p.m.-9 p.m.; 6 p.m.-8.30 p.m.; 6 p.m.-8 p.m.; 6 p.m.-7 p.m.); fruit-canning 6 p.m.-9 p.m.; 6 a.m.-8 p.m., 2 shifts; 6 p.m.-midnight; 6 p.m.-11 p.m.); printing (5 p.m.-6.30 p.m., 4 days a week; 5 p.m.-7.30 p.m., Wednesdays; 7 p.m.-8.30 p.m., Saturdays; 6.30 p.m.-8 p.m., Saturdays; 6 p.m.-9 p.m. Wednesdays, Saturdays and some holidays; 5 a.m.-6.30 a.m.-12.30 p.m., Mondays; 5 a.m.-6.30 a.m., 4 days a week; 5 a.m.-8 a.m. and 9 a.m.-1 p.m., Wednesdays; 6.30 p.m.-9 p.m., 2 shifts; 4 p.m.-7 p.m., 4 days a week); boot and shoe manufacturing (6 p.m.-9 p.m.); baking and confectionery (6 a.m.-7 a.m.; 6 p.m.-7 p.m.; 5 a.m.-7 a.m.); cheese cloth manufacturing (6 a.m.-9 p.m., 2 shifts); explosives, chemicals, etc., manufacturing (6 p.m.-9 p.m.).

*Uruguay.* — See introductory note.

*Venezuela.* — The report states that the Federal Government intends to make the necessary provision in the Regulations applying the Labour Act, which are at present in course of preparation.

#### 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.*

*Argentine Republic.* — Argentine legislation contains no provisions of this kind.

*Colombia.* — See introductory note.

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

*Greece.* — ... See also introductory note.

*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 that the provisions of this Article of the Convention have not been utilised in India.

*Irish Free State.* — This Article is applied by §§ 29 and 52 of the Conditions of Employment Act, 1936, under which sections the Minister for Industry and Commerce is empowered to make exclusion regulations and fix alternative hours of work. The Act of 1920 contains no provisions of this nature.

*Italy.* — § 16 of the Act of 26 April 1934 lays down that the Minister of Corporations shall have power to reduce the duration of the night period for women to ten hours on not more than sixty days in the year where the employment is subject to the influence of the seasons and in all cases where exceptional circumstances require this. The report states that the Minister has not hitherto taken such action.

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

*Portugal.* — Portuguese legislation contains no express provisions of this 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 representa-

tives 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 report for the year 1 October 1932-30 September 1933 stated that 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 for this year states that, during the period under review, seven factories in East Switzerland made use of the exception permitted under § 66 (2) of the Factory Act. The number of days for which permission was given to reduce the night period varied from one to twenty.

*Uruguay.* — See introductory note.

*Venezuela.* — The report states that the Federal Government is at present considering the expediency of including a corresponding provision in the Regulations applying the Labour Act, which are in course of preparation.

#### 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.*

*Argentine Republic.* — The report states that the system set up by national legislation (see under ARTICLE 2 above) applies to the country as a whole.

*Colombia.* — See introductory note.

*Cuba.* — Legislative Decree No. 598 of 16 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.

*Greece.* — ... See also introductory note.

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

*Italy.* — § 16 of the Act of 26 April 1934 provides that the Minister of Corporations shall have power to reduce the duration of the night period for women to ten hours in places where the special climatic conditions require this. The report states that no such reduction was made during the period under review.

*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 for the period 1 October 1932-30 September 1933 stated 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". The report added that no steps had so far been taken in this respect, and, further, that the situation provided for by Article 7 of the Convention does not usually arise in Switzerland, nor does the Factory Act contain any provision corresponding to that cited above.

*Uruguay.* — See introductory note.

*Venezuela.* — The Labour Act of 16 July 1936 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 35 of the Constitution of the International Labour Organisation (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 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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, although they have not been made applicable to *Algeria de jure*, are applicable *de facto*; the provisions of Book II of the Labour Code, and in particular §§ 21 to 29, which concern prohibition of night work for women and young persons, were made applicable to Algeria by a Decree of 15 January 1921. Further, a Decree of 23 December 1933 put into force in Algeria the Act of 24 January 1925 to amend §§ 21 to 28 of the above-mentioned sections. By Decree of 1 July 1933, the Convention was made applicable to *Guadeloupe*, *Martinique* and *Réunion*, where the workers are considered to be French citizens and not natives. A similar extension is contemplated with regard to *Guiana*, and *Saint-Pierre* and *Miquelon*. With regard to the other possessions, the French Government is instituting a comprehensive campaign for adapting social legislation to the colonies, taking into account local conditions. In this connection, it would appear opportune to mention a Decree of 30 December 1936 which, although it is of a later date than the period covered by the present report, illustrates the tendency to regulate labour in other colonies. This Decree, by means of which it is proposed to determine the conditions of work of Indo-Chinese and assimilated natives, prohibits in particular, under the terms of §§ 72 to 75 inclusive, night work of women and young persons, a prohibition which is subject nevertheless to certain exceptions. A copy of the Decree in question accompanies the report.

The unconditional adherence of *Morocco* to the Convention of Berne of 26 September 1926 with regard to night work for women was transmitted by the French Ambassador at Berne on 28 July 1927 to the Federal Political Department, which informed the other contracting parties. Further, § 10 of the Dahir of 13 July 1926, as amended by the Dahir of 22 May 1928, lays down that women may not be employed on night work of any kind, i.e. work between the hours of 11 p.m. and 5 a.m. In *Tunis* the Convention is applied *de facto* in the Regency, since the local legislation on the question was based upon the metropolitan legislation, and went even further than the Washington Convention for the protection of women. With regard to the *Levantine States*, Legislative Decree No. 32 of 24 June 1936 regulates the work of women in industry in the State of *Syria*, and an Act of 17 April 1935 protects the work of women throughout the territory of the Republic of *Lebanon*.

*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, amended by Ordinance No. 30 of 1936, whereby it becomes lawful for the Protector of Labour, in such cases as he shall think fit, to exempt any industrial undertaking from any regulation under the Principal Ordinance or to order the adoption of special precautions in certain cases, subject to the right of appeal to the Governor in Council from any such order. The report adds that these special powers will not be used so as to diminish the obligations of the Hong Kong Government under the Convention); *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 1351); *Perlis* (Enactment 10 of 1351); *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* (Enactment No. 2 of 1936); *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, 1952); *Grenada* (Ordinance 8 of 1934. The Ordinance has not yet been brought into force); *Malta* (Ordinance XVII of 1936. Under this Ordinance the Governor is empowered to make regulations with regard to labour generally); *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. 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). See also "General observation" under *Convention No. 2 (Unemployment)*, point III.

*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, 3, 1 and 1 from 1926 to 1936 (January to June inclusive). The number of nights on which women were permitted to work in 1936 was 262,208 (only 70,814 of which were actually used). For 1930 the corresponding figures were 130,430 and 13,588, for 1931 the figures

were 38,726 and 8,998, for 1932, 31,376 and 7,431, for 1933, 12,358 and 8,274, for 1934, 7,386 and 3,008, and for 1935, 1,464 and *nil*. These figures show the gradual reduction of the employment of women at night. From 1 October 1927 the night work of women in the saltpacking 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, during 1934, nine, during 1935, 22, and in 1936 (January to June), 10. . . 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.

*Union of South Africa*. — The report states that the Union has no colonies, protectorates and possessions which are not fully self-governing. The Administration of the mandated territory of South-West Africa has been approached, but has replied that it is of the opinion that local conditions do not call for the application of the Convention; the position in so far as that territory is concerned remains unchanged.

#### 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.*

*Argentine Republic*. — Act No. 11,317 is part of the national legislation, and is expressly incorporated in the Civil Code established in accordance with § 67 (11)

of the Constitution. Its enforcement, however, is in the hands of the authorities in each of the fourteen provinces. In the capital of the Republic the legislation is enforced by the national Government acting through the national Department of Labour, and in the national Territories by the national Government acting through the Governors appointed by it.

*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.

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

*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.

*Irish Free State.* — Inspectors of Factories and Workshops and of Mines and Quarries are responsible for the supervision and enforcement of the provisions of the Convention. Inspection is a State service carried out by civil servants attached to the Department of Industry and Commerce. The annual report for the year 1935 under the Factory and Workshop Acts 1901-1920 has been forwarded to the International Labour Office.

*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 1932 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 contained 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 in 1935 on the Act relating to the employment of young persons and women in industry. In 1936 a report was submitted relating to the administration of this Act for the years 1934 and 1935. On the other hand, the cantons were not required to submit a report this year on the administration of the Factory Act; next spring they will submit a report on the administration of this Act for the years 1935 and 1936. The report adds that the canton of St. Gall has transformed its "Police office for factories" into an "Inspectorate of handicrafts and factories", which is responsible for administering the relevant social legislation. The canton has also issued a new Administrative Order under the Factory Act, which involves, *inter alia*, the following change: slight infringements of the Act are now reprimanded by the administrative authority of the district (*Bezirksamt*), and only more serious cases go before the courts.

*Union of South Africa.* — ... There are 48 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) 13; Pretoria (Northern Transvaal) 2; Durban (Natal) 9; 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 Chapter VII of the Labour Act of 16 July 1936, the authorities responsible for applying the Act are: (1) the National Labour Office, with headquarters in Caracas and with jurisdiction over the whole territory of the Republic. The office is in charge of a director and is adequately staffed to ensure efficient operation; (2) the labour inspectors, whose jurisdiction is limited to specific areas and who are responsible for seeing that the Act is strictly applied in their respective areas; (3) such special commissioners as may be appointed by the labour inspectors. Under Chapter IX

of the Act, disputes in regard to its application are settled by the labour courts. Pending the regular constitution of labour courts by the Federal Government, these are to consist of the competent labour inspector, or such person as he may appoint, and assessors nominated by the parties, if the latter so desire. Pending the appointment of a Higher Labour Court, an appeal lies from the decisions of the labour courts to the director of the National Labour Office. § 214 of the Labour Act provides that in the event of any breach of the provisions concerning women and young persons and of those concerning hygiene and industrial safety, the employer shall be notified that he must remedy the matter without delay. If he does not comply with this request within a period to be fixed at the direction of the responsible authority, he shall be liable to a fine of one hundred to one thousand bolivars. The report adds that the Regulations applying these provisions are in course of preparation.

## 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 Government supplies a copy of a legal decision inflicting penalties on an employer, but this decision does not raise any question of principle in connection with the application of the Convention.

*Switzerland.* — During the period covered by the report, the Federal authorities received records of 27 sentences pronounced for infringements of the prohibition of night work under the Factories Act with regard to females, and 9 sentences pronounced for infringements of the prohibition under the Act concerning the employment of young persons and women in industry. In all cases without exception the penalty imposed was a fine, the heaviest being 300 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 concerned not only 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 national 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 35 sentences pronounced, 9 were pronounced by the legal authorities and 26 by the administrative authorities. The report further states that the Federal Court has had to give a decision on four appeals against the application of the Factories Act to certain undertakings; two other appeals are pending. None of the decisions given were concerned with the line of division between industry on the one hand, and commerce and agriculture on the other.

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.*

*Argentine Republic.* — No serious contraventions of the prohibition of night work for women in industry have been discovered. In some cases the appropriate penalty has been applied, the contravention in question taking the form of so prolonging the daily hours of work as to encroach on the period covered by the prohibition of night work. It is not possible to give exact details as to the number of contraventions or the amount of fines inflicted in regard to this prohibition. The total number of sentences pronounced by the national Department of Labour during the year 1 October 1935 to 30 September 1936 for breaches of the law concerning the employment of women and young persons was 470, and the fines inflicted amounted to 52,260 paper pesos. Neither the employers' nor the workers' organisations have submitted any observations with regard to the practical application of the provisions of the Convention or of the national legislation which implements it, except for one large weaving and spinning factory, which pointed out

that the daily period of thirteen or fourteen hours during which women could be employed under the terms of Act No. 11,317 did not allow the work to be arranged in two eight-hour shifts, and that, consequently, it would seem preferable to adopt the system prescribed by the Convention, which would at the same time meet the necessities of the industry and benefit the women workers themselves, most of whom are paid by the hour or at piece rates.

*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. No further decrease has occurred in the number of women employed at night in these factories. This exception would seem to be covered by the provisions of Article 4 (b) of the Convention. At the end of 1935, mining undertakings in Austria employed 15,502 workers of whom 433 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 inspection service for the year 1935. The report shows that during the year in question 712 persons protected by the law (women and young persons) were employed in contravention of the legislation. 485 of this number were employed in factories and the rest in smaller industries, and most of the cases of infringement related to night work. The majority of these cases concerned the textile industry, metallurgical works and ironworks. Several textile undertakings in the Vorarlberg employed 102 women on prohibited night work. One wood-staining factory employed 23 women workers till 11 p.m. A large metallurgical factory employed 100 women till 11 p.m., and sometimes even till midnight. Another metallurgical works was in the habit of employing 105 women temporarily on night work. 17 young women workers of under

sixteen years of age were employed in a glass works on night work. In the smaller industries, infringements of the prohibition of night work also took place, in particular in hotels and inns, in hairdressing establishments, in hat shops and clothing establishments, and in the production and sale of foodstuffs. 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. With regard to the application of the exceptions laid down in Articles 4 and 6 of the Convention, the report states that, except in certain cases of *force majeure*, no use has been made of them. 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.

*Bulgaria.* — The report states that the number of women workers protected by the relevant legislation is about 50,000, and that the number of cases of infringement recorded during the period under review was ten. No use has so far been made of the exceptions permitted by Articles 4 and 6 of the Convention. No observations have been received from employers' or workers' organisations with regard to the practical application of the provisions of the Convention or of the national laws which implement the Convention.

*Chile.* — The report states that the factory inspectors make regular visits to ensure the strict observance of the night work prohibition. The number of women workers protected by this legislation is 36,999. The number of offences reported against the legislation prohibiting the employment of women and persons under 18 years of age during the night is 5 in all. The reports of the inspection service show that there is no difficulty in ensuring compliance with the legislation in question, because the industrial establishments that employ women work only during the hours permitted by the legislation, that is, between 7 a.m. and 10 p.m. Chilean legislation does not permit the exceptions referred to in Articles 4 and 6 of the Convention. 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.* — According to reports received from the section of the Department of Labour which deals with the employment of women and children, there are only four undertakings in the Province of Havana working during the hours covered by the term "night" (i.e. from 4 p.m. to 11 p.m.), and these are the only undertakings that have taken advantage of the exceptions permitted under Article 4 of the Convention. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention. See also under *Convention No. 1 (Hours of work, industry)*, point VII.

*Czechoslovakia.* — The report states that copies of the report of the inspection service for 1935, 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 1935, 17,796 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. Sixteen cases of contravention were however recorded, 12 of which gave rise to a simple warning, and 4 to legal proceedings. 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 1935. In the case of Article 4 (b) of the Convention, exceptions were granted in 1935 to 50 undertakings, with a total of 29,118 nights to which the exception applied. (Of these 50 undertakings, 46 were engaged in fish-preserving, and accounted for 27,760 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 1935 there were 6 prosecutions and 33 offences; whilst as regards the period of rest at night one breach of the law was 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 Great Britain and Northern Ireland for breaches of this Convention during 1935 was 16. Five of the defendants were bakers: the rest were engaged in a variety of industries. No complete figures are available for the number of women concerned, but in Great Britain the number of women employed in factories in 1933 was 1,398,728 and in 1935 1,812 women were employed above ground at mines and quarries. In Northern Ireland in 1935 51,164 women were employed in factories and 8 in quarries. 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.

*Greece.* — See introductory note.

*Hungary.* — In 1935, the number of women employed in undertakings subject to factory inspection was 80,023. The Government has no statistical information available yet for 1936. According to the reports of the factory inspectors for the year 1935, 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 1935, the inspectors notified 27 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 concern-

ing 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 employment of women at night is prohibited except in cases of emergency. 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 complaints have been received from organisations of employers or workers.

*Italy.* — The report states that, according to information concerning the work of the corporative inspection service during 1935, 17,493 ordinary visits of inspection and 7,916 special visits (including 1,076 visits at night), were made by the inspectors to the industrial and commercial undertakings subject to the legislation on the night work of women and children, and therefore to the regulations prohibiting such work. The number of contraventions punished in 1935 was 830. 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 7,621. The competent authorities have not received any observations from employers' or workers' organisations with regard to the application of the Convention. See also under *Convention No. 1 (Hours of work, industry)*, point VII.

*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 the year under review, no cases of infringement of the

provisions concerning the nightly rest period of eleven consecutive hours were reported. During 1935, 8 cases where women had been employed between 10 p.m. and 5 a.m. led to proceedings being taken; in 6 of these cases, affecting 14 women, work was carried on too late, in one case, affecting 2 women, work was begun too early, and in one case 3 women were employed during the night. Fines were imposed. The option of employing women during certain hours of the night for spitting herrings was exercised in one fishing village 61 times for a total period of 152 hours. In the same year, the approximate number of women employed in factories or workshops as defined in the Labour Act was more than 90,500. Neither employers' nor workers' organisations have formulated any observations concerning the practical application of the Convention or of the national legislation which implements it.

*Portugal.* — The report for the year 1 October 1933-30 September 1934 referred to § 31 of Decree No. 23048 of 23 September 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*. The report for this year states that the Convention is still being strictly applied by the Government.

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

*Switzerland.* — The Convention concerning night work of women is still observed throughout the whole of Switzerland. The tables published in the reports of the Federal factory inspectors show a total of 310,734 persons (including 111,192 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 1934 and 1935 mention the following particulars: it is once more pointed out that owing to the economic depression a large number of undertakings have not had enough work to work full time and consequently have had no reason for night work. Some of the reports note that the cantonal legislation relating to protection of women workers paved the way for the Federal Act, since all the cantonal laws which already existed included a clause prohibiting night work. 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 for last year stated 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. The report for this year states that, generally speaking, the position remains as stated in the previous report. During the period under review, however, indirect representations were made by a workers' organisation in one instance. An employer in the textile industry was granted exemption under the provisions of the Factories Act, allowing him to employ women workers on two shifts per day, the second shift terminating at 9 p.m. From subsequent evidence, it appeared that the employees preferred to work during the second shift, as they were then able to have their mornings free. During the year under review

one of the employees was murdered while returning from work. Public criticism from a workers' organisation resulted in a change in the policy of the employing firm, in consequence of which women were no longer employed at night, and the exemption ceased to be applicable.

*Uruguay.* — See introductory note.

*Venezuela.* — The report states that the Act of 26 June 1928 contained provisions which were in conformity with the Convention but, as the Act did not lay down any penalty for contraventions and as, moreover, no factory inspectorates existed, the provisions mentioned were somewhat theoretical. At present, as has been stated above under point IV, the new Labour Act makes provision for inspection (§§ 150-156, Chapter VII), labour courts (Chapter IX), and penalties (Chapter XI). A National Labour Office has been in operation at Caracas since 1 March 1936, and labour inspectorates are at work throughout the States of the Republic. In spite of the imperfections which may be noticeable for the time being and which are due, as is natural, to the fact that the National labour Office has only been set up recently and that its staff is inexperienced, the Act is applied effectively at any rate in the industrial centres, so much so that complaints have been received by the Office from women who have been dismissed owing to the strict application of the provisions prohibiting night work. The Office has further received from certain employers in the cotton weaving industry requests to the effect that the relevant provisions of the Act be applied in such a way as to permit the working of two shifts a day. The Federal Government is at present considering the possibility of complying with this request within the limits allowed by the terms of the Act and those of the Convention. There are as yet no statistics in regard to women's and children's work in Venezuela. The Government intends to include in its next report on the application of the Convention extracts from the information supplied by the various inspectorates, in so far as these may be of interest.

*Yugoslavia.* — According to the report of the Central Labour Inspection Service, the number of undertakings visited during 1935 was 4,427, the number of men employed in these undertakings was 95,740 and the number of women was 30,047. The labour inspectors inflicted 68 fines for breaches of the provisions concerning the prohibition of night work for women and young persons.

### 5. Convention fixing the minimum age for admission of children to industrial employment.

This Convention came into force on 13 June 1921. The following table shows the States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935-30 September 1936 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Albania . . . . .	17. 3.1932	
Argentine Republic.	30.11.1933	6. 4.1937
Austria . . . . .	26. 2.1936	21.11.1936
Belgium . . . . .	12. 7.1924	22.10.1936
Brazil. . . . .	26. 4.1934	
Bulgaria . . . . .	14. 2.1922	23.11.1936
Chile . . . . .	15. 9.1925	4. 1.1937
Colombia . . . . .	20. 6.1933	25. 1.1937
Cuba . . . . .	6. 8.1928	2.12.1936
Czechoslovakia . .	24. 8.1921	7. 1.1937
Denmark . . . . .	4. 1.1923	15. 1.1937
Dominican Republic	4. 2.1933	
Estonia . . . . .	20.12.1922	26.10.1936
Great Britain . . .	14. 7.1921	10.12.1936
Greece . . . . .	19.11.1920	5. 1.1937
Irish Free State . .	4. 9.1925	15. 2.1937
Japan . . . . .	7. 8.1926	4. 2.1937
Latvia . . . . .	3. 6.1926	28.12.1936
Luxemburg . . . .	16. 4.1928	8. 2.1937
Netherlands . . . .	21. 7.1928	9.10.1936
Nicaragua. . . . .	12. 4.1934	
Poland . . . . .	21. 6.1924	28.11.1936
Rumania . . . . .	13. 6.1921	22. 3.1937
Spain . . . . .	29. 9.1932	30. 3.1937
Switzerland . . . .	9.10.1922	31.10.1936
Uruguay . . . . .	6. 6.1933	23.12.1936
Yugoslavia . . . .	1. 4.1927	13.11.1936

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

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

For the general information supplied by the Government of *Colombia*, see

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

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 *Greek* Government states in its report that the actual text of the Convention is applied as the text of a national law. It adds that it would perhaps be useful to recast in one single law all the legislative texts relating to the work of children, but that no Act at present in force allows children of under fourteen years of age to be employed in the industrial undertakings and occupations covered by the Convention. For the general information contained in the Government's letter of 17 December 1936, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of the *Irish Free State* states in its report that the conditions of Employment Act of 14 February 1936, which came into force on 29 May 1936, repealed, with effect as from that date, the whole of the Employment of Women, Young Persons and Children Act, 1920, so far as it related to any form of industrial work within the meaning of the later Act.

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 1935-30 September 1936 adds that the legislation remains unchanged.

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

The *Spanish* Government stated in its report for last year 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 had not yet been enacted. The Convention might nevertheless be considered to be in force, since § 15 of the Act of 31 November 1931 concerning labour contracts prescribed that such contracts might 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 might only be concluded with the permission of their parents or guardians, etc. For the general information supplied by the Government this year, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Yugoslavia* stated in its report for the year 1 October 1933 to 30 September 1934 that the Ministry of Industry and Commerce was proposing to take advantage of the revision of the Act on industrial and commercial undertakings and handicrafts, which was 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 had issued a Circular explaining that these provisions of the Act did not in any way relate to industrial undertakings. The report for the year 1 October 1935 to 30 September 1936 adds that, as far as the Ministry of Commerce and Industry is aware, no fresh information can be supplied as regards the progress made in revising those provisions of the Factory Act which concern the employment of young persons. 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.*

#### *Argentine Republic.*

Act No. 11,317 of 30 September 1924 to regulate the employment of women and young persons (L. S. 1924, Arg. 1).

#### *Austria.*

Federal Act of 13 July 1935 respecting the employment of children and young persons, exclusive of the employment of children in agriculture and forestry (L. S. 1935, Aus. 4 B).  
Mining Act of 28 July 1919 (B. B. Vol. XIV, 1919, p. 111).

#### *Belgium.*

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

#### *Bulgaria.*

Health and Safety of Workers Act of 1917 (B.B. Vol. XIII, 1918, p. 28).  
Act of 22 November 1921 amending § 13 of the preceding Act (O.B. Vol. V, p. 172).  
Social Insurance Act of 6 March 1924 (L. S., 1924, Bulg. 1).  
Elementary Education Act.

#### *Chile.*

Legislative Decree 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).  
Act No. 9 of 8 October 1930 respecting poor relief and industrial schools (L. S. 1930, Col. 2 (extract)).

#### *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).

#### *Greece.*

Act No. 2271 of 1 July 1920 (O. B. Vol. II, No. 1, p. 20).  
Act No. 4029 of 24 January/6 February 1912 concerning the work of women and minors (B. B. Vol. VII, 1912, p. 285).  
Royal Decree of 14/27 August 1913, issued in application of Act No. 4029 (B. B. Vol. IX, 1914, p. 219).  
The report states that the text of the Convention is applied as a national legislative text.

*Irish Free State.*

Factory and Workshop Act, 1901.  
 Employment of Women, Young Persons and Children Act, 1920 (L.S. 1920, G.B. 9).  
 Conditions of Employment Act of 14 February 1936 (L. S. 1936, I.F.S. 1).

*Japan.*

Act of 29 March 1923 concerning the minimum age for industrial employment (L.S. 1923, Jap. 2).  
 Order of the Department of Home Affairs No. 14 of 7 June 1926 issuing Regulations for the application of the Act of 29 March 1923.

*Latvia.*

Act of 24 March 1922 respecting hours of work (L.S. 1922, Lat. 1), as amended by Act of 26 April 1924 (L. S. 1924, Lat. 1).  
 Instructions of 9 January 1931 of the Ministry of Social Welfare concerning the provisions regulating the employment of young persons in industrial establishments and workshops (L.S. 1931, Lat. 5).

*Luxemburg.*

Act of 6 December 1876 concerning the work of children and women.  
 Order of 30 May 1883 amending the Regulation concerning the employment of children in industrial undertakings.  
 Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).  
 Order of 30 March 1932 respecting the application of certain Conventions adopted by the International Labour Conference during its first ten Sessions (L. S., 1932, Lux. 1).  
 Order of 6 January 1933 amending the Order of 30 March 1932 (L. S. 1933, Lux. 1).

*Netherlands.*

Labour Act, 1919 (L. S. 1922, Neth. 1).  
 Stonemasons Act, 1921 (L. S. 1921 (Part II), Neth. 3).  
 Stevedores Act, 1914 (B. B. Vol. IX, 1916, p. 225).  
 Mining Regulations, 1906 (B. B. Vol. I, 1906, p. 505) as amended by Royal Order of 7 October 1922 (L. S. 1922, Neth. 4).

*Poland.*

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).  
 Act of 30 April 1936 concerning vocational training and engagement in handicrafts.

*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.*

Act of 6 April 1934 to approve with amendments a draft Children's Code (§§ 223 *et seq.*) (L. S. 1934, Ur. 4).

*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.*

*Argentine Republic.* — § 2 of Act No. 11,317 lays down that young persons under the age of fourteen years shall not be employed on domestic work or in public or private industrial or commercial undertakings or establishments, whether carried on for profit or for philanthropic purposes. The report adds that the responsible authorities have not expressly defined the line of demarcation between industry and agriculture, and that, in practice, the industrial character of the undertakings covered by this Article of the Convention does not give rise to any discussion.

*Austria.* — Schedule A to the Federal Act of 13 July 1935 enumerates the industrial undertakings covered by paragraphs (a), (b), (c) and (d) of this Article of the Convention, in which it is not permitted to employ children under fourteen years of age. The Schedule contains in addition a certain number of occupations which are also prohibited, as for example, mind-ing power engines, transmission machinery, lifts, and machines driven by hand; processes involving the generation of dust or fumes; carrying heavy weights; etc. The report adds that no special regulations are necessary to meet the requirements of the last paragraph of this Article of the Convention, since the words "industry", "commerce", and "agriculture" are defined without possibility of mistake. The Mining Act of 1919 applies to mining undertakings dealing with reserved minerals, including works erected under mining concessions.

*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.

*Greece.* — ... See also introductory note.

*Irish Free State.* — The Act of 14 February 1936 covers industrial undertakings as defined in this Article of the Convention, with the exception of mines and transport of persons or goods. The provisions of the Convention are therefore applied as from 29 May 1936 by the Act of 14 February 1936 except as regards mines and transport of persons or goods, to which the Act of 1920 is still applicable. § 3 of the Act of 1936 excludes agricultural work and commercial work from its scope.

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

*Rumania.* — The Act of 9 April 1928 applies (§ 2 (1)) to all industrial and commercial undertakings. It has not therefore been necessary to define the line of 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.* — § 223 of the Children's Code prohibits the employment of all persons under the age of fourteen years in public or private industrial establishments. The report adds that, as the legislation does not exclude any industrial activity from this prohibition, it has not been considered necessary to enumerate the industries, as is done in this Article of the Convention, and it is considered that § 223 of the Code includes all the forms of industrial activity specified in this Article of the Convention.

## 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.

*Argentine Republic.* — § 2 of Act No. 11,317 lays down that young persons under the age of fourteen years shall not be employed on domestic work or in

public or private industrial or commercial undertakings or establishments, whether carried on for profit or for philanthropic purposes, with the exception of undertakings or establishments in which only members of the same family are employed.

*Austria.* — § 6 of the Federal Act of 13 July 1935 prohibits the employment of children under fourteen years of age in the establishments specified in Schedule A to the Act, or in dependencies of such establishments. Under § 11, children who have attained the age of twelve years may be employed, under certain conditions, in undertakings where only members of the family of the occupier are employed. The Mining Act of 1919 prohibits the employment of children under fourteen years of age in the undertakings subject to the Act.

*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. § 20 of the Act of 8 October 1930 respecting poor relief and industrial schools prohibits the employment of young persons under eighteen years of age in dangerous and unhealthy industries or occupations. 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.

*Greece.* — ... See also introductory note.

*Irish Free State.* — § 12 of the Act of 14 February 1936 lays down that the Minister of Industry and Commerce shall, in the exercise of the power of making regulations conferred on him by this Act, have due regard to the provisions of international conventions ratified by the Government of the Irish Free State. § 13 provides that it shall not be lawful for any employer to employ any person whose age is less than fourteen years to do industrial work. With respect to mines and transport of persons and goods, § 1 (1) of the Act of 1920 prohibits the employment of children under the age of fourteen years except in 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.

*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.

*Rumania.* — ... § 19 of the Act of 30 April 1936 concerning vocational training and engagement in handicrafts fixes the age-limit for admission as apprentice in industry or commerce, at 14 completed years. The apprentice, besides fulfilling this requirement as to age and the condition that he should have completed his primary education, must also be proved to be in good health by means of a certificate given obligatorily and free of charge by a social insurance doctor or one appointed by the State, departments, communes or chambers of labour.

*Spain.* — See introductory note.

*Uruguay.* — § 223 of the Children's Code of 1934 prohibits the employment of young persons under fourteen years of age in public and private industrial establishments. Under § 224, children under fourteen but over twelve years of age may be employed in small-scale industries in which members of their family are employed under the authority of the father, mother or guardian, provided that such employment is supervised by the public authority designated by the Children's Council and that the children in question have completed their elementary education. § 225 lays down that the competent authority designated by the Children's Council may authorise the employment of children under fourteen but over twelve years of age, provided that they hold a certi-

ificate 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. The report adds that in order to bring the Code into harmony with the Convention this provision of § 225 of the Code would have to be deleted.

*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.

*Argentine Republic.* — § 3 of Act No. 11,317 provides that the prohibition laid down in § 2 shall not apply to the employment of children for purposes of training in schools recognised for this purpose by the competent education authority. The report adds that this recognition implies an obligation to submit to supervision by the authority in question.

*Austria.* — Under § 2 (2) of the Federal Act of 13 July 1935, the prohibition of the employment of children does not apply to their employment in technical and trade schools, provided that the work done is in the main of an educational character, does not subserve purposes of gain, and is subject to restriction, approval and inspection 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.

*Greece.* — ... See also introductory note.

*Irish Free State.* — The Act of 14 February 1936 does not contain similar provisions. As regards mines, and transport of persons or goods, this Article of the Convention is applied by the Act of 1920, which reproduces the terms of the Article in its Schedule (Part I).

*Latvia.* — The report states that the provisions of Article 2 of the Convention do not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority. See also introductory note.

*Poland.* — The report states that the Act of 2 July 1924, which does not expressly mention this exception, does not relate to work in technical schools for the purpose of vocational education. It applies to undertakings worked industrially, and consequently the definition does not include vocational schools, whose object is educational and whose pupils are only employed with a view to completing their knowledge by practical work. On the other hand, the Act does cover workers bound by a labour contract, and therefore applies to apprentices and probationary workers employed in the industrial and handicraft undertakings, etc. which are covered by the Act, since they work under an apprenticeship contract which is merely a variant of a labour contract. Further, in addition to supervision by the school authorities, workshops attached to vocational schools are subject to inspection under § 2 of the Decree of the President of the Republic of 14 July 1927 concerning labour inspection.

*Spain.* — See introductory note.

*Uruguay.* — The report states that the legal provisions concerning the minimum age apply only to industrial undertakings. They do not refer to educational institutions, so that in this respect the legislation is in harmony with the Convention.

### 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.*



*Argentine Republic.* — § 16 of Act No. 11,317 provides that in industrial and commercial establishments in which young persons under the age of eighteen years are employed, the birth certificates of such young persons from the civil register, or equivalent documents, shall be filed in classified order, and, further, a general register shall be kept of such young persons, giving the data prescribed by the regulations. These regulations require that the name, Christian name, age, nationality, sex, etc. of every young person and the address of the parents or guardian shall be entered in the register.

*Austria.* — § 18 of the Federal Act of 13 July 1935, which amends § 96 of the Industrial Code, lays down that every employer who employs young persons of under sixteen years of age shall keep a register of them containing a statement of their dates of birth. The Mining Act of 1919 provides that a register shall be kept of all the workers, including a statement of their dates of birth. The report adds that no prescribed form is issued for keeping the above registers.

*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.

*Greece.* — . . . See also introductory note.

*Irish Free State.* — § 64 of the Act of 14 February 1936 empowers the Minister for Industry and Commerce to make regulations prescribing the records to be kept by employers. The report states that, as this Act has been in force for a relatively short period, it has not yet

been possible to prescribe the method of registration. With respect to mines and transport of persons or goods, Part I of the Schedule to the Act of 1920 reproduces the text of this Article of the Convention.

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

*Switzerland.* — § 10 of the Factory Act requires occupiers of factories to keep a list of the whole staff. The Factory Act further provides in § 73 that any factory owner employing young persons under the age of 18 must demand from them an age certificate which he must keep ready at the works at the disposal of the inspectors. The reports of the Federal factory inspectors on their work for the year 1935 indicate that there are always cases where the certificate is missing or has not been supplied free of charge by the competent authority, but these are the exception, and the higher authorities, especially the federal inspectors, are taking the necessary steps to avoid their repetition. § 7 of the Act relating to the employment of young persons and women in industry provides that in every undertaking covered by the Act a register must be kept of the young persons under 18 years of age employed therein, showing their dates of birth. The Federal Council may also order the submission of an age certificate or other measures for purposes of supervision. The report adds that some of the reports submitted by the cantons with regard to the enforcement of the Act concerning the employment of young persons and women in industry are not in favour of a literal application of § 7 of the Act. In some cantons the provisions of this section are not directly observed, since the register of young persons is kept by the authorities for the whole of the district. The competent Federal officials do not fail to point out to the authorities concerned that this method is not strictly in accordance with the Act, but at the same time the officials in question are of the opinion that, so long as there is no abuse, certain exceptions may be allowed, since, as a matter of fact, most of the undertakings under the Federal Act in question employ only a very small number of young persons, and often only one. Under such conditions it would appear permissible

for the head of the undertaking to show proof of the names and ages of the young persons employed by him in some other way than by keeping a register properly so called. Further, the majority of young persons registered under the above Act are apprentices and therefore come under the system of supervision and protection set up by the legislation on apprenticeship.

*Uruguay.* — §§ 236 and 237 of the Children's Code of 1934 provide that the employer shall keep a register of the young persons employed by him; the register must include a statement of the dates of birth of the young persons in question.

#### 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 35 of the Constitution of the International Labour Organisation (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 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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* (including *Togoland under British Mandate*) : by Ordinance 9 of 1932. *Seychelles* : by Ordinance 12 of 1932. *Uganda* : ... The Government has amended the Mining Ordinance (No. 12 of 1930) by the Mining (Safety) Regulations, 1936, §§ 17 and 32 of which prohibit the employment of persons under 14 years of age in any open-cast workings or quarries or in any underground working. *Tanganyika Territory* : ... *Trinidad* : The Convention is now applied without modification by Ordinance 8 of 1933, which was brought into operation on 16 October 1933. *St. Helena* . . . *Hong Kong* : ... These provisions have been amended by Ordinance No. 30 of 1936, whereby it becomes lawful for the Protector of Labour, in such cases as he shall think fit, to exempt any industrial undertaking from any regulation under the Principal Ordinance or to order the adoption of special precautions in certain cases, subject to the right of appeal to the Governor in Council from any such order. These special powers will not be used so as to diminish the obligations of the Hong Kong Government under the Convention. *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. Rule 112 issued under the Machinery Enactment (Chapter 202 of the Revised Edition of the Laws) prohibits the employment of any person below the age of 18 years from operating a passenger lift . . . *Mauritius* : The Convention is applied by Ordinance 37 of 1934. *Fiji* . . . *British Honduras* : The Convention is applied from now onwards by Ordinance 12 of 1933. In *Malta* an Act (No. 21 of 1926) has been passed but has not yet been brought into force. *Kenya* : Ordinance 14 of 1933 (with the modification that, except in the case of children employed in attendance on machinery or

in a mine, the age-limit is 12 instead of 14). *Gambia*: Ordinance 14 of 1933. *Northern Rhodesia*: Ordinance 10 of 1933 (with the modification that the minimum age is 12 instead of 14. It is, however, provided by § 8 that no one between the ages of 12 and 14 shall be employed in an industrial undertaking unless the employment has been authorised by a licence issued by the Governor, and the issue of such licence may be made subject to conditions prescribed by regulations). *Jamaica*: Ordinance 12 of 1933 (with the modification that the minimum age is 12 instead of 14). *British Guiana*: Ordinance 14 of 1933 (with the modification that the minimum age is 12 instead of 14). The Ordinance has not yet been brought into force. *Gibraltar*: Ordinance 16 of 1932. *Sarawak*: Order L-6 of 1933. *Kelantan*: Enactment No. 2 of 1936 (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. *Kedah*: Enactment No. 21 of 1354, with the following modifications: (1) A child under 7 years of age cannot be employed on any kind of labour. (2) A child over 7 years of age can be employed only upon such forms of labour and in accordance with such conditions as may be prescribed by the President of the State Council from time to time by rules made under the Enactment. (3) A child cannot take part in any public entertainment, exhibition or performance without a licence from the Secretary to the Government. See also "General observation." under *Convention No. 2 (Unemployment)*, point III.

*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 1935, 83 cases of infraction of the provisions relating to the employment of children were reported. From January to June 1936, the number of breaches of the provisions was 42 . . . 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. See also under *Convention No. 1 (Hours of work, industry)*, 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.*

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

*Austria*. — § 15 of the Federal Act of 13 July 1935 lays down that the district administrative authorities shall supervise the observance of the provisions of the Act, assisted by the public juvenile welfare offices and the organisations for child protection and juvenile welfare. The Act further provides for the collaboration of teachers, medical practitioners, etc., who are required to inform the administrative authorities of any contraventions which they may observe. The penalties prescribed by § 17 in cases of contravention include fines not exceeding 500 schillings and imprisonment for not more than two months. The authorities responsible for supervising the application of the provisions of the Mining Act of 1919 are the mining authorities (District Mining Offices). Infractions are punished by the infliction of a fine.

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

*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.

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

*Irish Free State.* — The Minister for Industry and Commerce is entrusted with the application of the legislation in question.

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

*Uruguay.* — The authority responsible for supervising the application of the relevant legislation is the Children's Council. § 232 of the Children's Code of 1934 provides that infringements shall be punished by a fine of not less than 50 nor more than 200 pesos for each offence. In the event of a second or further offence, imprisonment for not less than eight days nor more than three months may be imposed in addition to the fine.

## 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.* — A number of decisions pronounced by the courts are attached to the report, but these decisions do not raise any points of principle with regard to the application of the Convention.

*Switzerland.* — During the period covered by the report, three 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; in every case the penalty inflicted was a fine. In addition, mention should be made of a number of warnings which mostly related to the observance of the provisions requiring a certificate of age. The sentences do not present any features worth recording. None of the cases were serious; in most of them the children in question were on the point of reaching the age of admission. Two of the sentences were pronounced by the administrative authorities and one by the legal authorities; the heaviest fine was 50 francs, and in this case the penalty covered infringements of other provisions also. With regard to the Federal Act concerning the employment of young persons and women in industry, two sentences pronounced for the employment of children in violation of § 2 were reported to the Federal authorities; in both cases the penalty inflicted was a fine. For decisions of the Federal Court on the application of the Factories Act, see under *Convention No. 4 (Night work, women)*, 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 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.*

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

*Austria.* — The report of the factory inspectors on their work in 1935 states that in practice the employment of children in industry is only of minor importance in Austria. Cases of illegal employment are comparatively rare. A few cases of infringement were noted in carpenters' shops and saw mills, in a vinegar factory and a workshop for knitting, and in bakeries, dairies and laundries, where children were sometimes employed as messengers. No infringements were re-

ported in mines. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention.

*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.

*Bulgaria.* — The number of infringements was 63. The Government has not received any observations from employers' or workers' organisations with regard to the practical application of the Convention or of the national legislation which implements it.

*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. Young persons under eighteen years of age must possess permits from their parents or guardians, a condition which is also prescribed by the internal regulations, together with the provision that they must have completed their compulsory period of school attendance; thus, in practice, the legal provision under which young persons of less than eighteen years of age who have not completed their school course may claim two hours' leave without pay, is inoperative. Registers of young persons under sixteen years of age are kept by the undertakings, but not always in due form, owing to the fact that in most cases the persons concerned are not able to supply the details necessary for making the entries in the prescribed form. No information is available as regards cases of infringement. A large number of complaints are settled by the labour inspectors by means of conciliation. 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 reorganisation 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, or to give any general information with regard to the application of the Convention. See also under *Convention No. 1 (Hours of work, industry)*, introductory note. The employers' and workers' organisations have not made any observations with regard to the application of the Convention.

*Cuba.* — The Section for the inspection of women's and children's work noted six cases of infringement of the provisions of Legislative Decree No. 647. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention. See also under *Convention No. 1 (Hours of work, industry)*, point VII.

*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 1935, which will be transmitted to the International Labour Office as soon as possible.

*Denmark.* — The report states that during 1935 seven infringements were recorded in the undertakings under the control of factory inspection, one 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 1935 was 738. The reports of the labour inspectors for the year 1935 record no complaints of non-observance of the provisions of the Act concerning the age for admission of children to industrial employment. No cases of infringement were recorded. 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.* — In 1935 there were no cases in Great Britain or Northern Ireland in which it was necessary to prosecute an employer for an offence involving a breach of this Convention. No observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention

have been received from organisations of employers or workers.

*Greece.* — The report states that the courts inflict severe penalties in cases of infringement. See also introductory note.

*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, the Employment of Women, Young Persons and Children Act, 1920, and the Conditions of Employment Act, 1936. 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 which implements it.

*Latvia.* — The report states that Latvian legislation ensures the complete application of the Convention. 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 one case of infringement has 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 1935, 353 actions were brought for the illegal employment of children protected by the Act. As in 1934, most of the cases concerned children working in their parents' undertakings. 28 of these actions were brought by the labour inspection service, 186 by the provincial police authorities, 60 by the State police and 79 by the rural police. The actions may be

classified as follows: 92 cases of employment in a factory or workshop; 98 cases of employment in distributing bread, milk and newspapers; 75 cases of employment on distributive work of other kinds; 88 cases of employment in other occupations. It should be noted that the last 88 cases did not concern employment covered by the Convention, and that a certain number of the 173 actions in cases of distributive work did not concern work prohibited by the Convention, since "transport by hand" is permitted. The fines imposed were in most cases light ones, but in one case the offender was sentenced to a term of imprisonment with, however, a stay of execution. Neither employers' nor workers' organisations have formulated any observations concerning the application of the Convention or of the legislation which implements it.

*Poland.* — The report 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 1935, which will be sent to the International Labour Office in the near future.

*Rumania.* — The inspectors state in their reports that the provisions of Act are applied. Cases of contravention occur more in commercial enterprises than in industrial undertakings. However, the number of infringements in commercial enterprises has considerably diminished. In 1935 the labour inspectors visited 9,193 establishments and came across 447 children under 14 years of age employed in day work and none under 14 years of age employed in night work. The number of children between the ages of 14 and 18 employed in day work was 38,140 and that in night work was 240. In 1936 the inspectors visited 9,691 establishments and came across 191 children under 14 years of age employed in day work and no child employed in night work. The number of children between the ages of 14 and 18 employed in day work was 29,790 and that in night work was 98. In regard to the number of infringements, see under *Convention No. 1 (Hours of work, industry)*, point VII.

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

*Switzerland.* — The report states that the Convention concerning the minimum age for admission of children to industrial employment is strictly applied in the whole of Swiss territory. In 1935, out of a total of 310,734 workers (8,803 less than in 1934) subject to the Factory Act, 21,456 (6.9 per cent., and 597 less than in

1934) were between 14 and 18 years of age, of whom 10,516 were of the male sex (3.38 per cent. of the total number of male workers), and 10,940 were of the female sex (3.52 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. The possibilities for employing young persons in industry thus continue to decrease, and have even decreased slightly during the period covered by the report. (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, a number of cantons state that the observance of the prohibition of the employment of young persons under fourteen years of age is ensured by the simple fact that school attendance is compulsory up to the fifteenth birthday. Furthermore, some of the cantons have raised the school age or enforced it more strictly. Some of the reports of the cantonal Governments repeat their former observation, viz. that the persistence of unemployment tends to exclude the possibility of employing children. A circumstance which also contributes to making cases of infringement rare is that when girls have finished their schooling they tend more and more to go into domestic service or at least to learn housekeeping before taking a post. It should further be noted that one canton has introduced a general prohibition of the employment of children of school age, a prohibition which applies equally to commercial undertakings and which is applicable to children older than fourteen if the school-leaving age is higher than fourteen years. The only exception is for distributing newspapers and similar work which is done to help near relations, and also for collecting when the collections in question have been authorised by the police authorities. A further provision states that the employment must not be of a kind to prejudice the health or education of the child. The Federal authorities have not received any suggestions, complaints or observations from the groups of employers and workers with regard to the application of the Convention and of the legal provisions which implement it.

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

*Yugoslavia.* — The Government states that, according to the report of the central labour inspection service, the number of workers employed in the 4,427 undertakings inspected in 1935 was 125,797. The number of infringements of the provisions of § 20 of the Labour Protection Act was 14.

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

This Convention came into force on 13 June 1921. The following table shows the States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935-30 September 1936 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Albania . . . . .	17. 3.1932	
Argentine Republic.	30.11.1933	6. 4.1937
Austria . . . . .	12. 6.1924	21.11.1936
Belgium . . . . .	12. 7.1924	22.10.1936
Brazil . . . . .	26. 4.1934	
Bulgaria . . . . .	14. 2.1922	23.11.1936
Chile . . . . .	15. 9.1925	4. 1.1937
Cuba . . . . .	6. 8.1928	2.12.1936
Denmark . . . . .	4. 1.1923	15. 1.1937
Estonia . . . . .	20.12.1922	26.10.1936
France . . . . .	25. 8.1925	12. 4.1937
Great Britain . . .	14. 7.1921	10.12.1936
Greece . . . . .	19.11.1920	5. 1.1937
Hungary . . . . .	19. 4.1928	3.12.1936
India . . . . .	14. 7.1921	16.12.1936
Irish Free State . .	4. 9.1925	8. 1.1937
Italy . . . . .	10. 4.1923	24. 2.1937
Latvia . . . . .	3. 6.1926	28.12.1936
Lithuania . . . . .	19. 6.1931	30. 3.1937
Luxemburg . . . . .	16. 4.1928	8. 2.1937
Netherlands . . . .	17. 3.1924	9.10.1936
Nicaragua . . . . .	12. 4.1934	
Poland . . . . .	21. 6.1924	28.11.1936
Portugal . . . . .	10. 5.1932	10.12.1936
Rumania . . . . .	13. 6.1921	22. 3.1937
Spain . . . . .	29. 9.1932	30. 3.1937
Switzerland . . . . .	9.10.1922	31.10.1936
Uruguay . . . . .	6. 6.1933	23.12.1936
Venezuela . . . . .	7. 3.1933	11. 1.1937
Yugoslavia . . . . .	1. 4.1927	13.11.1936

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



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

The *Greek* Government states in its report that the replies contained in the report on the application of Convention No. 4 apply *mutatis mutandis* to this Convention. See therefore under *Convention No. 4 (Night work, women)*, introductory note. For the general information contained in the Government's letter of 17 December 1936, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of the *Irish Free State* states in its report that the Conditions of Employment Act, 1936, which came into force on 29 May 1936, repealed, with effect as from that date, the whole of the Employment of Women, Young Persons and Children Act, 1920, so far as it related to any form of industrial work within the meaning of the later Act. The report adds that the Night Work (Bakeries) Act, 1936, which became law on 14 August 1936, will, after the date on which it is brought into operation, supplement the provisions which apply the Convention in so far as concerns night work in bakeries.

The Government of *Latvia* stated in its report for the year 1 October 1934 to 30 September 1935 that, although the provisions of the Act concerning hours of work which relate to the prohibition of night work for young persons were explicit, the Ministry of Social Welfare was acceding to the request of the Committee of Experts on the application of Conventions, and was in process of amending the Act by a provision to prohibit children from being employed up to 10 p.m. on any one day and also from 6 a.m. on the following day. The report for this year states that the amendment in question will be included in new legislation which is at present being drafted.

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

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. For the general information supplied by the Government, see under *Convention No. 1 (Hours of work, 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.*

### *Argentine Republic.*

Act No. 11,317 of 30 September 1924 to regulate the employment of women and young persons (L. S. 1924, Arg. 1).

### *Austria.*

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

Mining Act of 28 July 1919 (L.S. 1919, Aus. 11).

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

Order of the Federal Ministry of Social Administration of 15 June 1928 concerning the employment of young persons at 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 forty-eight-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 A).

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 B).

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. 6A).

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

#### *Bulgaria.*

Health and Safety of Workers Act of 1917 (B. B. Vol. XIII, 1918, p. 26).

#### *Chile.*

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

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

#### *Cuba.*

Legislative Decree No. 647 of 31 October 1934 [concerning the night work of young persons employed in industry and the minimum age for admission of children to industrial employment] (L. S. 1934, Cuba 11).

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

#### *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 to amend § 20 of the above Act (L.S. 1929, Est 5).

#### *France.*

Code of Labour and Social Welfare, Book II.

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

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

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

Decree of 3 May 1893 concerning the employment of young persons in mines.

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

#### *Great Britain.*

Factory and Workshop Act, 1901.

Coal Mines Acts.

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

Night Employment of Young Persons (Reverberatory or Regenerative Furnaces) Order, 1924 (L.S. 1924, G.B. 1).

#### *Greece.*

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

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

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

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

#### *Hungary.*

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

Act No. V of 1928 respecting the protection of children, young persons and women employed in industry and in 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 2 June 1933 of the Minister of Commerce to provide for a nightly rest period of eleven hours for young persons and women employed in brickmaking (L. S. 1933, Hung. 5).

#### *India.*

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.

Conditions of Employment Act, 1936 (L. S. 1936, I.F.S. 1).

See also introductory note.

#### *Italy.*

Act No. 653 of 26 April 1934 to safeguard the employment of women and children (L. S. 1934, It. 6).

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

Ministerial Decree of 4 May 1936 issued in pursuance of § 8 of the preceding Act.

#### *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).

Mining Regulations, 1906 (B. B. Vol. I, 1906, p. 505) as amended by Decree of 7 October 1922 (L. S. 1922, Neth. 4).

General Service Regulations of 26 June 1913 for railways and General Service Regulations of 3 June 1915 for light railways, as amended by Decree of 4 November 1922 (L. S. 1922, Neth. 5 D) and Decree of 23 November 1931 (L. S. 1931, Neth. 5 A).

Tramway Regulations of 24 February 1920, as amended by Decree of 4 November 1922 (L. S. 1922, Neth. 5 H) and Decree of 23 November 1931 (L. S. 1931, Neth. 5 B).

*Poland.*

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

Act of 2 July 1924 respecting the employment of women and young persons (L. S. 1924, Pol. 2) amended and supplemented by Act of 7 November 1931 (L. S. 1931, Pol. 2A).

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

Order of the President of the Republic of 14 July 1927 concerning the labour inspectorate (L. S. 1927, Pol. 8).

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

Order of the President of the Republic of 22 March 1928 concerning labour courts (L. S. 1928, Pol. 5).

*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.

Legislative Decree No. 26,917 of 24 August 1936 to amend and supplement Legislative Decree No. 24,402.

*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 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 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. 1B).

*Uruguay.*

Act of 6 April 1934 to approve with amendments a draft Children's Code (L. S. 1934, Ur. 4).

*Venezuela.*

Labour Act of 16 July 1936 (L. S. 1936, 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.

## II.

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

## ARTICLE 1.

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

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

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

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

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

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

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

*Argentine Republic.* — § 6 of Act No. 11,317 prohibits the employment of

young persons under the age of eighteen years on night work, except in domestic occupations.

*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.

*Cuba.* — § VII of Legislative Decree No. 647 of 31 October 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.

*Greece.* — . . . See also introductory note.

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

*Irish Free State.* — The Conditions of Employment Act, 1936 covers industrial undertakings as defined in this Article of the Convention, with the exception of mines and the transport of persons and goods. The provisions of the Convention are therefore applied, as from 29 May 1936 (the date of the coming into force of the above Act), by the Act in question, except as regards mines and the transport of persons and goods, to which the Employment of Women, Young Persons, and Children Act, 1920 is still applicable. § 3 of the Act of 1936 defines agricultural work and commercial work, and excludes both such forms of work from its scope.

*Italy.* — § 12 of the Act of 26 April 1934 lays down that night work shall be prohibited for young persons under eighteen years of age in industrial undertakings and the dependencies thereof. The report states that the inclusive drafting of this provision clearly makes it cover all the industrial activities enumerated in this Article. The report adds that, during the period under review, no decision has been arrived at with regard to the distinction between industry on the one hand and commerce and agri-

culture on the other, since clear criteria, determined by law and practice and differentiating between the two groups, are already in existence.

*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.

*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 13 March 1900 applies to industrial and commercial undertakings. The line of division has not yet been defined. See also introductory note.

*Uruguay.* — The report states that Uruguayan legislation covers all undertakings of the kind mentioned in this Article. No statement is made with regard to the last paragraph.

*Venezuela.* — § 8 of the Labour Act of 16 July 1936 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.

## 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.*

*Argentine Republic.* — § 6 of Act No. 11,317 prohibits the employment of young persons of under eighteen years on night work, except in domestic occupations. The Act contains no exceptions for family undertakings or continuous process undertakings.

*Chile.* — ... The report for last year added that the regulations to determine the industries and processes to which the exception in the second paragraph of this Article shall apply were in course of preparation. The report for this year states that the technical services concerned have been urged to hasten on the study of the draft regulations in question, the preparation of which is now well advanced.

*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 31 October 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 pickling process ; glass works ; gold mining reduction work. No cases have so far

arisen for the application of the above-mentioned exceptions.

*Greece.* — ... See also introductory note.

*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.

*Irish Free State.* — § 12 of the Conditions of Employment Act, 1936 provides that the Minister of Industry and Commerce shall, when making regulations, have due regard to the provisions of the international conventions ratified by and binding on the Government. § 47 (2) provides that the employment at night of male young persons over the age of sixteen years may be authorised by regulations, subject to the imposition thereby of conditions, limitations and restrictions. With regard to mines, and the transport of persons and goods, § 1 (3) of the Employment of Women, Young Persons, and Children Act, 1920 provides that no young person (i. e., a person under eighteen years of age) may be employed except to the extent to which and in the circumstances in which such employment is permitted by the Convention.

*Italy.* — § 12 of the Act of 26 April 1934 provides that night work shall be prohibited for young persons under eighteen years of age in industrial undertakings and the dependencies thereof. Family undertakings are excluded from the scope of the Act (§ 1 (b)). § 14 lays down that the prohibition of night work shall not apply to persons over sixteen years of age who are employed in the following industries on work which by reason of the nature of the process must 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 iron (sheet metal or wire) (except the pickling process) ; (b) glass works ; (c) manufacture of paper ; (d) manufacture of raw sugar ; (e) gold ore reduction work. The report states that the application of the second paragraph of this Article has given rise to no question.

*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.

*Portugal.* — § 7 of Legislative Decree No. 24,402, as amended by Legislative Decree No. 26,917 of 24 August 1936, provides that persons under eighteen 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 eighteen 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. The report points out that the age for the employment of young persons has thus been altered from sixteen to eighteen years in accordance with the Convention, and adds that it should be noted that the limits of hours laid down in Portuguese legislation are much stricter than those required by the Convention.

*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 prohibition 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.* — § 231 of the Children's Code lays down that young persons under the age of eighteen years, with the exception of those employed in domestic service, shall not be employed at night. The report adds that the national legislation does not allow the exceptions permitted under this Article.

*Venezuela.* — § 72 of the Labour Act of 16 July 1936 provides that young persons under eighteen years of age may only work between the hours of 6 a.m. and 7 p.m., except in the case of nursing and domestic service, the press, hotels, restaurants, cafés and theatres, which shall be subject to special regulations, and in other exceptional cases to be specified by the Federal Government in Regulations applying the present Act or in special Resolutions. The report adds that the Regulations applying the Act are in course of preparation.

### 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.*

*Argentine Republic.* — § 6 of Act No. 11,317 prohibits the employment of young persons under the age of eighteen years on night work ; for the purposes of the section "night work" is taken to mean work between 8 p.m. and 7 a.m. in winter, and between 8 p.m. and 6 a.m. in summer. The report adds that, although the night period is only ten hours in summer, § 7 of the Act provides that young persons under the age of eighteen years who are employed both morning and afternoon shall be granted a break of two hours at mid-day. With regard to bakeries, in which work is prohibited between the hours of 9 p.m. and 5 a.m. by Act No. 11,338 of 1926, the provisions of Act No. 11,317 apply in the case of young persons.

*Cuba.* — § X of Legislative Decree No. 2,513 of 19 October 1933 prohibits the employment of young persons under eighteen years of age on night work. § III of Legislative Decree No. 647 of 31 October 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 eighteen 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.

*Greece.* — ... See also introductory note.

*Hungary.* — ... The provisions of § 33 of Order No. 150,443 have been repealed

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

*India.* — See under ARTICLE 2.

*Irish Free State.* — This Article is applied by the Conditions of Employment Act, 1936. See under ARTICLE 2. As regards mines, and the transport of persons and goods, the Schedule to the Employment of Women, Young Persons, and Children Act, 1920 reproduces the terms of the Convention. With regard to bakeries, see introductory note.

*Italy.* — § 13 of the Act of 26 April 1934 defines "night" as a period of not less than eleven consecutive hours including the interval between 10 p.m. and 5 a.m., except as laid down in the Act respecting bakeries. The report states that no exception has been provided for lignite mines, and that, since Italian legislation prohibits night work in bakeries (though with certain exceptions), it has not been considered necessary to make use of the possibility allowed by the third paragraph of this Article.

*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.

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

*Spain.* — Under § 4 of the Act of 13 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.* — § 231 of the Children's Code defines "night" as the period between 9 p.m. and 6 a.m. The exceptions allowed under this Article are not permitted by Uruguayan legislation.

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



## 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.*

*Argentine Republic.* — Act No. 11,317 contains no provisions of this nature.

*Cuba.* — § V of Legislative Decree No. 647 of 31 October 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.

*Greece.* — ... See also introductory note.

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

*Irish Free State.* — This Article is applied by § 54 of the Conditions of Employment Act, 1936, which lays down that an employer must satisfy a Court that the employment was necessary or reasonably proper by reason of some emergency. With regard to mines, and the transport of persons and goods, the Act of 1920 reproduces the terms of this Article in Part II of the Schedule and, in § 1 (3), prohibits the night work of young persons "except to the extent to which and in the circumstances in which such employment is permitted by the Convention". Nevertheless, young persons are allowed to be employed at night only under the conditions set out in §§ 54, 55 and 56 of the Factory and Workshop Act, 1901.

*Italy.* — § 15 of the Act of 26 April 1934 lays down that the prohibition of night work shall not apply to persons who have attained the age of sixteen years in cases of *force majeure* which interfere with the normal working of the undertaking. The employer shall forthwith notify the corporative inspectorate, stating the facts constituting the case of *force majeure*, the number of young persons employed, the hours of work adopted and the presumable duration of the night work. He shall subsequently notify the inspectorate of the date of the cessation of the night work. The corporative inspectorate shall be entitled to impose restrictions on night work or suspend it. An appeal may be made to the Ministry of Corporations against the decision of the inspectorate.

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

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

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

*Spain.* — See under ARTICLES 2 and 3 and introductory note.

*Switzerland.* — ... The report for the period 1 October 1933-30 September 1934 stated 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.* — No provision is made in the national legislation for cases of *force majeure*.

*Venezuela.* — The report states that the Federal Government intends to make the necessary provision in the Regulations applying the Labour Act, which are at present in course of preparation.

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.*

*Argentine Republic.* — Act No. 11,317 contains no provisions of this nature.

*Cuba.* — Under § VI of Legislative Decree No. 647 of 31 October 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.

*Greece.* — ... See also introductory note.

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

*Italy.* — The report states that no measure has been adopted with a view to suspending the prohibition of night work for young persons over sixteen years of age in the circumstances contemplated in this Article.

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

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

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

*Rumania.* — The Act of 9 April 1928 provides in § 13 that the labour inspectors for their respective areas, or the Ministry of Labour, in consultation with a committee composed of employers' and workers' representatives, appointed by the Ministry on the recommendation of the most representative organisations of

employers and workers, and representatives of the Ministry itself, for several areas, may authorise the employment during the night of young persons of 16 to 18 years in all cases where exceptional circumstances or the public interest require it . . .

*Spain.* — See under ARTICLES 2 and 3 and introductory note.

*Uruguay.* — The national legislation contains no provisions of this nature.

*Venezuela.* — The Labour Act of 16 July 1936 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 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 35 of the Constitution of the International Labour Organisation (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 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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, although they have not been made applicable to *Algeria de jure*, are applicable *de facto*; the provisions of Book II of the Labour Code, and in particular §§21 to 29 which concern prohibition of night work for women and young persons, were made applicable to Algeria by a Decree of 15 January 1921. Further, a Decree of 23 December 1933 put into force in Algeria the Act of 24 January 1925 to amend §§ 21 to 28 to the above-

mentioned sections. By Decree of 1 July 1933, the Convention was made applicable to *Guadeloupe*, *Martinique* and *Réunion*, where the workers are considered to be French citizens and not natives. A similar extension is contemplated with regard to *Guiana* and *Saint-Pierre* and *Miquelon*. With regard to the other possessions the French Government is instituting a comprehensive campaign for adapting social legislation to the colonies, taking into account local conditions. In this connection, it would appear opportune to mention a Decree of 30 December 1936 which, although it is of a later date than the period covered by the present report, illustrates the tendency to regulate labour in other colonies. This Decree, by means of which it is proposed to determine the conditions of work of Indo-Chinese and assimilated natives, prohibits in particular, under the terms of §§72 to 75 inclusive, night work of women and young persons, a prohibition which is subject nevertheless to certain exceptions. A copy of the Decree in question accompanies the report. With regard to *Morocco*, §10 of the Dahir of 13 July 1926, as amended by the Dahir of 22 May 1928, prohibits the employment of young persons under sixteen years of age on night work. Morocco cannot, however, adhere to the Convention concerning the night work of young persons because the labour regulations of the French Zone only prohibit night work for young persons of under sixteen years of age, while in the Convention the prohibition is for young persons of under eighteen years of age. Most of the young persons employed in industrial and commercial undertakings in Morocco are natives, who reach an adult physical state very much more rapidly than young persons living in Europe. With regard to *Tunis*, the Convention could be put into effect with a proviso that the age-limit should be sixteen instead of eighteen years of age. This provision, similar to that which is allowed by the Convention in the case of Japan and India, would be equally justified in *Tunis*, owing to the early physiological development of adolescents. With regard to the *Levantine States*, Legislative Decree No. 32 of 24 June 1936 regulates the work of young persons in industry in the State of *Syria*, and an Act of 17 April 1935 protects the work of young persons throughout the territory of the Republic of *Lebanon*.

*Great Britain.* — ... *Hong Kong*: Ordinance 27 of 1932 and Regulations thereunder apply the Convention with the modification that the prohibition relates to the period between 9 p.m. and 7 a.m. The Ordinance has been amended by Ordinance No. 30 of 1936, whereby it becomes lawful for the Protector of Labour, in such cases as he shall think fit, to exempt any industrial undertaking

from any regulation under the Principal Ordinance or to order the adoption of special precautions in certain cases, subject to the right of appeal to the Governor in Council from any such order. The report adds that these special powers will not be used so as to diminish the obligations of the Hong Kong Government under the Convention. 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: *Malta*: Ordinance XVII of 1936. Under this Ordinance the Governor is empowered to make regulations with regard to conditions of labour generally. *Kenya*: Ordinance 14 of 1933; by Ordinance No. VI of 1935 the age-limit for the employment of males in industry at night has been fixed at 16 years; *Gambia*: Ordinance 14 of 1933; *Northern Rhodesia*: Ordinance 10 of 1933; *Gibraltar*: Ordinance 16 of 1932; *Kedah*: Enactment 19 of 1351; *Perlis*: Enactment 10 of 1351; *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*: Enactment 2 of 1936; *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. See also "General observation" under Convention No. 2 (*Unemployment*), point III.

*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.*

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

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

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

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

*Irish Free State*. — Inspectors of Factories and Workshops and of Mines and Quarries attached to the Industries Branch of the Department of Industry and Commerce are responsible for the application of the Employment of Women, Young Persons and Children Act, 1920, and of the Conditions of Employment Act, 1936. Inspection is a State service carried out by civil servants attached to the Department of Industry and Commerce. The Annual Report for the year 1935 under the Factory and Workshop Acts 1901-1920 is attached to the report.

*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.

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

*Uruguay*. — The responsible authority is the Children's Council (see under *Convention No. 3 (Childbirth)*, point IV). § 232 of the Children's Code lays down that contraventions shall be punished by a fine of not less than 50 nor more than 200 pesos for every minor employed, provided that the total fine shall not exceed 1,000 pesos. In the event of a second or further offence, imprisonment for not less than eight days nor more than three months may be imposed in addition to the fine. The Council shall fix the fine and issue regulations respecting the manner of its enforcement. Under § 233, if the legal representative of a minor is guilty of a contravention by causing or permitting the minor to be unlawfully employed, he shall be liable to the afore-said penalties, without prejudice to the loss or restriction of paternal or guardianship authority, as the case may be.

*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*. — The Government supplies a copy of a legal decision, confirmed on appeal, under which an employer was fined for employing young persons at night in a bakery.

*Switzerland*. — During the period covered by the report, the following sentences have been reported to the Federal authorities: 7 sentences pronounced in cases of infringement of the prohibition of night work under the Factory Act, with reference to young persons; 62 sentences pronounced in cases of infringement of the same prohibition under the Act concerning the employment of young persons and women in industry. 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 69 sentences, 31 were pronounced by the legal authorities and 38 by the administrative authorities. The heaviest fine amounted to 100 frs. In one

canton, an agency for night watchmen was fined for employing a young man as night watchman in a building yard. The question whether the Federal Act of 31 March 1922 relating to the employment of young persons and women in industry is applicable to such an undertaking is under consideration. For other decisions of the Federal Court on the application of the Factory Act, see under *Convention No. 4 (Night work, women)*, point V. 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.*

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

*Austria.* — There are no statistics showing either the number of persons protected by the Convention or the infringement of its provisions. Attention is drawn, however, to the annual report of the factory inspection service for 1935, which shows that most of the cases of infringement of the legislative provisions for the protection of women and young persons which were recorded during the year in question related to night work. With regard to young persons, the report states that various textile undertakings in the Vorarlberg employed 33 young persons and 102 women on prohibited night work. In Styria, 49 young persons under sixteen years of age, 17 of whom were females, were employed in glass works during the night. The number of workers employed in mines at the

end of 1935 was 15,502, including 110 young persons of male sex. Out of these 110, 30 were employed exclusively on surface work. No infringement was reported in the mines, and exceptions were neither asked for nor granted. No further decrease has occurred in the number of young persons employed in paper mills. 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, and only in so far as the industrial needs of the economic recovery necessitated this use. 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.

*Bulgaria.* — The report states that 15 cases of infringement were reported during the period under review. No observations have been received from employers' or workers' organisations with regard to the practical application of the provisions of the Convention or of the national laws which implement the Convention.

*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. The factory inspectors are constantly engaged in ensuring compliance with the legislation. The report for last year stated that a difficulty had 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 demanded that the prohibition of night work for young persons should be strictly applied in these industries, in accordance with the law, and the employers showed

themselves disposed to submit to this. A serious social problem arose, however, in this connection, since more than 300 young persons were obliged to stop work, and the majority of these young persons were the sole support of their families. The report added that, up to the present, this reason had prevented a fundamental solution of the problem being applied, but that it was being examined by the Ministry of Labour, and it was hoped that a solution would shortly be found. The report for this year forwards a copy of a minute of the Welfare Department on the question, which states that, in view of the difficulty mentioned above, in the Regulations to be issued under § 48 (2) of the Labour Code (exemption for male young persons over 16 in specified industries for continuous processes), which are in course of being examined, this industry will be included among the specified industries exempted, since the continuous processes on which the young persons are engaged involve only light work. In bakeries, a number of cases of infringement of the prohibition of night work for young persons have been reported to the competent courts (see also above under V.) The number of young persons protected by the relevant legislation is 32,596. The total number of offences against the legislation prohibiting the employment of women and young persons during the night was 5. Neither the employers' nor the workers' organisations have made any observations concerning the practical application of the provisions of the Convention or of the legislation to give effect to it.

*Cuba.* — The report states that, according to the report of the section of the Department of Labour which deals with the employment of women and young persons, no offence against the legislation on this subject has so far been reported, and no application has been received for permission to employ young persons outside the special hours laid down in the Decree. Up to the present no comments on the practical application of the provisions of this Convention have been received from workers' or employers' organisations.

*Denmark.* During 1935, 36 cases of infringement of the prohibition of night work were recorded, 23 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 1935 the number of children protected by the Act was 738. The reports of the labour inspection services for 1935 do not record any complaints of non-observance of the Act; seven cases of

infringement were recorded, and gave rise to legal proceedings. 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 1935 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, 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.	Boys. 16-18 yrs. on night duty
Paper factories. . . . .	287	278
Raw sugar factories . . .	132	66
Iron and steel works. . .	130	384
Glass works . . . . .	107	166
<i>Total</i> . . . . .	656	894

As regards breaches of the provisions of the Convention, during the year 1935 the Factory Inspection Service prosecuted in 6 cases out of 14 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.* — The number of firms prosecuted in Great Britain and Northern Ireland for breaches of this Convention during 1935 was 37. Twelve of the defendants were bakers; the rest were engaged in a variety of industries. No complete figures are available for the number of young persons concerned, but in Great Britain the number of young persons employed in factories in 1933 was 702,766, and in 1935 71,093 young persons were employed above ground at mines and quarries. In Northern Ireland in 1935 21,495 young persons were employed in factories and 101 in quarries. See also under *Convention No. 4 (Night work, women)*, point VI. 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.

*Greece.* — See introductory note.

*Hungary.* — The report states that in 1935 the number of children employed in undertakings subject to labour inspection was 19,911. Statistics for 1936 are not yet available. 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 8 cases of infringement during 1935, in all of which legal proceedings were taken against the employers concerned. No information in regard to infringements in 1936 is yet available. 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 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. Provision has been made in the Conditions of Employment Act, 1936, to ensure that due regard shall be paid to the provisions of international conventions ratified by and binding on the Government of Saorstát Éireann. No observations have been received from employers' or workers' organisations. See also introductory note.

*Italy.* — During 1935, the inspection services made 17,493 ordinary inspections and 7,916 exceptional inspections, 1,076 of which were made by night, in the industrial and commercial undertakings subject to the legislation on the night work of women and children, and therefore to the regulations prohibiting such work. The number of cases of infringement penalised in 1935 reached a total of 830. 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 provisions of the Con-

vention or of the national legislation which implements those provisions.

*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 number of children covered by the legislation which applies the Convention is about 500. The employers' and workers' organisations have not made any observations with regard to the application of the Convention. See also under *Convention No. 1 (Hours of work, industry)*, point VII.

*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 and affected 2 boys. A fine was imposed. Thirty cases of infringement of the prohibition of work between 10 p.m. and 5 a.m. were recorded; 10 of these concerned bakeries and 10 butchers' establishments. Fines were inflicted and, in one case, imprisonment with hard labour. During 1935, more than 120,000 young persons were employed in the factories and workshops covered by the Labour Act. The Government is not aware of any observations from employers' or workers' organisations with regard to the practical application of the Convention or of the national legislation which implements it.

*Poland.* — See under *Convention No. 5 (Minimum age, industry)*, point VI. § 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 Orders of 16 March 1928 introduced new provisions in connection with the workshop regulations and the posting up of these regulations. The report for the year 1 October 1931-30 September 1932 stated 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. The report for this year supplies no information under this heading.

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

*Rumania.* — The reports of the labour inspectors indicate that the legal provisions in question are applied. See also under *Convention No. 5 (Minimum age, industry)*, point VI and *Convention No. 1 (Hours of work, industry)*, point VII.

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

*Switzerland.* — The Convention is completely observed in Switzerland. The reports of the Federal factory inspectors give the following figures for the year 1935: the number of workers subject to federal factory legislation was 310,734, distributed as follows: 14 to 18 years of age: men 10,516 (3.38 per cent. of the total number of men workers), women 10,940 (3.52 per cent. of the total number of women workers), total 21,456 (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. This year, however, the reports do not contain any such information, other than that mentioned above concerning glass works (see under ARTICLE 2). 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 from the cantons on the administration of the Federal Act relating to the employment of young persons and women in industry contain the following particulars: as in previous years, mention is made of the difficulties which are met with in bakeries with regard to the enforcement of the prohibition of night work for young persons. This complaints against bakeries of not fully observing the prohibition of night work for young persons is, however, not general; on the contrary, some of the reports state explicitly that the master bakers have now adapted themselves to this prohibition, or that for some years night work has no longer been done in bakeries. Another fact which emerges from the reports is that the bodies responsible for supervision of apprenticeship exercise a strict control over young persons employed as apprentices. The laws with regard to the protection of apprentices paved the way for the Federal Act; a number of them already included a clause prohibiting night work. During the period under review, the Federal authorities have been approached by different groups of employers, either directly, or by means of the cantons, with requests to allow bakeries to start work in the morning for their apprentices before the hour laid down by the Federal Act relating to the employment of young persons and women in industry. In accordance with their usual practice, the authorities have refused these requests.

*Uruguay.* — The report states that no summaries of reports exist and no observations have been received.

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

*Yugoslavia.* — According to information supplied by the report of the Central Labour Inspection Service, the number of undertakings visited in 1935 was 4,427, the number of workers employed in these undertakings was 125,797, and the number of fines inflicted for breaches of the provisions concerning night work of women and young persons was 68.

## 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 States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935-30 September 1936 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	6. 4.1937
Australia . . . . .	28. 6.1935	24.10.1936
Belgium . . . . .	2. 2.1925	22.10.1936
Brazil . . . . .	8. 6.1936	
Bulgaria . . . . .	16. 3.1923	23.11.1936
Canada . . . . .	31. 3.1926	23.10.1936
Chile . . . . .	18.10.1935	4. 1.1937
Colombia . . . . .	20. 6.1933	25. 1.1937
Cuba . . . . .	6. 8.1928	2.12.1936
Denmark . . . . .	12. 5.1924	15. 1.1937
Dominican Republic	4. 2.1933	
Estonia . . . . .	3. 3.1923	26.10.1936
Finland . . . . .	10.10.1925	17.11.1936
Great Britain . . .	14. 7.1921	14.11.1936
Greece . . . . .	16.12.1925	5. 1.1937
Hungary . . . . .	1. 3.1928	27.10.1936
Irish Free State . .	4. 9.1925	14.11.1936
Italy . . . . .	14. 7.1932	24. 2.1937
Japan . . . . .	7. 6.1924	4. 2.1937
Latvia . . . . .	3. 6.1926	28.12.1936
Luxemburg . . . .	16. 4.1928	8. 2.1937
Netherlands . . . .	26. 3.1925	9.10.1936

COUNTRIES	Date of registration of ratification	Reports received
Nicaragua. . . . .	12. 4.1934	
Norway . . . . .	7.10.1927	4.12.1936
Poland . . . . .	21. 6.1924	28.11.1936
Rumania . . . . .	8. 5.1922	22. 3.1937
Spain . . . . .	20. 6.1924	30. 3.1937
Sweden . . . . .	27. 9.1921	23.11.1936
Uruguay . . . . .	6. 6.1933	23.12.1936
Yugoslavia . . . .	1. 4.1927	13.11.1936

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

For the general information supplied by the Government of *Colombia*, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

In a letter of 17 December 1936 accompanying the annual reports, the *Greek* Government states, *inter alia*, that it has devoted special attention to questions affecting the mercantile marine. The services which deal with these matters have been detached from the Ministry of the Marine and now form the Under-Secretariat of State of the Mercantile Marine. One of the principal sections of the new Under-Secretariat of State is the Division of Maritime Labour, which works under the direction of one of the higher officials of the port authority. This Division has dealt in the first place with the questions of the unemployment of seamen and of a special scheme of social insurance for them. The new legislation which has been promulgated has resulted in an improved working of the Seamen's Invalidity Fund and the Seamen's Home, and has also brought into operation a large number of seamen's employment exchanges. All these measures have re-

sulted in a considerable improvement in the labour conditions and life of seamen as a whole. For the general information contained in the Government's letter, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

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

In its report for the year 1 October 1934 to 30 September 1935 the *Spanish* Government stated that the national legislation applying the provisions of the Convention was embodied in the Labour Code of 23 August 1926, at present in force. The Convention had 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 added, with regard to those provisions of the Convention which were not yet fully embodied in Spanish legislation, that the Ministry of Labour and Social Welfare had prepared a Bill incorporating them all, which would shortly be submitted to the Cortes for approval. For the general information supplied by the Government this year, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Uruguay* states in its report that Uruguay has not enacted any legislation regulating the employment of young persons on board ship, nor has it fixed the minimum age for admission to this branch of activity.

## 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.*

### *Argentine Republic.*

Act No. 11,317 of 30 September 1924 to regulate the employment of women and young persons (L. S. 1924, Arg. 1).

Decree No. 2,699 of 28 May 1925 issuing regulations under Act No. 11,317 to regulate the employment of women and children (L. S. 1925, Arg. 2).

Act No. 11,570 of 25 September 1929 concerning the supervision of the observance of the labour laws and their administration (L. S. 1929, Arg. 2).

Commercial Code.

Regulations concerning the registration of crews in the mercantile marine approved by Decree of 12 September 1927.

### *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), now embodied in the Canada Shipping Act, 1934 (24-25 Geo. V, c. 44) (L. S. 1934, Can. 7).

### *Chile.*

Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L. S. 1931, Chile 1), amended by Act No. 5,405 of 8 February 1934 (L. S. 1934, Chile 1 A).

Commercial Code (§ 823).

### *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.

*Great Britain.*

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

*Greece.*

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

Act. No. 4211 of 1929 confirming the above Legislative Decree.

Decree of 6 July 1931 to determine the model for articles of agreement to be used by vessels of the Greek mercantile marine.

*Hungary.*

Act No. XVI of 1928 ratifying the Convention.

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

*Irish Free State.*

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

*Italy.*

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

Royal Decree of 9 March 1932 bringing the provisions of the Convention into force in Italy.

*Japan.*

Act of 29 March 1923 concerning the minimum age and health certificate for seamen (L. S. 1923, Jap. 3).

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

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

*Latvia.*

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

*Luxemburg.*

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

*Netherlands.*

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

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

*Norway.*

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

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

*Poland.*

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

Act of 28 May 1920 concerning Polish merchant vessels.

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

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

*Rumania.*

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

Regulations of 30 January 1929 issued in application of the above Act (L. S. 1929, Rum. 1) and amended on 19 December 1932 (L. S., 1932, Rum. 6 B).

*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.

*Argentine Republic.* — The Act of 30 September 1924 concerning the employment of women and young persons in industrial or commercial undertakings and the Decree of 28 May 1925 issuing regulations under the Act, are applicable to employment at sea. Under § 8 of the Commercial Code, the chartering, con-

struction, purchase, sale, rigging and victualling of vessels and everything connected with maritime traffic are classed as commercial operations. The Commercial Code gives no definition of the term "vessels".

*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.

*Canada.* — § 2 (107) of the Canada Shipping Act, 1934, lays down that the term "vessel" includes any ship or boat or any other description of vessel used or designed to be used in navigation.

*Chile.* — The report states that the term "vessel" in § 195 of the Labour Code is interpreted in a wide sense, in conformity with the definition of this term contained in § 823 of the Commercial Code, viz.: "the word 'vessel' includes the hull, keel, gear and accessories of every independent craft, whatever its classification and size, and whether it be propelled by sail, oars or steam." The report adds that the legislation does not differentiate between publicly and privately owned vessels.

*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, which applies to all seamen in general, does not contain a definition of the term "vessel". On the other hand, the meaning of this term corresponds in Italian maritime law to that given to it by Article 1 of the Convention, which has force of law throughout the Kingdom.

*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.

*Argentine Republic.* — § 2 of the Act of 30 September 1924 to regulate the employment of women and young persons provides that young persons under the age of fourteen years shall not be employed on domestic work or in public or private industrial or commercial undertakings or establishments, whether carried on for profit or for philanthropic purposes, with the exception of undertakings or establishments in which only members of the same family are employed. Further, the minimum age of admission to employment on board vessels flying the Argentine flag is specifically fixed by the Regulations concerning the registration of crews in the mercantile marine. Under § 1 of these Regulations "the name of every person following a trade or employed on board vessels flying the Argentine flag . . . must be entered in the register of the Maritime Prefecture. If this formality is not carried out the person in question will not be recognised as a member of the crew." Members of the crew must, under § 22, be at least eighteen years of age. Marine apprentices must have a permit for employment on board, which may, under § 35, be given to persons of not less than sixteen and not more than eighteen years of age. § 38 provides that any shipowner, captain or master who employs a young person on board without the maritime authority's permit may be punished by a fine of 50 pesos. Further, the same formalities with regard to the registration of seamen are, under § 39, required in the case of members of the crews of fishing vessels of less than six tons.

*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.

*Canada.* — § 279 (1) of the Canada Shipping Act, 1934 provides that "no child, being a person under fourteen years of age, shall be employed in any vessel except to the extent to which and in the circumstances in which such employment is permitted under the Convention", the text of which is reproduced in Part I of the First Schedule to the Act. § 279 (2) lays down that the section shall not apply to a vessel in which only members of one family are employed.

*Chile.* — § 195 of the Labour Code provides that no persons shall be engaged as

members of a ship's complement other than those entered in the compulsory maritime service registers. § 28 of Legislative Decree No. 678 of 27 November 1925, concerning recruitment for the military and naval forces, lays down that persons conscripted for naval service must have their names entered in the appropriate registers between 1 January and 30 September of the year in which they complete their eighteenth year. No provision is made in the legislation for the exception in the case of vessels upon which only members of the same family are employed.

*Colombia.* — § 7 of Act No. 56 of 1927 lays down that parents or guardians of children of either sex under the age of fourteen years shall not hire out such children to perform work of any kind for third parties unless the children have attained the age of eleven years and produce the elementary school-leaving certificate issued to children who pass the required examination. This provision shall be without prejudice to the provisions of § 4 of Act No. 48 of 1924 respecting child welfare, which provides that children under the age of fourteen years shall not be employed on work which may endanger their life or health. § 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.

*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.

*Argentine Republic.* — Under § 3 of the Act of 30 September 1924, the prohibition laid down in § 2 does not apply to the employment of children for purposes of training in schools recognised for this purpose by the competent educational authority.

*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.

*Canada.* — § 279 (1) of the Canada Shipping Act, 1934 prohibits the employment of children under fourteen years of age on board ship "except to the extent to which and in the circumstances in which such employment is permitted under the Convention".

*Chile.* — § 195 of the Labour Code lays down that the obligation to be entered in the compulsory maritime service registers does not apply in the case of young persons over the age of fourteen years who are engaged as apprentices for the purpose of receiving practical training in their profession; these persons must be furnished with the authorisation of their guardians.

*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.

*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.*

*Argentine Republic.* — § 16 of the Act of 30 September 1924 lays down that in industrial and commercial establishments in which young persons under the age of eighteen years are employed, the birth certificates of such young persons from the civil register, or equivalent documents, shall be filed in classified order, and, further, a general register shall be kept of such young persons. § 4 of the Decree of 28 May 1925 issuing regulations under the above-mentioned Act states that the register of young persons shall contain the following data: serial number, name in full, age, nationality, sex, occupation, dates of entering and leaving establishment, wages, address, name of the parents or guardians, and reference to the certificates required under the same section. The report adds that the national regulations concerning registers apply to the whole country, since all questions concerning maritime navigation fall within the

province of the national Government for purposes of legislation, administration and jurisdiction. It is comparatively easy to supervise the age of the young persons employed on board by reason of the required permit, reference to which is made above.

*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.

*Canada.* — § 279 (10) of the Canada Shipping Act, 1934, lays down that there shall be included in every agreement with the crew of a seagoing ship registered in Canada, entered into under the Act, a list of the persons under eighteen years of age who are members of the crew, together with particulars of the dates of their births, and, in the case of a ship in which there is no such agreement, the master of the ship shall, if persons under eighteen years are employed thereon, keep a register of those persons with the particulars of the dates of their births and of the dates on which they become or ceased to be members of the crew, and the register so kept shall at all times be open to inspection.

*Chile.* — Under the second paragraph of § 47 of the Labour Code, every employer or head of an undertaking is required to keep a register of young persons under the age of sixteen years, containing the date of the birth of each. This obligation, which, under § 238 of the Code, applies to maritime work in the absence of express provisions, covers masters and owners of vessels. The report adds that Decree No. 485 of 7 May 1932 relates to the administration of § 47, paragraph 2 of the Code, and that there is no particular model for the registers in question.

*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 list of the crew 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.



*Greece.* — The Legislative Decree of 7 October 1925 relating to the ratification of the Convention contains the actual text of it. The report states that in accordance with national legislation every master of a seagoing vessel, irrespective of tonnage, must carry a list of the crew, in which all the persons employed on board shall be registered, irrespective of rank or rating. Since this list is drawn up by the port authority and indicates, *inter alia*, the age of each member of the crew, an effective and, where necessary, preventive supervision can readily be exercised with regard to the provisions of the Convention, the observance of which is completely ensured, since, under the Act for the ratification of the Convention and the Instructions to implement it, the port authority may not enrol any person under fourteen years of age except under the conditions prescribed by the Convention.

*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 list 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.

*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 list of the crew.

### III.

*Article 5 of the Convention is as follows:*

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

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

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

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

*In application of the second paragraph of Article 35 of the Constitution of the International Labour Organisation (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 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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.

*Belgium.* — The Department of the Colonies has submitted the Convention to a further examination, but it considers that the local conditions of the *Congo*, which have already been advanced in former years as a reason for not applying the Convention to that colony, have not developed to such a point as to lead the Government to change its attitude in this respect.

*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"); *Kedah* (Enactment No. 21 of 1934, with the following modifications: (1) a child under seven years of age cannot be employed on any kind of labour; (2) a child over seven years of age can be employed only upon such forms of labour and in accordance with such conditions as may be prescribed by the President of the State Council from time to time by rules made under the Enactment). See also "General observation" under *Convention No. 2 (Unemployment)*, point III.

*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, but the legislative text of which they form a part 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. With regard to the colonies other than Taiwan, the local conditions do not yet allow the application of the Convention.

*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.*

*Argentine Republic.* — Maritime navigation falls exclusively within the province of the national Government, which therefore supervises enforcement of the legislation concerning the age of admission to employment at sea. Supervision is carried out by the Maritime Prefecture, the authority responsible for the enforcement of the Regulations concerning the registration of crews in the mercantile marine. It remains, however, within the competence of the national Labour Department to deal with infringements of Act of 30 September 1924 when these are reported by the Department's inspectors.

*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.

*Canada.* — Observance of the provisions of the Convention is supervised by shipping masters at the seaports.

*Chile.* — The report states that the authorities responsible for the enforcement of the legislative provisions which correspond to those of the Convention are the General Labour Inspectorate and the labour courts.

*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 courts, 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.

*Greece.* — The maritime and consular authorities and the seamen's employment exchanges are responsible for the application of the relevant legislation. The port authorities do not permit persons under fourteen years of age to be employed on board ship, nor do the seamen's employment exchanges register persons of this age. See also introductory note.

*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 intermediary of the Hungarian diplomatic or consular agents.

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

*Rumania.* — See under *Convention No. 1 (Hours of work, industry)*, point V. § 48 of the Act of 9 April 1928 prescribes penalties for breaches of the Act by heads of undertakings, employers, directors, managers, and in general all persons responsible for the conduct of an undertaking subject to the provisions of the Act, including the masters of vessels.

*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.*

*Argentine Republic.* — The report states that effect is given indirectly to the provisions of the Convention by the enforcement of the corresponding national legislation, offences against which are punishable by fines. All cases of infringement, wherever they may have been committed, are judged in accordance with the procedure laid down in Act No. 11,570 of 25 September 1929 concerning the supervision of the observance of the labour laws and their administration, which applies throughout the Republic. The report adds that the *Boletín Informativo* of the national Department of Labour publishes a monthly summary of the visits of inspection to undertakings, the infringements noted, the proceedings taken and the fines collected.

*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.

*Belgium.* — No observations were received from the organisations of employers or workers concerned regarding the practical application of the Convention.

*Bulgaria.* — The report contains no general indications of the manner in which the Convention is applied, but merely states that no observations have been received from the employers' and workers' organisations with regard to the practical application either of the Convention or of the national legislation which implements it.

*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 covered by the report. No observations have been received from organisations of employers or workers regarding the fulfilment of the conditions of the Convention or the application of the national law relating thereto. The report adds that no statistics are compiled by the Department of Marine in connection with the operation of the Convention.

*Chile.* — The report states that the maritime labour inspectors pay constant attention, on their visits to vessels, to the strict observance of the relevant provisions. The reports of the inspectors show that no persons under eighteen years of age are allowed to sail as members of the crew on board Chilean merchant vessels, except apprentices of over fourteen years of age, who sail to obtain professional experience. The coast authorities allow up to two apprentices in the deck division and two in the engine-room to be shipped on every vessel of over 500 tons. The total number of apprentices' posts authorised for the year was 50. No cases of infringement were recorded. No observations were made by either employers' or workers' organisations with regard to the practical application of the Convention or of the national legislation which implements it.

*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, or 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.* — The report states that, from information received from the port captains and the inspectorate, it would appear that no offences have been noted and that only five persons under the age of eighteen have been taken on in accordance with the provisions of the relevant legislation. Neither the employers' nor the workers' organisations have made any observations on the subject of the Convention, or 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 there are no particular observations to be made with regard to the general application of the Convention. The organisations of employers or workers concerned have not made any observations regarding the application of the Convention or of the

relevant national legislation. See also under *Convention No. 2 (Unemployment)*, point VI.

*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.

*Greece.* — The report states that the provisions of the Convention are strictly enforced and that, in practice, any breach of them is impossible (see under ARTICLE 4). No reports on the question exist, and no infringements have been recorded.

*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 27 in Japan proper and 2 in Taiwan. The cities, towns or villages handling the business of coastal offices number 159 in Japan proper and 14 in Taiwan. One case of contravention was reported during the period October-December 1935; no cases were reported during the period January-September 1936. 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.

*Luxemburg.* — See introductory note.

*Netherlands.* — The report states that cases of infringement of the prohibition to employ children occur frequently on fishing boats. Proceedings were taken in seven such cases, in five of which the matter was settled by agreement; in the two other cases fines were inflicted. The report adds that no observations from the organisations of employers or workers regarding the application of the Convention were brought to the notice of the Government.

*Norway.* — The report states that the Convention is strictly applied. 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 legal provisions are strictly enforced, and that no young persons under fourteen years of age are engaged for work on board Rumanian vessels.

*Spain.* — See introductory note.

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

*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 States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935-30 September 1936 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30. 11. 1933	6. 4. 1937
Australia . . . . .	28. 6. 1935	24. 10. 1936
Belgium . . . . .	2. 2. 1925	22. 10. 1936
Bulgaria . . . . .	16. 3. 1923	23. 11. 1936
Canada . . . . .	31. 3. 1926	23. 10. 1936
Chile . . . . .	18. 10. 1935	4. 1. 1937
Colombia . . . . .	20. 6. 1933	25. 1. 1937
Cuba . . . . .	6. 8. 1928	2. 12. 1936
Estonia . . . . .	3. 3. 1923	26. 10. 1936
France . . . . .	21. 3. 1929	19. 1. 1937
Great Britain . . .	12. 3. 1926	14. 11. 1936
Greece . . . . .	16. 12. 1925	5. 1. 1937
Irish Free State . .	5. 7. 1930	10. 11. 1936
Italy . . . . .	8. 9. 1924	24. 2. 1937
Latvia . . . . .	29. 8. 1930	28. 12. 1936
Luxemburg . . . .	16. 4. 1928	8. 2. 1937
Nicaragua. . . . .	12. 4. 1934	
Poland . . . . .	21. 6. 1924	28. 11. 1936
Rumania . . . . .	10. 11. 1930	22. 3. 1937
Spain . . . . .	20. 6. 1924	30. 3. 1937
Sweden . . . . .	1. 1. 1935	23. 11. 1936
Uruguay . . . . .	6. 6. 1933	23. 12. 1936
Yugoslavia . . . .	30. 9. 1929	13. 11. 1936

In its report for the year 1 October 1934-30 September 1935 the Government of the *Argentine Republic* stated that, during the period under review, the Bill approved by the Senate on 16 August 1934

had not been before the Chamber of Deputies. The Bill provides in particular for the amendment of § 1004 of the Commercial Code as follows: "In case of shipwreck, the articles of agreement are cancelled and the shipowner or person with whom the seaman has contracted for service on board the vessel must pay to each seaman employed on board an indemnity against unemployment resulting from loss of the vessel by shipwreck. This indemnity must be paid for the days during which the seaman remains in fact unemployed, but the total indemnity payable to each member of the crew shall not exceed the amount of two months' wages. Seamen shall have the same remedies for recovering such indemnities as they have for recovering arrears of wages earned during their service". In its report for this year the Government states that it has nothing to add to these observations.

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)*. For the general information supplied by the Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

For the information contained in a letter from the Government of *Greece*, dated 17 December 1936, see under *Convention No. 7 (Minimum age, sea)*, introductory note.

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

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

The *Rumanian* Government states in its report that the Act of 17 May 1934 to consolidate the salvage taxes in seaports and Danubian seaports has repealed §§ 1-5 of the Act of 24 April 1933 to impose a salvage tax on vessels wrecked in Rumanian waters and to grant an unemployment indemnity to seamen in case of loss from foundering, breaking up or capture of the ship. § 7 of the Act of 24 April 1933, which implements the provisions of the Convention, remains in force.

For the general information supplied by the Government of *Spain*, see under *Convention No. 1 (Hours of work industry)*, introductory note.

The Government of *Uruguay* states in its report that at present there is no legislation dealing with the position of seamen who are thrown out of employment as a result of shipwreck. The Pensions Act of 16 August 1928, and the Act of 18 June 1930 which applies it, apply to members of ships' crews who fall out of employment after having been in recognised service for not less than ten years. In order to fulfil the obligations laid down in the Convention the Government has laid before the legislative authorities a Bill to regulate the position of seamen with less than ten years of recognised service; it has been proposed that the compensation payable to them should be restricted to two months' pay, as provided for by their articles of agreement. The report adds that replies cannot be given to the various questions in the report form until the provisions of the Convention have been applied in Uruguay.

### 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.*

#### *Argentine Republic.*

See introductory note.

#### *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), now forming part of the Canada Shipping Act, 1934 (24-25 Geo. V, c. 44) (L. S. 1934, Can. 7).

#### *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 A).

Commercial Code (§§ 823 and 933).

#### *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).

#### *Great Britain.*

Merchant Shipping Acts, 1894 to 1923.

Merchant Shipping (International Labour Conventions) Act, 1925 (L. S. 1925, G. B. 5).

#### *Greece.*

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

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

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

#### *Irish Free State.*

Merchant Shipping (International Labour Conventions) Act, 1933.

#### *Italy.*

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

Act of 31 December 1928 respecting the Mercantile Marine Code.

Commercial Code.

#### *Latvia.*

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

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

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

#### *Luxemburg.*

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

*Poland.*

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

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

*Rumania.*

Act of 24 April 1933 to impose a salvage tax on vessels wrecked in Rumanian waters and to grant an unemployment indemnity to seamen in case of the loss or foundering, breaking up or capture of the ship (§ 7) (L. S. 1933, Rum. 4).

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

*Spain.*

Labour Code of 23 August 1926, §§ 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.

*Argentine Republic.* — See introductory note.

*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.

*Canada.* — § 199 (4) of the Canada Shipping Act, 1934 lays down that, for purposes of unemployment indemnity, the expression "seaman" shall include "every person employed or engaged in any capacity on board the ship". § 2 (94) provides that the term "ship" shall include "every description of vessel used in navigation not propelled by oars".

*Chile.* — Under §§ 181, 182, 184 and 186 of the Labour Code and § 933 of the Commercial Code, the legislation which gives effect to the Convention applies to all seamen engaged for the service of a vessel, including officers, and women members of the crew engaged in general duties. The report states that the term "vessel" used in Chilean legislation is interpreted in a wide sense, in conformity with the definition of this term contained in § 823 of the Commercial Code, viz.: "the word 'vessel' includes the hull, keel, gear and accessories of every independent craft, whatever its classification and size, and whether it be propelled by sail, oars or steam." The report adds that the legislation does not differentiate between publicly and privately owned vessels.

*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 in-



dentured 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.

*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.

*Argentine Republic.* — See introductory note.

*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; or (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.* — § 199 (2) of the Canada Shipping Act, 1934 lays down that, where by reason of the loss or foundering of any ship on which a seaman is employed his service terminates before the date contemplated in the agreement, he shall be entitled in respect of each day on 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. 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.

*Chile.* — § 232 of the Labour Code provides that "if the vessel is lost by shipwreck, all the members of the crew shall be entitled by way of compensation to draw their wages or salary for the period during which they are unemployed for this reason, up to a maximum of two months. The report states that: 1. there is no precise definition, based on case-law, of the words "loss or foundering"; 2. there is no exact legal interpretation of the words "unemployment resulting from such loss or foundering", but the General Labour Inspectorate considers that the indemnity should be paid in every case for the period, not exceeding two months, during which the members of the crew are unemployed as a result of the loss or foundering of the vessel; 3. the words "wages or salary" are interpreted in a wide sense, to include the various payments in kind, such as board, lodging, etc.; 4. the legislation limits the indemnity to two months' wages, but the shipowner is in no case entitled to claim repayment of any sums advanced.

*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 seaman 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 casualty, 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 agreement would have terminated, if the ship had not foundered, before the two months in question expired. It would therefore appear that in such cases the indemnity is due in full. 3. The Act states explicitly that the shipowner shall pay the seaman his wages in cash as unemployment indemnity; this indemnity, therefore, must be calculated only on the basis of the wages as entered in the 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 the entries in the seaman's discharge book constitute evidence of such failure. 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 list of the crew, 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".

*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 Govern-

ment 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.

*Greece.* — . . . 1. For the purposes of the Convention, a wide interpretation has been given to the term "loss or foundering", which signifies either the total loss of the ship from whatever cause, or damage which makes it absolutely impossible for the ship to continue the voyage. 2 Irrespective of the date when the contract expires, the indemnity paid, in practice and in accordance with custom, to any sailor whose engagement terminates owing to shipwreck, amounts to two months' wages. 3. The amount of the wages is calculated in relation to the wages earned during the period of service and specified on the list of the crew. No additional allowance for food is included in this indemnity. The report adds that, as a result of a request submitted by the shipowners' organisations, the question was put whether the indemnity should be paid in full even in a case where the seaman had been able to find employment during the two months following the shipwreck, or if it was only payable for the period of actual unemployment. Considering that the indemnity is granted to meet unemployment, the interpretation given by the administrative authorities was to the effect that if the seaman found employment before the end of the two months the indemnity should not be paid to him in full, but that the sum to be paid should be calculated with reference to the period of real unemployment, on condition that it should not exceed the amount of two months' wages. The draft Maritime Labour Code which has recently been drawn up includes a special provision based on this interpretation.

*Irish Free State.* — § 1 (1) of the Merchant Shipping (International Labour Conventions) Act, 1933, provides that "where

by reason of the wreck or loss of a ship on which a seaman is employed his service terminates before the date contemplated in the agreement, he shall, notwithstanding anything in § 158 of the Merchant Shipping Act, 1894, but subject to the provisions of this section, be entitled, in respect of each day in which he is in fact unemployed during a period of two months from the date of the termination of the service, to receive wages at the rate to which he was entitled at that date". According to § 1 (2) "a seaman shall not be entitled to receive wages under this section if the owner shows that the unemployment was not due to the wreck or loss of the ship and shall not be entitled to receive wages under this section in respect of any day if the owner shows that the seaman was able to obtain suitable employment on that day". 1. 2. and 3. The report states that no cases have come before the Department of Industry and Commerce or the Courts in the Saorstát for decision as to the interpretation of the terms referred to. 4. The report states that the indemnity is limited to two months' wages.

*Latvia.* — § 39 of the Seamen's Order of 30 October 1928, as amended by the Saeima on 18 June 1930 and further amended by the Act of 24 April 1933, provides as follows: The articles of agreement of all persons employed on board a vessel for purposes of maritime navigation are terminated in case of loss by shipwreck, or in the case of the vessel being declared lost by shipwreck or beyond repair, except where otherwise provided by the articles; it is however the duty of the seaman to take part in the salvage operations of the vessel for his original wage, maintenance and accommodation, and to remain on duty until the certificate of wreck is issued. In such cases the seamen are entitled to obtain from the shipowner an indemnity equal to the wage fixed in the articles of agreement, during the period in which they are in fact unemployed; this indemnity may not however exceed a sum equal to two months' wages. If the unemployed seaman refuses without justification during this period to accept a post of the same grade offered on a vessel, he loses from that moment the right to an unemployment indemnity. If the wage of a seaman is lower in the new vessel he has the right to obtain from the owner of the vessel lost by shipwreck the difference between his old wage and his new wage for the remaining period of the two months mentioned in this clause.

*Poland.* — The Seamen's Code as amended by the Act of 17 March 1933 provides in § 69 that in case of shipwreck the seaman has the right to receive from the shipowner or the person with whom he had contracted for service an indemnity for every day during which he is in fact

unemployed at the rate of his last daily wage, but subject to a maximum period of 60 days. With regard to the interpretation of the expressions used in Article 2 of the Convention, the report states: 1. Since no cases of shipwreck have taken place, the interpretation which will eventually result from a judicial decision 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 an agreement 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 quoted, in its report for the year 1 October 1934 to 30 September 1935, § 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 a marine casualty or is declared incapable of repair after a marine casualty, 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 employ-

ment 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.*

*Argentine Republic.* — See introductory note.

*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.

*Canada.* — Under § 206 of the Canada Shipping Act, 1934, a seaman may sue for wages in summary manner.

*Chile.* — § 233 of the Labour Code lays down that in cases where a vessel lost by shipwreck is insured, the moneys due to the members of the crew for wages,

salaries, leaving grants, compensation or bonuses shall be paid from the insurance before any other debt. The report states that, apart from this special guarantee, the indemnities due for loss by shipwreck enjoy the same privileges and priority, under the terms of § 232 of the Labour Code, as those prescribed for the wages and salaries of the crew by § 230 of the Labour Code and § 835 of the Commercial Code, and, for remuneration in general, by § 2472 of the Civil Code. Persons enjoying these privileges may have recourse to the general procedure laid down in Chilean legislation concerning procedure in order to recover such indemnities.

*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.

*Greece.* — ... The procedure to be followed is that of complaints by administrative means (appeal to the maritime or consular authority); where it is impossible to reach an agreed settlement, the seaman may enforce his claims by legal proceedings.

*Irish Free State.* — The report states that the remedies available to seamen for recovering arrears of wages are in brief: (a) if the sum in dispute is under £5, the matter may be adjudicated by the Superintendent of Mercantile Marine; (b) where the wages do not exceed £50, proceedings for their recovery may be taken before a court of summary jurisdiction; (c) where the wages exceed £50, the proceedings will be before a higher court.

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

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

as they have for recovering arrears of wages.

*Spain.* — § 51 of the Labour Code provides that the unemployment indemnity in case of shipwreck shall have the same priority 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. In its report for the year 1 October 1934 to 30 September 1935, the Government quoted §§ 23 and 16 of the Regulations of 26 August 1935, certain provisions of which restate 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.

*Yugoslavia.* — Under § 74 of the Decree of 29 March 1935, the allowances provided under § 73 are subject to the same legal privileges and prescription as wages earned during the period of service.

### 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 35 of the Constitution of the International Labour Organisation (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 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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.

*Belgium.* — The report states that the Department of the Colonies has submitted the Convention to a fresh examination, but that it considers that the local conditions which have already been advanced in previous years as a reason for not applying the Convention to the colony of the *Congo* have not yet developed to such a point as to lead the Government to modify its attitude in this respect.

*France.* — The report states that, in view of the fact that the Act of 15 February 1929, whose provisions are in conformity with those of the Convention, has been extended to *Algeria*, the Convention is in practice applied in that colony, although no Decree for such application has been issued. In *Tunis*, the application of the Convention is rendered difficult on account of the poverty of the owners of the small coasting vessels which constitute the great bulk of the shipping of this colony. The report adds that, owing to local conditions, it has not been possible to extend the application of the Convention to the other colonies, but that the Department for the Colonies intends to have the possibilities of its adaptation in the various colonies examined.

*Great Britain.* — . . . Legislation applying the provisions of the Convention has been enacted in the following additional dependencies: *Sarawak* (Order L-6 of 1933); *Kedah* (Enactment 1 of 1953); *St. Helena*: (the Convention may be regarded as applying by virtue of § 24 of the "Interpretation and General Law Ordinance, 1895", see under *Convention No. 4 (Night work, women)*, point III. *Hong Kong*: (Order of His Majesty in Council dated 3 March 1936; with modifications regarding special provisions in the matter of river steamers similar to those adopted in respect of the coastal trade of India and Japan in the case of *Convention No. 15*). See also "General observation" under



Convention No. 2 (Unemployment), 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.*

*Argentine Republic.* — See introductory note.

*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.

*Canada.* — Observance of the provisions of the Convention is supervised by the shipping masters at the sea ports.

*Chile.* — The report states that the authorities responsible for everything concerned with the enforcement of the legislative provisions which correspond to those of the Convention are the General Labour Inspectorate and the labour courts. In accordance with § 243 of the Labour Code, the supervision of the observance of these provisions for which the General Labour Inspectorate is responsible shall be exercised without prejudice to the provisions of the Commercial Code, the Shipping Act and the Shipping Regulations which relate to the special powers of the maritime authorities.

*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 Con-

vention, on submission of a complaint by the party concerned.

*Greece.* — The maritime and consular authorities specified by law, the authorities responsible for modifying the composition of the crews of ships, and, in particular, the authorities responsible for watching over the interests of crews thrown out of work owing to shipwreck, are together entrusted with the supervision of the application of the relevant legislation. The authorities in question must ensure the application of the provisions of the Convention before the crew are signed off. See also under Convention No. 7 (Minimum age, sea), introductory note.

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

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

*Rumania.* — The application of the Act is entrusted to the Ministry of Labour and the Ministry for the Air and for Maritime Affairs which ensure it through their inspection and supervising services.

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

*Uruguay.* — See introductory note.

*Yugoslavia.* — § 86 of the Decree of 29 March 1935 lays down that the Minister of Communications, acting through the different sections of the Maritime Department, is responsible for supervising the application of the Decree and of the Regulations and Orders issued in pursuance of it, in so far as these relate to relief for seamen and the protection of seamen's lives on board ships of the mercantile marine.

#### 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.*

*Australia.* — The Government states in its report that it is understood that legal proceedings will shortly be taken in regard to a claim for indemnity, because of the termination of the agreement with the crew following damage to the



ship's machinery, necessitating extensive repairs. The shipowner will contend, it is believed, that the ship was not a "wreck" within the meaning of § 85 of the Navigation Act.

*Sweden.* — The report states that, in a case reported by the Swedish Association of Seamen, the interpretation of the legislative provisions gave rise to a dispute, which was submitted for decision to a court of law; the decision given was in favour of the shipowner.

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.*

*Argentine Republic.* — The Government states that, for reasons already given (see introductory note) it is not able to furnish any information on this point.

*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. No observations on the working of the legislation have been received from employers or employees.

*Belgium.* — During 1935 there were no cases for application of the provisions of the Convention. The Belgian fleet employed 3,788 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.* — The report contains no general indications of the manner in

which the Convention is applied, but merely states that no observations have been received from the employers' and workers' organisations regarding the practical application of the Convention or of the national legislation which implements it.

*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 covered by the report. 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.

*Chile.* — The report states that, according to the reports of the Maritime Labour Inspection Service, only one case of loss by shipwreck occurred during the period under review, and that the 86 members of the crew received the indemnities due to them. The number of persons protected by the legislation is 4,490. Neither the employers' nor the workers' organisations have made any observations with regard to the practical application of the Convention or of the legislative provisions which implement it.

*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 has not received any information under this heading from the customs officials, harbour masters or other public services.

*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 on 1 June 1935 was 2,278, classified as follows: deck officers, 504; engineer officers, 309; wireless operators, 26; deck hands, 917; engine room hands, 338; and catering staff, 184. The number of vessels shipwrecked or lost from 20 August 1935 to 20 August 1936 was 9. Indemnities payable under Article 2 of the Convention were granted in two cases; in a third case a legal action has been initiated. In the remaining cases the shipowners lost all their property in the wreck, and were therefore unable to compensate the seamen who were thrown out of work as a result of it. 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.

*France.* — The report states that the question whether unemployment indemnity should be calculated by taking into account only the wages mentioned in the list of the crew, 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 1936 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.

*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.

*Greece.* — The report states that no statistics exist showing the number of seamen protected by the legislation.

*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 period under review. No observations have been received from organisations of employers or workers regarding the working of the Convention.

*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 1935, the number of seamen entered on the Seamen's Register was 667,950, 239,015 of whom were first class seamen, and 428,935 second class seamen. The number of wrecks suffered by national vessels during 1935 was 29. 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 no complaints regarding the practical application of the Convention have been recorded during the period under review.

*Luxemburg.* — 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 1935 to 30 September 1936. The report for the year 1 October 1933-30 September 1934 mentioned that the General Inspectorate of Navigation and Harbours had sent a Circular (No. 11746/1934) 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.* — See introductory note.

*Sweden.* — The Government states that, according to information collected by the Department of Commerce, the application of the provisions of the relevant legislation has not met with any difficulty; this statement has been confirmed by the Association of Officers of the Mercantile Marine and by the Swedish Seamen's Union, the former adding that the application in question was limited to a small number of cases only.

*Uruguay.* — See introductory note.

*Yugoslavia.* — The Government states that the Ministry of Transport has not reported any cases for the practical application of the Convention.

## 9. Convention for establishing facilities for finding employment for seamen.

This Convention came into force on 23 November 1921. The following table shows the States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935-30 September 1936 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	6. 4. 1937
Australia . . . . .	3. 8. 1925	12.11.1936
Belgium . . . . .	2. 2. 1925	22.10.1936
Bulgaria . . . . .	16. 3. 1923	23.11.1936
Chile . . . . .	18.10.1935	4. 1. 1937
Colombia . . . . .	20. 6. 1933	25. 1. 1937
Cuba . . . . .	6. 8. 1928	2.12.1936
Estonia . . . . .	3. 3. 1923	26.10.1936
Finland . . . . .	7.10.1922	17.11.1936
France . . . . .	25. 1. 1928	12. 4. 1937
Greece . . . . .	16.12.1925	5. 1. 1937
Italy . . . . .	8. 9. 1924	24. 2. 1937
Japan . . . . .	23.11.1922	4. 2. 1937
Latvia . . . . .	3. 6. 1926	28.12.1936
Luxemburg . . . . .	16. 4. 1928	8. 2. 1937
Nicaragua. . . . .	12. 4. 1934	
Norway . . . . .	23.11.1921	4.12.1936
Poland . . . . .	21. 6. 1924	28.11.1936
Rumania . . . . .	10.11.1930	22. 3. 1937
Spain . . . . .	23. 2. 1931	30. 3. 1937
Sweden . . . . .	27. 9. 1921	23.11.1936
Uruguay . . . . .	6. 6. 1933	23.12.1936
Yugoslavia . . . . .	30. 9. 1929	13.11.1936

The Government of the *Argentine Republic* stated in its report for last year that the Convention was applied by Acts No. 9,148 of 25 September 1913, No. 9,661 of 25 August 1915, and Nos. 12,101 and 12,102 of 15 October 1934. The two latter Acts of 15 October 1934 had introduced provisions into the national legislation which gave effect to the provisions of Articles 1 to 6 of the Convention. The Government added that the provisions of Article 7 would be applied by a Bill which had already been passed by the Senate and submitted for examination to the Chamber of Deputies. In its report for this year the Government states that it has nothing to add to these observations.

The Government of *Colombia* stated in its report for the year 1 October 1934-30 September 1935 that, in view of Colombia's traditions with regard to industry and the economic structure of the country, there was no unemployment problem today, and there were therefore no agencies of any sort which engaged in the placing of seamen for pecuniary gain. In adhering to the Convention to which this report

referred, 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. In its report for this year, the Government states that the situation is unchanged, and that there is nothing to add to the previous statements. For the general information supplied by the Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Finland* states in its report that the Act of 27 March 1926 concerning the finding of employment and the Resolution of the Council of Ministers of 22 April 1926 concerning the inspection of employment offices and the payment of grants to employment exchanges and agents have been respectively repealed and replaced by an Act of 23 July 1926 and an Order of the same date issued in pursuance of it. The date of coming into force of the Act and Order was fixed at 1 January 1937. As regards the application of this Convention, the provisions of the new Act are substantially the same as those of the previous Act.

In its report for the period 1 October 1934 to 30 September 1935, the *Greek* Government stated that the Convention was applied in particular by the Decrees of 10 October 1933, relating to the working of a seamen's employment exchange, and of 25 November 1935, relating to the establishment of a seamen's employment exchange in every port in which there are harbour authorities. The report added that all the seamen's employment exchanges had both been set up and were operated on the lines prescribed by the Decree of 10 October 1933. (For the text of this report, see *Record of Proceedings of the Twentieth Session of the International Labour Conference, 1936*, page 585.) In the report for this year, the Government states that the Convention will in future be applied by an Act of 30 September 1936, which was published on 5 October 1936. The report states that this Act establishes a more methodical organisation of the existing system of employment exchanges, and that it limits, if it does not completely exclude, any exploiting of the persons concerned by agents. It will not be possible, however, to supply more exact information on the results obtained by the application of the new legislative provisions until later. For the general information contained in the Government's letter of 17 December 1936, see under *Convention No. 7 (Minimum age, sea)*, introductory note.

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

The *Rumanian* Government stated in its report for the year 1 October 1934-30 September 1935 that the Ministries of Labour and of Communications were 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 would be undertaken by the General Inspectorate of Navigation and Harbours attached to the Ministry of Communications. The report added that a Committee was at work, at the Ministry of Communications, upon the reorganisation of harbours, and the revision of legislation affecting the mercantile marine. This Committee would also continue the discussions begun the previous 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. In its report for this year, the Government states that after the creation of the new Ministry for the Air and for Maritime Affairs (Royal Decree No. 2620 of 13 November 1936, published in the Official Journal of 14 November 1936), the work of this Committee will be continued, and that, as soon as the results of its work are known, they will be communicated to the International Labour Office.

The *Spanish* Government stated in its report for last year that the Convention possessed 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, had drafted a Bill which would shortly be submitted to the Cortes for consideration and which included the measures likely to ensure complete application of the Convention. This Bill, which embodied all the provisions of the Convention, would be approved at an early date, and the Spanish Government therefore hoped to be able to give a satisfactory answer next year to all the questions in the report form. In its report for this year the Government states that the situation is unchanged, and that it has nothing to add to its previous statements. For the general information supplied by the Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The report of the Government of *Uruguay* states that there is no legislation concerning the placing of seamen. It has been proposed that a section dealing with these workers should be included in the draft legislation concerning the national system of placing and employment exchanges which the Ministry

of Industry and Labour has submitted to the legislative authorities. The Government adds that, until legislation has been introduced, it is impossible to reply to the various questions in the report form.

# 1.

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

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

## *Argentine Republic.*

Act No. 9,148 of 25 September 1913 concerning free employment exchanges (L. S. 1934, Arg. 2 C).

Act No. 9,661 of 25 August 1925 relating to fines for infringement of the Act concerning the work of women and young persons (L. S. 1934, Arg. 2 D).

Act No. 12,101 of 15 October 1934 to amend Act No. 9,148 concerning employment exchanges (L. S. 1934, Arg. 2 A).

Act No. 12,102 of 15 October 1934 to amend § 3 (*bis*) of Act No. 9,661 (L. S. 1934, Arg. 2 B).

## *Australia.*

Navigation Act, 1912-1926.

## *Belgium.*

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

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

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

## *Bulgaria.*

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

## *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 A).

Decree No. 399 of 5 May 1934 to consolidate the text of the Regulations concerning work in maritime undertakings and allied occupations in harbours.

Decree No. 481 of 4 April 1935 to amend §§ 3 and 6 of the preceding Decree.

Shipping Act of 24 June 1878.

*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).

See also introductory note.

*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).

*Greece.*

See introductory note.

*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.

*Luxembourg.*

Act of 2 May 1913 concerning the regulation of employment agencies.

Decree of 21 August 1913 concerning the carrying out of the above Act (summary in B. B. Vol. IX, 1914, p. CIII).

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

*Norway.*

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

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

Act of 12 June 1896 respecting employment offices and exchanges.

Act of 12 June 1906 relating to employment bureaux (B. B. Vol. I, 1906, p. 305).

Act of 14 June 1929 to supplement the Act of 12 June 1896 respecting employment offices and exchanges (L. S. 1929, Nor. 3).

*Poland.*

See *Convention No. 2 (Unemployment)*.

Seamen's Code of 2 June 1902 (International Labour Office, Studies and Reports, Series P, p. 90).

*Rumania.*

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

Ministerial Decisions No 79024/1931 and 244358/1933 setting up a special section for finding employment for seamen in the public employment exchanges at Constanza and Braila respectively.

*Spain.*

Employment Exchanges Act of 27 November 1931 (L. S. 1931, Sp. 17).

Regulations of 6 August 1932 issued under the above Act.

Provisions enacted on 6 September 1933 by the Joint Board of Maritime Transport.

*Sweden.*

Royal Decree of 30 June 1916 respecting grants from State funds towards the encouragement and organisation of public employment bureaux in the Kingdom (B. B. Vol. XI, 1916, p. 278) as amended by the Royal Decree of 16 May 1918.

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

Seamen's Act of 15 June 1922 (L. S. 1922, Swe. 1).

*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.

persons employed on board vessels engaged in maritime navigation.

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

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

*Uruguay.* — See introductory note.

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

## 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.

*Argentine Republic.* — Act No. 12,102 of 29 September 1934, amending the text of Act No. 9,661 concerning private employment offices, provides that "the business of finding employment for deck officers, engineer officers and members of the crew of sea-going vessels shall not be carried on by any person, company or other agency as a commercial enterprise for pecuniary gain". There is no legal definition of the term "members of the crew", but it should be understood to include engine-room and catering staff as well as deck hands. See also introductory note.

*Chile.* — The report states that the term "seamen" used in § 196 of the Labour Code includes all the members of the crew of a vessel except the officers.

*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.

*Greece.* — See introductory note.

*Latvia.* — The Instruction of 10 September 1935 defines "seamen" as all

## 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.

*Argentine Republic.* — § 3 (bis) of Act No. 9,661 (text of Act No. 12,102 of 15 October 1934) provides that the placing of deck officers, engine-room officers, and crews of sea-going vessels shall not be carried on for gain by any person, association or undertaking, and no fee shall be paid by the above persons for any placing operation. The penalty for infringement of these provisions shall be a fine of 20 to 50 pesos in respect of each person, to be paid by the owner of the agency responsible for the infringement, the penalty being doubled for each subsequent offence. See also introductory note.

*Chile.* — § 197 of the Labour Code lays down that seamen shall not be required to pay a fee of any kind in connection with operations for the finding of employment on board merchant vessels. The report states that the term "seamen" is used in a wide sense in Chilean legislation, and covers both officers and members of the crew. Under § 239 of the Code, contraventions of this provision shall entail a fine of not less than 100 nor more than 5,000 pesos, which shall be doubled in the event of a repetition of the offence.

*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.

*Greece.* — 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.*

*Argentine Republic.* — The report states that the legislation of the Argentine Republic does not provide for the exception allowed by this Article.

*Chile.* — The report states that no provision is made in Chilean legislation for the exception allowed by this Article.

*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.

*Greece.* — 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.*

*Argentine Republic.* — For information with regard to the setting up of free employment exchanges, see under Convention No. 2 (Unemployment), ARTICLE 2. § 13 of Act No. 9,148 (text of Act No. 12,101

of 15 October 1934) provides that free public employment exchanges working in ports of call of sea-going vessels shall have special sections dealing with the placing of officers of the bridge, engine-room officers and seamen. These sections must be managed by persons with practical maritime experience. § 3 of Act No. 9,148 (text of Act No. 12,101 of 15 October 1934) lays down that the national Department of Labour shall take steps to coordinate the operations of the free public or private employment exchanges which are under state, provincial or municipal jurisdiction, in accordance with a general plan which shall apply to the whole country. The Government adds that, owing to the present international economic situation, it does not seem advisable at the moment to proceed to this coordination. The report states further that the *Boletín Informativo* of the national Department of Labour publishes statistics of the number of applications for and offers of employment, and of the number of placings effected. See also introductory note.

*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 1935: Sydney, 16,793; Melbourne, 3,948; Newcastle, 2,909; Brisbane, 1,074; Port Adelaide, 2,332; Fremantle, 831; Hobart, 280; other ports, 953; total, 29,120. The number of seamen employed in the Australian shipping industry during the 12 months ending 30 June 1936 was as follows: deck hands, 3,607; stokehold and engine-room hands, 3,089; catering department, 2,850; miscellaneous, 778; total, 10,324. The estimated daily average numbers of seamen, excluding officers, unemployed at the principal ports during the year ending 30 September 1936 were: Sydney, 2,184; Melbourne, 280; Newcastle, 268; Port Adelaide, 126; Brisbane, 86; Fremantle, 14; Hobart, 35; total, 2,993.

*Belgium.* — ... During the year 1935, the Union of Belgian Shipowners recruited 14,967 seamen, 14,526 of whom were Belgians, and 441 foreigners.

*Chile.* — § 197 of the Labour Code provides that the employment exchanges shall be maintained by the State or by the trade unions or associations concerned. The report states that all the employment exchanges at present in existence were set up and are maintained by the State, in accordance with the provisions of Chapters I and II of Decree No. 399 of 5 May 1934 concerning work in maritime undertaking and allied occupations in harbours. These exchanges, which operate in the offices of the harbour masters, are managed by three representatives elected from the organisations or associations of shipowners and three from the workers'

trade unions, and are under the direction of the harbour masters. § 3 of Decree No. 399 of 5 May 1934, as amended by Decree No. 481 of 4 April 1935, lays down the objects of these employment exchanges as follows: (1) to comply with § 63 of the Shipping Act (which regulates their powers and functions); (2) to keep an up-to-date list of unemployed seamen; (3) to ensure that the work of placing is carried on in accordance with the provisions in force. The report states that there are at present 19 of these free public employment exchanges for dockers in the principal ports of the country, and six for seamen, and that this number is sufficient to satisfy the demands of the labour market. According to the reports of the maritime labour inspection services, the unemployment from which seamen were suffering in 1935 has almost entirely disappeared. In that year there was an available surplus of 1,252 persons, whereas at present there is a nominal surplus of 890 persons, who are used to substitute seamen who are ill, undergoing punishment, injured, on leave, etc., and thus work under almost normal conditions. The decrease in unemployment is due to the fact that, whereas 3,795 seamen were registered in 1935, the number has now fallen to 3,580. Moreover, the total number of seamen shipped has risen from 2,543 to 2,690, several new vessels having been put into commission.

*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 1935 to 30 June 1936: deck officers: 111 applications, 49 vacancies filled; engineer officers: 158 applications, 123 vacancies filled; wireless operators: 4 applications, 4 vacancies filled; deck crew: 319 applications, 74 vacancies filled; engine-room crew: 257 applications, 81 vacancies filled; catering staff: 118 applications, 43 vacancies filled. Total number of applications, 967; total number of vacancies filled, 374.

*France.* — ... The activities of the Joint Maritime Employment Offices during the year 30 June 1935 to 30 June 1936 may be summarised as follows: Dunkirk, 1,759 applications, 782 vacancies notified and 717 vacancies filled; Le Havre, 3,875 applications, 887 vacancies notified, 531



vacancies filled; Rouen, 3,996 applications, 3,186 vacancies notified, 3,186 vacancies filled; Brest, 830 applications, 547 vacancies notified, 510 vacancies filled; Nantes, 1,621 applications, 1,168 vacancies notified, 1,150 vacancies filled; Bordeaux, 2,340 applications, 607 vacancies notified, 607 vacancies filled; Sète, 1,679 applications, 913 vacancies notified, 2,425 vacancies filled; Marseilles, 7,479 applications, 5,402 vacancies notified, 5,397 vacancies filled. Total number of applications, 23,579; vacancies notified 13,492; vacancies filled, 14,523.

*Greece.* — See introductory note.

*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 are not engaged as officers or in any other responsible capacity on board ship is, under § 1 of the Legislative Decree of 24 May 1925, reserved exclusively to 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 1935 and the first six months of 1936:

	Officers	Crew
Number of persons registered as applying for employment on board ship at 1 July 1935	493	32,159
Number registered during the second six months of 1935	2,066	18,289
Total	2,559	50,448
Number of applications struck off 1 July to 31 December 1935:		
(a) by cancelling	193	8,837
(b) owing to obtaining employment on board ship	2,081	15,840
Total	2,274	24,677
Number of persons registered as applying for employment on board ship at 1 January 1936	285	25,771
Number registered during the first six months of 1936	1,460	15,762
Total	1,745	41,533
Number of applications struck off during the first six months of 1936:		
(a) by cancelling	143	4,431
(b) owing to obtaining employment on board ship	1,440	12,086
Total	1,583	16,517
Number of persons registered as applying for employment on board ship at 1 July 1936	162	25,016

*Japan.* — . . . The report states that the number of employment exchange agencies

is 30, including 22 free agencies with 2 branches and 8 agencies charging fees. The record of the seamen's employment exchange service for the period from October 1935 to September 1936 is as follows: workers placed: free agencies, 8,781 fee-charging agencies, 270. At the end of 1935, the number of workers not placed was as follows: free agencies, 4,167; fee-charging agencies, 22. The number of offers of work unsatisfied was as follows: free agencies, 1. At the end of September, 1936, the number of workers not placed was as follows: free agencies, 4,158; fee-charging agencies, 12.

*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 1936, the trade union organisation of Latvian seamen registered 94 unemployed leading seamen, 57 of whom were placed in employment (the remaining 37 remained out of work as they were all over sixty years of age), and 608 unemployed stokers, trimmers, ordinary seamen, etc., 550 of whom were placed in employment.

*Poland.* — . . . An employment office for seamen was established in 1931 in connection with the employment exchange at Gdynia, which, in the period 1 October 1934 to 30 September 1935, 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 Hälsingborg—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, Hälsingborg, Halmstad, Göteborg, Lysekil, Uddevalla. For the period 1 October 1935-30 September 1936, there were 69,231 applications, 23,267 vacancies and 22,397 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 to 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 states that the regulations in question have not yet been enacted, but that the existing legislation is in complete agreement with the provisions of the Convention. The public employment offices, which, under the amended Regulations of 1927, undertake, *inter alia*, the placing of seamen, are subject to Government supervision and are organised on the basis of joint representation. The report adds that during the period 1 October 1935-30 September 1936 these offices registered 7,339 applications for employment from unemployed seamen and ship's officers, and 36 vacancies for seamen; 35 placings of seamen 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.*

*Argentine Republic.* — Under § 12 of Act No. 9,148 (text of Act No. 12,101 of 15 October 1934), the national Department of Labour shall proceed to the setting up of a joint committee composed of three employers' and three workers' representatives appointed at the suggestion of the most representative employers' and workers' organisations, under the

chairmanship of a delegate of the Department in question. This committee shall be consulted on all matters concerning the working of the National Employment Service and of the offices set up under the Act. One of the three employers' delegates must present the shipowners and one of the three workers' delegates must represent the crews. See also introductory note.

*Chile.* — The report states that, since the employment exchanges operate, under the terms of § 196 of the Labour Code and Decree No. 399, under the management of an equal number of representatives of shipowners and seamen, with the assistance of the maritime authority (see above, under ARTICLE 4), the number of the Committees prescribed by this Article, and the places at which they have been set up, are the same as those of the existing employment exchanges.

*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.

*Greece.* — See introductory note.

*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 these show 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.

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

*Rumania.* — . . . § 1 of Ministerial Decision No. 244358/1933 lays down that the special Seamen's Section of the Public Employment Exchange at Braila shall be assisted by an Advisory Committee consisting of two seamen and two shipowners. The chairman of this Committee is to be elected by agreement between the members of the Committee from among competent persons in the locality; preference being given to the port authority or his representative. The election of the members of the Committee and of its chairman must be confirmed by the Ministry of Labour, Health and Social Welfare.

*Spain.* — § 7 of the Employment Exchanges Act of 27 November 1931 provides that the management of every employment exchange set up by a municipality, a province, a union of local authorities or a regional authority shall be subject to the direct inspection of a committee for the exchange, consisting of employers' and employees' representatives, and of experts appointed, on the recommendation of the organisations concerned, by the Ministry of Labour and Social Welfare. Under § 8, the Central Employment Exchange and Unemployment Prevention Office shall be subject to the direct inspection of a special sub-committee of the Labour Council with the addition of the number of employers' and employees' members considered necessary and including a number of experts appointed by the Minister of Labour and Social Welfare on the recommendation of the Standing Committee of the above-mentioned Council. Under § 7 the chairman of the inspection committee of a local, provincial or regional employment exchange, or an exchange set up by a union of local authorities, shall be an employee; if the committee fails to agree respecting the appointment, he shall be appointed by the Ministry of Labour and Social Welfare from a list of three names submitted by the various occupational organisations concerned and by the labour officer of the province in which the headquarters of the committee is to be set up. For details as to the degree of State supervision, see the information given under ARTICLE 4 regarding the functions of the Central Employment Exchange and

Unemployment Prevention Office. 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 regulation and in agreement with the Minister of Communications, lay down in detail provisions concerning the organisation and operation of public seamen's employment offices. See also under ARTICLE 4.

#### 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.

*Argentine Republic.* — § 13 of Act No. 9,148 (text of Act No. 12,101 of 15 October 1934) lays down that in connection with the employment of seamen by means of free public employment exchanges freedom of choice of ship shall be assured to seamen and freedom of choice of crew shall be assured to shipowners. Further, § 944, paragraph 5 of the Commercial Code provides that officers and crew may break their engagement before the beginning of a voyage if the vessel is changed. See also introductory note.

*Chile.* — § 6 of Decree No. 399, as at present drafted, lays down that shipowners or their legal representatives shall choose their crews with no restrictions other than those prescribed by the Shipping Act. Further, § 63 of the Shipping Act provides, among other stipulations, that the employment exchanges shall leave the shipowners, masters and seamen full freedom to conclude such agreements between themselves as they may wish.

*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.

*Greece.* — 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 § 13 of the Act of 27 November 1931, refusal of the employers to accept employees is allowed if it is based on proved lack of skill or dishonesty on the part of the employees, and refusal of the employees to accept employment is allowed if it is based on the obvious unsuitability of the employment proposed. Point 1 of the provisions enacted by the Joint Board of Maritime Transport lays down that freedom of choice of crew for their ships shall be assured to shipowners, and, reciprocally, freedom to accept or refuse employment on board ship shall be assured to seamen. Point 4 adds that if the freedom of choice referred to in point 1 seems likely to be compromised at any time or for any reason, the shipowners reserve the right to set up special employment exchanges, the organisation of such exchanges being permissible under the Act for the ratification of the Genoa Convention on employment facilities for seamen. See also introductory note.

*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.*

*Argentine Republic.* — In its report for the period 1 October 1934-30 September 1935 the Government stated that a Bill which had already been approved by the Senate and which was before the Chamber of Deputies would amend the Commercial Code by incorporating in it a provision similar to this Article of the Convention.

*Chile.* — The report states that § 191 of the Labour Code, which enumerates all the particulars which must be included in the articles of agreement, includes all the necessary guarantees for the protection of the parties concerned. (See under *Convention No. 22 — Articles of agreement* — point II.) Moreover, § 900 of the Commercial Code lays down that a list of the crew, with similar particulars, shall be kept. As regards opportunities allowed to seamen to examine their articles of agreement before and after signing, § 63 of the Shipping Act provides that the employment exchanges shall explain to the

parties concerned the terms and the significance of the clauses to which their signatures are to be appended, and shall read them the clauses in question. Further, under § 4 of the Labour Code, which, in accordance with § 238 of the Code, is applicable to seamen's articles of agreement, a copy of the contract, signed by both parties, shall remain in the seamen's possession.

*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.

*Greece.* — See introductory note.

*Rumania.* — § 2 of Ministerial Decision No. 244358/1933 lays down that agreements for seamen placed by the special Seamen's Section of the Public Employment Exchange must be in conformity with §§ 531 *et seq.* of the Commercial Code (which deal with the engagement 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 the agreement with the crew. 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 an agreement 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 agreement 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.*

*Argentine Republic.* — The Government states that the public employment service is open to all seamen without distinction as to nationality.

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

*Belgium.* — ... During the year 1935, 441 foreign seamen were engaged on Belgian vessels through the intermediary of the recruitment office of the Belgian Shipowners' Union.

*Chile.* — The report states that foreign seamen enjoy the same privileges in connection with placing as Chilean nationals, in virtue of the general principle sanctioned by the Civil Code, viz., that the law makes no distinction between Chilean nationals and foreigners as regards the acquisition and enjoyment of civil rights. The report adds that no statistics are available concerning the number and nationality of the foreigners who have taken advantage of these privileges.

*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.

*Greece.* — See introductory note.

*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.

*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.* — ... 352 foreign seamen applied to the Employment Service, and 129 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.*

*Argentine Republic.* — See above under ARTICLE 1.

*Chile.* — § 198 of the Labour Code lays down that it shall not be compulsory for the master and officers to be engaged through an employment exchange; nevertheless, the agreement shall in all cases be subject to the approval of the maritime authority.

*Colombia.* — See introductory note.

*Cuba.* — See above under ARTICLE 1.

*Greece.* — See introductory note.

*Latvia.* — See above under ARTICLE 8.

*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.*

*Argentine Republic.* — See under Convention No. 2 (*Unemployment*).

*Australia.* — ... For the latest statistics, see above under ARTICLE 4.

*Chile.* — 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 30 June 1935 to 30 June 1936, 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 . . .

*Greece.* — See introductory note.

*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 for last year did 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 35 of the Constitution of the International Labour Organisation (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 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

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

*Belgium.* — The report states that the Department of the Colonies has submitted the Convention to a further examination, but it considers that the local conditions which have already been invoked in previous years as a reason for not applying the Convention to the Congo have not altered to such an extent as to lead the Government to modify its attitude in this respect.

*Italy.* — The Government states that the application of the provisions of the Convention to the colonies is provided for in a legislative measure dealing also with other questions which the Minister for the Colonies has already prepared.

While it is not expedient to enact these provisions separately, 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 of and health certificates for seamen came into force on 25 May 1933, and preparations have been begun for the enforcement of the Seamen's Employment Exchange Act. In the leased territory of *Kwantung (Canton)*, the local conditions do not yet make it possible to enact an Employment Exchange Act. But the Government is making every effort to establish a public employment exchange as far as circumstances permit in accordance with the principles of the Convention. Once every month, the police authorities make an enquiry on the condition of unemployment. In *Dairen*, there is one municipal employment exchange established in conformity with the principles of the Employment Exchange Act. The record of the exchange during the year 1935 is as follows: vacancies, 1,220; persons seeking work, 2,047; persons placed, 621. In November 1935, the South Manchurian Railway Company established a free exchange in Mukden. Besides this, there exist 5 private organisations dealing among other matters with the business of employment-finding without charging fees. Since August 1923, the *Dairen Kaimu Kyokai* (Maritime Association of Dairen), a corporate body, is entrusted with the work of free employment-finding for seamen in accordance with the principles of the Seamen's Employment Exchange Act. The record of its work is as follows: vacancies, 1,183; persons seeking work, 1,212; persons placed, 1,183.

*Spain.* — See introductory note.

#### IV.

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

*Argentine Republic.* — The national Department of Labour is responsible for the enforcement of the relevant legislation.

*Chile.* — The report states that the authorities responsible for everything concerned with the enforcement of the legislative provisions which correspond to those of the Convention are the General Labour Inspectorate and the labour courts.

In accordance with § 243 of the Labour Code, the supervision of the observance of those provisions for which the General Labour Inspectorate is responsible shall be exercised without prejudice to the provisions of the Commercial Code, the Shipping Act and the Shipping Regulations which relate to the special powers of the maritime authorities.

*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.

*Greece.* — 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, formerly attached to the Ministry of Communications, but now attached to the new Ministry for the Air and for Maritime Affairs, 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.*

*Argentine Republic.* — The report refers to the reply given under *Convention No. 3 (Childbirth)*, point VI. See also under *Convention No. 2 (Unemployment)*, ARTICLE 2 and introductory note.

*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 led to an agreement between shipowners and seamen to the effect that the recruiting office shall submit applicants for employment on board in accordance with their position on the roster. See also under ARTICLE 4.

*Bulgaria.* — The report does not contain any general indications of the manner in which the Convention is applied, but merely states that no observations have been received from the employers' and workers' organisations with regard to the practical application of the provisions of the Convention or of the national legislation which implements it.

*Chile.* — The report states that, according to the reports of the maritime labour inspection services, the six existing employment exchanges for seamen operate normally, and are in a position to supply the staff required to constitute the crews of all vessels, and to provide substitutes for seamen who are ill, etc. The officers are engaged direct by the shipowners, without applying to the employment exchanges. Neither the employers' nor the workers' organisations concerned have made any observations with regard to the practical application of the provisions of the Convention or of the national legislation which implements it.

*Colombia.* — See introductory note.

*Cuba.* — The report states that a special section has recently been set up in the Secretariat of Labour to deal with maritime questions, and that its organisation is at present being completed. As soon as this has been done, it will be possible to collect a variety of valuable information with regard to the enforcement of the Convention. 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 does not refer to this point. See under *Convention No. 2 (Unemployment)*, point VI.

*France.* — The Ministry of Mercantile Marine has not received any observations from the organisations of employ-

ers 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.

*Greece.* — See introductory note.

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

*Norway.* — The report states that the Convention is strictly applied. No cases of infringement 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.* — 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 States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935-30 September 1936 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	26. 5. 1936	6. 4. 1937
Austria . . . . .	12. 6. 1924	21. 11. 1936
Belgium . . . . .	13. 6. 1928	22. 10. 1936
Bulgaria . . . . .	6. 3. 1925	23. 11. 1936
Chile . . . . .	18. 10. 1935	4. 1. 1937
Cuba . . . . .	22. 8. 1935	2. 12. 1936
Czechoslovakia . .	31. 8. 1923	7. 1. 1937
Dominican Republic	4. 2. 1933	
Estonia . . . . .	8. 9. 1922	26. 10. 1936
Hungary . . . . .	2. 2. 1927	27. 10. 1936
Irish Free State . .	26. 5. 1925	10. 11. 1936
Italy . . . . .	8. 9. 1924	24. 2. 1937
Japan . . . . .	19. 12. 1923	4. 2. 1937
Luxemburg . . . .	16. 4. 1928	8. 2. 1937
Nicaragua . . . . .	12. 4. 1934	
Poland . . . . .	21. 6. 1924	28. 11. 1936
Rumania . . . . .	10. 11. 1930	22. 3. 1937
Spain . . . . .	29. 8. 1932	30. 3. 1937
Sweden . . . . .	27. 11. 1923	23. 11. 1936
Uruguay . . . . .	6. 6. 1933	23. 12. 1936

The Government of *Austria* stated in its last year's 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 otherwise than in agriculture and forestry had been 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. During the period covered by this year's report, the following federated provinces have issued executive Acts : Burgenland, Salzburg, Styria, Tyrol, Vorarlberg and Vienna. In the provinces of Carinthia, Lower Austria and Upper Austria the former regulations still obtain.

The Government of *Cuba* states in its report that the Republic has not so far enacted legislation to give effect to the Convention, and that it is therefore impossible to supply the required information on the subject. The recent change of Government (in May 1936) and the consequent administrative reconstruction has made it impossible to pass legislation on this point. The Government gives an assurance, however, that the necessary legislative measures will be taken very shortly. The report adds that the legislation at present in force includes Act No. 53 of 29 March 1935 concerning the employment of young persons in commercial and agricultural undertakings, which provides that young persons under eighteen years of age employed in commercial and agricultural undertakings shall not work for longer than seven hours per day. An exception is made for undertakings where only members of the proprietor's family are employed.

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

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

For the general information supplied by the Government of *Spain*, see under *Convention No. 1 (Hours of work, 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.*

#### *Argentine Republic.*

Act No. 11,377, of 30 September 1924 concerning the employment of women and young persons (L. S. 1924, Arg. 1).

#### *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).

Executive Acts issued in pursuance of the Federal Act of 13 July 1935 by the following federated provinces: Burgenland, Salzburg, Styria, Tyrol, Vorarlberg and Vienna.

See also introductory note.

#### *Belgium.*

Basic Act concerning primary education consolidated by Royal Order of 25 October 1921.

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).

Royal Order of 15 May 1928 to issue Regulations for the inspection of primary education.

#### *Bulgaria.*

Act of 1924 respecting public education.

#### *Chile.*

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

#### *Cuba.*

See introductory note.

#### *Czechoslovakia.*

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

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

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

#### *Estonia.*

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

Act of 7 May 1920 concerning public elementary schools.

#### *Hungary.*

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

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

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

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

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

#### *Irish Free State.*

School Attendance Act, 1926, as amended by School Attendance Act, 1936.

#### *Italy.*

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

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

#### *Japan.*

Imperial Ordinance of 20 August 1900 concerning elementary schools.

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

Imperial Ordinance of 7 February 1899 concerning technical schools.

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

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

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

#### *Luxemburg.*

Act of 10 August 1912 concerning the organisation of elementary education.

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

*Poland.*

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

Constitution of the Republic of Poland of 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.

Circular of the Minister of Public Worship and Public Instruction of 26 June 1936.

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.*

Act of 6 April 1934 to approve with amendments a draft Children's Code (L. S. 1934, Ur. 4).

## 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.

*Argentine Republic.* — § 1 of the Act of 30 September 1924 provides that the employment of children under the age of 12 years on any kind of work, including agricultural work, shall be prohibited throughout the territory of the Republic. It also provides that the employment of young persons over the age of 12 years who are of school age and who have not completed their compulsory education shall also be prohibited. Nevertheless, the competent authority may authorise the employment of these young persons if it considers their employment indispensable

for their own maintenance or that of their parents or brothers and sisters, provided that the minimum educational requirements prescribed by the law are complied with in a satisfactory manner. The Government points out that the compulsory school attendance age is not the same throughout the Republic. School attendance is compulsory in the Federal capital, the national territories and the provinces of Entre Rios, Incuman, San Juan and San Luis, for children of both sexes between the ages of 6 and 14; in the provinces of Santa Fé, Corrientes and Salta, for boys between 6 and 14 years and for girls between 6 and 12 years; in the provinces of Jujuy, Catamarca and La Rioja, for boys between 7 and 14 years and 14 years and for girls between 7 and 12 years; in the province of Mendoza, for boys between 7 and 15 years and for girls between 6 and 12 years; in the province of Buenos Aires, for children of both sexes between 8 and 12 years; in the province of Cordoba, for children of both sexes between 7 and 14 years. In Santiago del Coteró compulsory school attendance begins at the age of 8; a child can cease to attend school at the age of 11 if the school authorities are satisfied that the child has received a minimum of instruction. The Government adds that this section of the Act regulates the question in a different way from that laid down by the Convention but without any essential divergence.

*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. The executive Acts of the federated provinces (Burgenland, Salzburg, Styria, Tyrol, Vorarlberg and Vienna) prescribe, in pursuance of § 8 of the Federal Act, detailed provisions 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. The report mentions, *inter alia*, the general provisions of the Agricultural Labour Codes (*Landarbeiterordnungen*) enacted by the federated provinces (Bergengland, Upper Austria, Salzburg, Tyrol and Vorarlberg) under which children of school age may only be employed if they are not thereby hindered from attending school and if their health and physical development are not prejudiced by the work in question. See also introductory note.

*Belgium.* — The Primary Education Act of 1921 (§ 3) makes education compulsory for all children for the period of eight years from the end of the summer holidays in the year in which each child respectively reaches the age of six years. . .

*Chile.* — The Government states that the provisions of the Convention are implemented by § 76 of the Labour Code which applies to agricultural workers the general standards concerning contracts of employment contained in Book I, Part II, Chapter V. § 47 in this Chapter provides that children under fourteen but over twelve years of age who have completed their compulsory school attendance may be employed; nevertheless they shall not be employed (even as apprentices) in industrial establishments other than those in which only members of one and the same family are employed under the authority of one of them.

*Cuba.* — See introductory note.

*Luxembourg.* — . . . Under § 1 of the Act of 10 August 1912 concerning the organisation of elementary education, every child who has completed its sixth year by 1 November shall receive elementary education for seven consecutive

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

*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.* — § 223 of the Children's Code of 6 April 1934 lays down that it shall not be lawful to employ children under the age of twelve years in rural work (stock-breeding and agriculture), except during the school holidays. § 74 provides that elementary education shall be compulsory for all children from six to fourteen years of age.

## 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.*

*Argentine Republic.* — The Government states that the provisions of this Article have no application in view of the general prohibition contained in § 1 of the Act of 30 September 1924 (see above under ARTICLE 1).

*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.

*Chile.* — See above, under ARTICLE 1.

*Cuba.* — See introductory note.

*Irish Free State.* — § 4 (3) and (4) of the School Attendance Act, 1926 as amended by the School Attendance Act, 1936 authorises the following exception to the general obligation of school attendance, until the year 1940: parents may employ those of their children who are over twelve years of age in light agricultural work on their behalf and on their land, for not more than ten days during the period between 17 March and 15 May and for not more than ten days during the period between 1 August and 15 October. ...

*Luxemburg.* — The report states that, under the terms of a Circular of 28 May 1923 to the executives of communes, time-tables of school classes may be modified during the summer months (May to August) so as to allow children to be employed in light agricultural work. See also above, under ARTICLE 1.

*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). For purposes of vocational instruction in agriculture, the Circular of the Minister of Public Workshop and Public Instruction, dated 26 June 1936, fixes the length of the school year at ten or eleven months, according to the type of school.

*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.* — The Government states that the responsible authorities take into account the periods of more intense agricultural activity and the forms of this activity when fixing the school programmes for each year. There is no special provision to the effect that the annual period of school instruction should be not less than eight months, but for more than forty years the school year has begun on 1 March and ended on 15 December. Under § 97 of the Children's Code, the Children's Council may authorise the employment, for special reasons, of a minor who has completed a course of instruction equivalent to that of the second year of a rural school.

### 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.

*Argentine Republic.* — § 3 of the Act of 30 September 1924 provides that the prohibition laid down in the preceding sections of the Act shall not apply to the employment of children for purposes of training in schools recognised for this purpose by the competent education 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.

*Chile.* — See above, under ARTICLE 1.

*Cuba.* — 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.* — No information.

### 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 35 of the Constitution of the International Labour Organisation (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 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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. § 57 of the Ordinance on public elementary schools in *Taiwan* lays down that the number of school days should not be less than 230 days in the year.

*Spain.* — The Government points out that the Convention is 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.*

*Argentine Republic.* — The Government states that the Act of 30 September 1924 is embodied in the Civil Code and has therefore the nature of a general Act applicable to the whole country. Under § 61 of the Constitution the application of the Act is entrusted to the federal or provincial authorities in their respective jurisdictions. § 21 of the Act lays down that contraventions shall be punished by a fine of 50 pesos, which shall be doubled in case of a repetition of the offence, or in default thereof by an equivalent period of imprisonment in conformity with the Penal Code. Every case where a person has been unlawfully employed shall be reckoned as a separate contravention.

*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. Attempts to break the law are punishable. 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 of 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.

*Belgium.* — Under §§ 10 and 11 of the basic Act concerning primary education, the primary education inspectors and the local and national police are responsible for supervising school attendance and for instituting proceedings against parents who neglect to carry out their duties under the law. The last paragraph of § 11 provides that agriculturalists who have employed children of school age other than their own during the hours of school attendance and outside the periods fixed for seasonal work and holidays, are liable to the penalties laid down in § 20 of the consolidated Acts relating to the employment of women and children; the section in question prescribes that persons guilty of infringement shall be liable to a fine of from 26 to 200 francs or to imprisonment for a period of eight days to a month, the amount of the fine being payable in respect of every person employed in contravention of the Act or Orders.

*Chile.* — The authorities responsible for the application of the laws and regulations relating to the Convention are the General Labour Inspectorate as at present organised by Chapter I of Part III of Book IV of the Labour Code and by Decree No. 1160 of 3 December 1935 to codify in one consolidated text the Decrees on the basic organisation of the General Labour Inspectorate. From the point of view of judicial procedure the labour courts, as organised by Part I of Book IV of the Labour Code, are responsible. The Government adds that the labour inspectors pay constant attention, on their visits to agricultural undertakings, to the strict enforcement of the provisions in question.

*Cuba.* — 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.* — The Government states that the authorities responsible for the application of the relevant legislation are the Children's Council and the Supreme Council for Industrial Education. With a view to facilitating the practical enforcement of the provisions with regard to compulsory school attendance, § 79 of the Children's Code lays down that parents, guardians and other persons responsible for children shall enter in a register, which every public school must possess, the names of all children between six and fourteen years of age; if they omit to do this, they shall be liable to a fine of 4 pesos or an equivalent term of imprisonment in respect of each child. § 232 lays down that contraventions of the provisions prohibiting the employment of children shall be punished by a fine of not less than 50 nor more than 200 pesos for every minor employed, provided that the total fine shall not exceed 1,000 pesos. In the event of a second or further offence, imprisonment for not less than eight days nor more than three months may be imposed in addition to the fine. Under § 233 the legal representative of a minor who is guilty of a contravention of these provisions is liable to the same penalties.

## 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.*

*Argentine Republic.* — No information.

*Austria.* — The Government states that statistical information on this point may be found in the 1936 volume of the *Vierteljahrshefte für Erziehung und Unterricht*, which will shortly be published by the Official Publishers for Education, Science and Arts in Austria. Neither employers' nor workers' organisations have communicated any observations to the Government with regard to the practical application of the Convention.

*Belgium.* — The application of the Convention is fully secured by the sanctions provided in the organic law on public instruction. This law imposes upon the heads of families the responsibility of securing to their children a suitable primary education for a period of eight years which commences normally after the summer holidays of the year during which they complete their sixth year. Children who reach the age of 14 years in the course of their eighth year of school must complete the current session. The inspectors of primary education are responsible for supervising the strict application of these provisions, and § 11 of the Act contains penalties against heads of families who fail to secure the education of their children or who withdraw them from school before the end of the school period. No 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.* — The Government states that it has not received any observations from employers' or workers' organisations with regard to the practical application of the Convention or of the national legislation which implements its provisions.

*Chile.* — The reports of the inspection services state that the provisions of the national legislation concerning the age of admission of children to employment are satisfactorily enforced in agriculture. Under the lease system (*inquilinaje*) obtaining in Chile, children are trained in the occupation by doing light jobs on the holding which the father or other head of the family works on his own account. No statistical information worth submission is available. The Government adds that neither the employers' nor the workers' organisations have submitted observations with regard to the practical application of the Convention or of the national legislation which implements its provisions.

*Cuba.* — See introductory note.

*Czechoslovakia.* — The report states that the information required by this heading is contained in the report of the factory inspection service for 1935, which will be forwarded to the International Labour Office as soon as possible.

*Estonia.* — During 1935, the inspection services reported 16 cases of infringement of the legal provisions concerning the age for admission of children to employment in agriculture; 13 of these cases gave rise merely to a warning, and in the three remaining cases proceedings were instituted. 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. The competent authorities possess no available statistical information 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' organisa-

tions 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 36.8 % 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 1.0 % for children between 12 and 14. No observations have been received from employers' or workers' organisations with regard to the practical application of the provisions of the Convention.

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

*Japan.* — The application of the principles of the Convention is most satisfactory. Statistics giving the number of children of school age employed in accordance with the provisions of the 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 1936 to 660,000 yen (513,333 yen for 1932, 880,000 yen for 1933 and 1934, and 826,549 yen for 1935). The Government states that one observation has been received from the Japanese Trade Union Congress (*Nippon Rodo Kumiai Kaigi*) on the question of the practical application of the national legislation which implements the provisions of the Convention, to the effect that the present Ordinance on elementary schools is not sufficient to comply fully with the principles of the Convention, and that a new law on the minimum age for admis-

sion of children to employment in agriculture should be enacted.

*Luxemburg.* — The Government states that the reports of the services responsible for the inspection of education show that cases of infringement are extremely rare and that when discovered they are always referred to the Courts.

*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 strictly enforced.

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

*Sweden.* — The Government states that no general statistical information is available as required under this heading. 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.* — No information.

# 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 States Members which had ratified the Convention unconditionally before 1 July 1936 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 1935—30 September 1936 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	26. 5.1936	6. 4.1937
Austria . . . . .	12. 6.1924	21.11.1936
Belgium . . . . .	19. 7.1926	22.10.1936
Bulgaria . . . . .	6. 3.1925	23.11.1936
Chile . . . . .	15. 9.1925	4. 1.1937
China . . . . .	27. 4.1934	11. 1.1937
Colombia . . . . .	20. 6.1933	25. 1.1937
Cuba . . . . .	22. 8.1935	2.12.1936
Czechoslovakia . .	31. 8.1923	7. 1.1937
Denmark . . . . .	20. 6.1930	15. 1.1937
Estonia . . . . .	8. 9.1922	26.10.1936
Finland . . . . .	19. 6.1923	17.11.1936
France . . . . .	23. 3.1929	6. 2.1937
Great Britain . . .	6. 8.1923	10.12.1936
India . . . . .	11. 5.1923	16.12.1936
Irish Free State . .	17. 6.1924	18.12.1936
Italy . . . . .	8. 9.1924	24. 2.1937
Latvia . . . . .	9. 9.1924	28.12.1936
Luxemburg . . . . .	16. 4.1928	8. 2.1937
Netherlands . . . .	20. 8.1926	9.10.1936
Nicaragua. . . . .	12. 4.1934	
Norway . . . . .	11. 6.1929	4.12.1936
Poland . . . . .	21. 6.1924	28.11.1936
Rumania . . . . .	10.11.1930	22. 3.1937
Spain . . . . .	29. 8.1932	30. 3.1937
Sweden . . . . .	27.11.1923	23.11.1936
Uruguay . . . . .	6. 6.1933	23.12.1936
Yugoslavia . . . . .	30. 9.1929	13.11.1936

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

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

The *Norwegian* Government states in its report that the law of Norway "contains no provision on the right to combine for trade purposes, but this right has never been disputed in practice and may therefore be considered to exist as an unwritten law." As regards the legal position the report refers to the volume entitled *Freedom of Association*<sup>1</sup> and adds that since this volume appeared no alteration has been made in the law.

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

For the general information supplied by the Government of *Spain*, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The report of the Government of *Uruguay* states that § 56 of the 1934 Constitution provides 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. In order to implement this provision of the Constitution, the Government submitted to the General Assembly, on 25 June 1936, a Message accompanied by a Bill concerning the organisation of trade unions. The report adds that the National Institute of Labour and the services attached to it are at present doing their utmost to convince the Government of the necessity for the urgent examination of the Bill in question.

# I.

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

<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.*

#### *Argentine Republic.*

Constitution of the Argentine Republic (§ 14).

#### *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 (§ 20).

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

Penal Code (§ 151).

#### *Bulgaria.*

Constitution of Bulgaria (§ 83).

#### *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 agricultural associations.

#### *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).

#### *Cuba.*

Decree No. 2605 of 7 November 1933 [to issue regulations for the formation of industrial associations] (L. S. 1933, Cuba 2 A), amended by Decree No. 3310 of 26 December 1933 (L. S. 1933, Cuba 2 B).

#### *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.

#### *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).

Act of 11 May 1936 to guarantee freedom of association.

#### *Netherlands.*

Constitution of the Netherlands (§ 9).

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

#### *Norway.*

See introductory note.

**Poland.**

Constitution of the Republic of Poland of 17 March 1921 (L. S. 1921, Pol. 3).

Act of 1 August 1919 on the settlement of collective disputes between employers and workers in agriculture, amended by the Acts of 11 March 1921 (L. S. 1921, Pol. 2) and 25 February 1930 (L. S. 1930, Pol. 3), amended by the Presidential Decree of 25 September 1932.

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

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

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

See also introductory note.

**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.**

Constitution of the Republic, 1934 (§§ 38 and 56).

See also 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 undertakes to secure to all those engaged in agriculture the same rights of association and combination as to industrial workers, and to repeal any statutory or other provisions restricting such rights in the case of those engaged in agriculture.

*Argentine Republic.* — Under § 14 of the Constitution all citizens of the Republic have the right to form associations for useful purposes in conformity with the Acts which regulate the exercise of this right. There is no Act regulating occupational associations. Persons employed in agriculture have the same rights, as industrial workers, to form associations and unions; there are no restrictions on the exercise of these rights, excepting those of a general nature relating to the maintenance of public order.

*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...

*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 a provincial, county, or municipal agricultural association: (1) owners of farms; (2) lessees cultivating a farm of more than ten mows or a garden of more than three mows<sup>1</sup>; (3) students of agriculture who have graduated from secondary schools; (4) persons conducting a business directly connected with agriculture. The report states that the right of association for all persons engaged in agriculture is thus fully recognised.

*Colombia.* — § 1 of the Act of 23 June 1931 concerning industrial associations

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

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.

*Cuba.* — § I of Decree No. 2605 of 7 November 1933 [to issue regulations for the formation of industrial associations] lays down that all employees or employers engaged in one and the same occupation, trade or special branch thereof, or in similar or allied occupations, trades or special branches, in one and the same undertaking or in two or more undertakings, shall be entitled to form associations freely for the protection of their common interests without its being necessary to obtain a previous authorisation to do so. § III provides that it shall not be lawful to compel any person to become or abstain from becoming a member of an industrial association. § V stipulates that an employees' industrial association shall not consist of less than twenty-five members.

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

*Luxemburg.* — ... § 1 of the Act of 11 May 1936 guarantees freedom of association in all spheres. No one may be compelled either to become or to abstain from becoming a member of an association. The Government adds that this Act, which is general in character, and which does not relate to agricultural workers alone, ensures in the completest manner, for them as for all other workers, the widest possible freedom of association.

*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.* — § 38 of the Constitution of 1934 lays down that all persons are entitled to form associations, irrespective of the purpose of the association, provided that it does not take a form prescribed as illegal by law. The Government adds that this provision, to which there is no exception, guarantees the full right of association to persons employed in agriculture. § 56 of the Constitution provides, *inter alia*, that a strike is an occupational right, and that the exercise of this right and its effects will be contemplated from this aspect. See also 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 35 of the Constitution of the International Labour Organisation (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 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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*. The enactment of these legislative texts in the remaining colonial possessions gives rise to difficulties due to the local conditions, and the Government considers, therefore, that for the time being the application of international legislation on the question must be deferred until it is possible to initiate a wide scheme for adapting the social legislation to the colonies, taking into account local contingencies.

*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.*

*Argentine Republic.* — The report does not refer to this point.

*Belgium.* — The ordinary judicial authorities are entrusted with supervising the application of the Constitution and the Act of 24 May 1921. Under § 151 of the Penal Code, any arbitrary action against or attempt upon the liberties and rights guaranteed by the Constitution which may be either ordered or carried out by a civil servant or public official, or by a trustee or agent of the executive authority or of the public forces, will be punished by a term of imprisonment of fifteen days to a year.

*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. § 14 provides that before establishing an association, the members shall be required to submit the regulations to the competent governmental authority for approval. § 31 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 § 29, 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.

*Cuba.* — The Ministry of Labour is the authority responsible for the enforcement of Decree No. 2605 of 7 November 1933, as amended by Decree No. 3310 of 26 December 1933, to issue regulations for the formation of industrial associations. This enforcement is exercised through the General Directorate of Labour, the Department of Occupational Organisations, and the Section dealing with workers organisations. § VI of the Decree lays down that, for the purposes of registration, copies of the constitution and rules of organisations set up in the municipality of Havana must be submitted direct to the Ministry of Labour; those from workers' organisations in other parts of the Republic are submitted to the competent provincial offices, which transmit them to the General Directorate of Labour for the approval of the Department and Section referred to above. The Government adds that it is only by the express order of the Minister of Labour that a trade union can be registered. This ensures supervision of the application of the legislative provisions concerning trade unions. The basic Act concerning the executive authorities permits an appeal to be lodged with the President of the Republic against decisions of Ministers of Government Departments, and an appeal may be lodged with the administrative courts against a decision of the President. The Supreme Court of Justice is the ultimate authority for any appeals on administrative matters.

*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.

*Luxemburg.* — . . . Under §§ 3 and 4 of the Act of 11 May 1936, any person who, for the purpose of compelling a particular individual to become or to abstain from becoming a member of an association, has resorted to violence, molestation or threats, or has caused him to fear the loss of his employment or injury to his person, family or property, or any person who has of malicious intent made the conclusion, the execution or (even with due regard to customary notice) the continuance of a contract of employment or service conditional upon the affiliation or non-affiliation of one or more persons to an association, shall be liable to imprisonment from eight days to a month, and to a fine of from 51 to 500 francs, or to one of these penalties.

*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.* — The authority responsible for the application of the relevant legislation is the Government, which carries out the necessary supervision through the Ministries of Industry and Labour and of Home Affairs. See also introductory note.

## V.

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

The reports supplied do not mention any such decisions.

## 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.*

*Argentine Republic.* — No information.

*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.* — The Government states that 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.

*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 11 agricultural trade unions with a total of 834 members. Seven of these unions are corporate bodies at civil law. The Government adds that neither the employers' nor the workers' organisations concerned have made any observations with regard to the practical application of the Convention or of the national legislation which implements it.

*China.* — Up to November, 1936, there were 13,612 agricultural associations registered by the Ministry of Industry. No observations have been received from the organisations of employers or workers concerned. The Government adds that the question raised by the Committee of Experts, namely, whether agricultural workers in China were entitled to form

trade unions under the same conditions as industrial workers, has been referred by the executive Yuan to the judicial Yuan for an official interpretation.

*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.

*Cuba.* — The Government states that the workers' and employers' organisations have not made any concrete objections to the regulations concerning trade union organisation in so far as agricultural workers are concerned.

*Czechoslovakia.* — The report refers to the report of the Labour Inspection Service for 1935, which will be sent to the International Labour Office as soon as possible.

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

*Estonia.* — The report states that, in general, the Convention is strictly applied in Estonia. This is confirmed by the fact that no cases of contravention of relevant legislation have been recorded during the period under review. The reports adds that the 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.

*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.

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

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

*Uruguay.* — The Government states that the employers' and workers' organisations have made no observations with regard to the practical application of the Convention. See also 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 States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935-30 September 1936 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	26. 5.1936	6. 4.1937
Belgium . . . . .	26.10.1932	22.10.1936
Bulgaria . . . . .	6. 3.1925	23.11.1936
Chile . . . . .	15. 9.1925	4. 1.1937
Colombia . . . . .	20. 6.1933	25. 1.1937
Cuba . . . . .	22. 8.1935	2.12.1936
Denmark . . . . .	26. 2.1923	15. 1.1937
Estonia . . . . .	8. 9.1922	26.10.1936
France . . . . .	4. 4.1928	23. 1.1937
Great Britain . . .	6. 8.1923	10.12.1936
Irish Free State . .	17. 6.1924	18.12.1936
Italy . . . . .	1. 9.1930	24. 2.1937
Latvia . . . . .	29.11.1929	28.12.1936
Luxemburg . . . . .	16. 4.1928	8. 2.1937
Netherlands . . . .	20. 8.1926	9.10.1936
Nicaragua . . . . .	12. 4.1934	
Poland . . . . .	21. 6.1924	28.11.1936
Spain . . . . .	1.10.1931	30. 3.1937
Sweden . . . . .	27.11.1923	23.11.1936
Uruguay . . . . .	6. 6.1933	23.12.1936

The Government of the *Argentine Republic* states in its report that with a view to bringing the legislation of the Republic into harmony with the provisions of this Convention, the Committee for Labour Legislation of the Chamber of Deputies submitted to the latter for approval on 24 September 1936 a Bill, providing for the deletion from the Act concerning workmen's compensation for industrial accidents of the clause which provides that workers engaged in agriculture and forestry shall not be included in the scope of the Act unless they are "employed in transport service or to attend power-driven machinery". This Bill will probably be adopted by the national Congress at its forthcoming extraordinary Session.

The Government of *Colombia* stated in its last report that it had submitted to Congress a draft Labour Code embodying the fundamental principles of this Convention. The complex work of legislation, with the preparatory study involved, had however held up the discussion of these problems, and so far the Convention in question had not been put into force. In the report for this year, the Government states that the situation remains unchanged. For the general information supplied by the Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

The *Polish* Government has stated in previous reports that the Act of 28 March 1933 provided that the insurance of agricultural workers against incapacity for work or death would be governed by a special Act and that the relevant Bill had been laid before the Diet. In a letter of 29 May 1936 the Government stated that the Bill had lapsed, owing to the fact that the session of the Diet during which it was introduced came to an end before its adoption. In these circumstances, the Government was undertaking a fresh study of the whole problem involved. In the report for the period 1935-1936, the Government states that the situation remains unchanged. See also under Article 1.

For the general information supplied by the Government of *Spain*, see under *Convention No. 1 (Hours of work, 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.*

#### *Argentine Republic.*

Act No. 9,688 of 11 October 1915 concerning workmen's compensation for industrial accidents.

#### *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.

#### *Cuba.*

Decree No. 2687 of 15 November 1933 respecting industrial accidents, to repeal and replace the Industrial Accidents Act of 12 June 1916 (L. S. 1933, Cuba 3 A), amended by Decrees Nos. 3156 and 3341 of 16 and 30 December 1933 (L. S. 1933, Cuba 3 B and 3 C), and by Legislative Decree No. 596 of 18 February 1936 (L. S. 1936, Cuba 1).

Presidential Decree No. 223 of 31 January 1935 to issue regulations in pursuance of the Industrial Accidents Act, amended by Presidential Decrees Nos. 1252 and 1653 of 6 May and 27 June 1936.

#### *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.*

Legislative Decree of 5 February 1936 concerning accident insurance for agricultural workers (L. S. 1936, Est. 1).

#### *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.

#### *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).

#### 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), amended by the Legislative Decree of 24 October 1934 (L. S. 1934, Pol. 4).

#### 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.

- Act of 15 (26) November 1920 respecting occupational accidents (L. S. 1920, Ur. 1), amended by Act of 11 January 1934 to extend and readjust the pensions scheme (L. S. 1934, Ur. 1).

- Decree of 25 February 1932 to declare the Act concerning industrial accidents applicable to workers engaged in rural occupations.

## II.

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

### ARTICLE 1.

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

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

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

*Argentine Republic.* — The report states that § 2 of the Act of 11 October 1915 provides that the Act shall apply to workers and employees whose annual salary does not exceed 3,000 pesos and who are employed in the industries and undertakings enumerated in the Act. Workers engaged in agriculture and forestry are also included, but only in so far as they are employed in transport service or to attend power-driven machinery. See also introductory note.

*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.

*Cuba.* — The report states that this Article is applied by § II (8) of Decree No. 2687 of 15 November 1933, which lays down that the system of compensation for industrial accidents shall also apply to employees engaged in "the working up of agricultural or forest products . . ."

*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.

*Estonia.* — A special scheme of accident insurance exists for the benefit of agricultural wage-earners. This scheme was set up by the Legislative Decree of 5 February 1936, which applies to all wage-earning persons employed in agriculture. In case of accident, an insured person is entitled to medical attendance, and sick benefit, equal to two-thirds of the daily wage, from the day when the accident occurs up to the day when the victim is cured or is granted an invalidity pension. If the victim of the accident goes into hospital, he receives twenty-five per cent. of the daily benefit if he is living alone, and seventy-five per cent. if he has a family dependent on him. In case of permanent incapacity, the victim receives a life pension equal to two-thirds of the annual wage, if the incapacity is total, and to a proportional fraction of this amount, if the incapacity is partial. An injured person who needs the constant help of another person receives a pension equal to the total amount of his wages. If the accident terminates fatally, the law provides for payment of a pension and funeral benefit to the survivors.

*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 automatic; it applies *de jure*, and the contributions are collected in the form of a supplement to the tax on landed property. The amount of the compensation is shown in the table appended to the Act. The Act of 22 June 1933 provides that the dependants of a wage-earning employee in an industrial or agricultural undertaking who was insured and whose death was caused by malaria shall receive the compensation provided by the Legislative Decree of 23 August 1917 and the subsequent amendments thereto.

*Poland.* — . . . The report states that the Act of 28 March 1933 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. This suspension, however, covers only agricultural undertakings in the strict sense, and does not apply, for example, in the case of horticultural undertakings. § 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. See also introductory note.

*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.* — § 4 of the Act of 15 (26) November 1920 lays down that the system of compensation for industrial accidents set up under the Act also applies to agriculture "so far as concerns the persons exposed to danger from machines." The executive authority, in virtue of the powers given it under the Act to increase the number of industries and occupations covered by it, issued an Order on 25 February 1932 extending the provisions of the Act to persons employed in rural occupations, including stock-breeding, agriculture and assimilated occupations.

## 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 35 of the Constitution of the International Labour Organisation (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 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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 work-

ers, cover the whole of the territory of the Indo-Chinese Union and also of the Kwangchow-wan concession. French citizens, subjects and protected persons, or foreigners who are heads of industrial, commercial, agricultural or forestry undertakings, whether public or private, are subject to these provisions. Chapter II of the Decree lays down a system of workmen's compensation similar to that which exists in the metropolitan country. Chapter III (§§ 16-25) relates to industrial accidents in agricultural undertakings. The putting into force of this Decree has been delayed by the fact that the practical enforcement of certain of its provisions would give rise to difficulties, in particular the provisions with regard to the supervision of insurance bodies which are authorised to practice insurance against the risks of industrial accidents, and with regard to the administration of the special fund for the purpose of guaranteeing the compensation due to the victims of accidents or their dependants in case of bankruptcy on the part of the person responsible for payment. The Government is therefore examining the question and will make every effort to amend the provisions in question as quickly as possible; the Government is moreover contemplating the extension of these provisions to the other colonies and protectorates.

*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, and by a Resolution adopted by the Legislative Council on 20 November 1935, so as to include persons employed as toddy tappers. 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 the former case, the provisions have been amended by Gazette Notification No. 1081 so as to include persons employed as toddy tappers. 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 *Kedah* has now been enacted (Enactment 1 of 1935). 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. See also "*General observation*" under *Convention No. 2 (Unemployment)*, point III.

*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 not, in all probability, cover workers in agricultural undertakings, at any rate for the moment. 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 Colonial Council and the Government have approved a draft Order "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". The Order has, however, not yet been enacted.

*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.*

*Argentine Republic*. — The report does not refer to this question.

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

*Chile*. — The authorities responsible for the enforcement of the Labour Code are the General Labour Inspectorate and the Labour Courts. The official text of the legislative and administrative provisions relating to the organisation and working of these bodies has been transmitted to the International Labour Office.

*Colombia*. — See introductory note.

*Cuba*. — The authorities responsible for the enforcement of the relevant legislation are, on the administrative side, the Department of Labour, acting through its Industrial Accidents Section and its inspectors. In judicial matters the municipal magistrates and the courts of first instance deal with civil cases, and the provincial courts or the Supreme Court of Justice with appeals, while the courts of summary jurisdiction deal with criminal cases.

*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.

*Estonia*. — The authority responsible for the enforcement of the Act of 5 February 1936 is the Labour and Social Insurance Department of the Ministry of Social Affairs.

*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.

*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.* — The National Labour Office and its various services are responsible for the supervision of the enforcement of the Act of 15 (26) November 1920. §§ 32-37 of the Act provide that every industrial accident shall be notified to the justice of the peace, who shall make a summary investigation and carry out any inspections which may be necessary. The State Insurance Bank is financially responsible for the risks, under conditions prescribed by the Act.

## 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 ten awards granting wage-earning agricultural employees or their dependants the right to the compensation and allowances provided by Chilean legislation.

*Cuba.* — The report states that, since 1916, when the first industrial accident legislation came into force, the Supreme Court has given hundreds of decisions on the subject, which have been duly compiled, with commentaries, in various publications by Cuban lawyers. During the year covered by the report, the decisions given have not departed to any appreciable extent from the principles hitherto observed.

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.*

*Argentine Republic.* — The report does not refer to this question.

*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 353,808. No observations have been made by the employers' and workers' organisations concerned.

*Colombia.* — See introductory note.

*Cuba.* — The Government states that every effort will be made to obtain full and adequate statistical information. No observations have been made by the employers' and workers' organisations concerned with regard to the practical application of the Convention or of the legislation which gives effect to it.

*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 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.

*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 1935, the number of fatal accidents in agriculture was 15; the total compensation paid for these accidents amounted to £3,575 (an average of £238.7.0 per case). The number of non-fatal cases compensated was 3,031 (205 of which were continued from previous years); the total amount of compensation paid for all these cases was £46,246 (an average of £15.5.0 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 1935 amounted to the sum of 73,298,600 lira. The total number of accidents giving rise to compensation was 77,004, of which 1,666 were fatal cases, 19,724 resulted in permanent invalidity and 55,614 in temporary invalidity. The benefits paid during the year 1935 amounted to a sum of 58,185,136.30 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 orga-

nisations 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 1,992 accidents in agriculture during October and November, 1936. 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 1935, in the section relating to agriculture and forestry, gives detailed information respecting the causes of accidents and injuries caused thereby. It states that 2,426 accidents were notified and that compensation was paid in 2,102 cases. Death resulted in 9 cases. The number of permanent pensions at the end of 1935 was 852.

*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 1934. 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 states that the number of accidents reported by these occupational associations shows a considerable increase from year to year, a phenomenon which may be attributed to some of the effects of the depression, as for example, reduction of staff, involving more frequent recourse to the work of persons who are either too young or too old, loss of the habit of working suffered by persons who have been unemployed for a considerable period, etc. The total amount of wages paid to insured workers was 113,400,000 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.

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

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

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

*Uruguay.* — The report states that, during 1935, two accidents occurred in agricultural work.

### 13. Convention concerning the use of white lead in painting.

This Convention came into force on 31 August 1923. The following table shows the States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935-30 September 1936 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	26. 5.1936	6. 4.1937
Austria . . . . .	12. 6.1924	21.11.1936
Belgium . . . . .	19. 7.1926	20.10.1936
Bulgaria . . . . .	6. 3.1925	23.11.1936
Chile . . . . .	15. 9.1925	4. 1.1937
Colombia . . . . .	20. 6.1933	25. 1.1937
Cuba . . . . .	7. 7.1928	2.12.1936
Czechoslovakia . .	31. 8.1923	7. 1.1937
Estonia . . . . .	8. 9.1922	26.10.1936
Finland . . . . .	5. 4.1929	17.11.1936
France . . . . .	19. 2.1926	23. 1.1937
Greece . . . . .	22.12.1926	5. 1.1937
Latvia . . . . .	9. 9.1924	28.12.1936
Luxemburg . . . .	16. 4.1928	8. 2.1937
Nicaragua . . . .	12. 4.1934	
Norway . . . . .	11. 6.1929	4.12.1936
Poland . . . . .	21. 6.1924	28.11.1936
Rumania . . . . .	4.12.1925	22. 3.1937
Spain . . . . .	20. 6.1924	30. 3.1937
Sweden . . . . .	27.11.1923	15.11.1936
Uruguay . . . . .	6. 6.1933	23.12.1936
Venezuela . . . .	28. 4.1933	11. 1.1937
Yugoslavia . . . .	30. 9.1929	13.11.1936

The Government of the *Argentine Republic* states in its report that, in accordance with the terms of § 29 of Act No. 9,688 of 11 October 1915, in the Federal capital and national territories it is the executive authorities who take the necessary measures for accident prevention to be observed in all occupations involving danger for the staff employed. Accident prevention is interpreted in a very wide sense, since accidents include occupational diseases which, under the Act, are assimilated to accidents for purposes of compensation. Regulations for the purpose of applying the Articles of the Convention

by means of national legislation are at present under consideration. As regards the Provinces, which, in principle, are entitled to their own police control, the executive authorities will inform them in due course of any measures taken, in order that the local authorities may, in their turn, take the necessary steps to put the Convention into effect. In Buenos Aires, which is the most important industrial centre of the country, municipal provisions are at present in force to prohibit the manufacture, sale and use of paint with a lead basis (Order of 30 December 1924). Finally, § 10 (b) of Act No. 11,317 of 30 September 1924 to regulate the employment of women and young persons prohibits explicitly the employment of young persons under eighteen years of age in the manipulation of paints, enamels or varnishes containing salts of lead.

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 report for the year 1934-35, the Government added that the reason for the non-issue of these regulations was that they were 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. This year the report states that the technical bodies concerned have repeatedly been requested to complete in the near future their study of the preliminary draft of these regulations. 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 parti-

cularly 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. For the general information supplied by the Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

For the general information contained in a letter from the Government of *Greece*, dated 17 December 1936, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

For the general information supplied by the Government of *Spain*, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Uruguay* states in its report that no legislation has so far been passed prohibiting the use of white lead, sulphate of lead and other products containing these pigments in the internal painting of buildings.

## 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.*

### *Argentine Republic.*

See introductory note.

### *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 the general health of persons employed in painting and the medical examination of such persons in places where white lead, sulphate of lead or 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 (L. S. 1931, Est. 4).

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.

*Greece.*

Royal Decree of 17 December 1921 respecting the prohibition of the use of white lead, red lead, litharge and of all other compounds of these oxides in the painting of buildings, ships, etc. (L. S. 1921 (Part II), Gr. 2 B.).

Act No. 2654 respecting the prohibition of the use of white lead, red lead and litharge in the building industry and other work (L. S. 1921 Part II), Gr. 2 A.).

Act No. 2994 for the ratification of the international Convention concerning the use of white lead in painting.

Act No. 6011 of 29 January 1934 (promulgated on 6 February 1934) to amend Act No. 2654 (L. S. 1934, Gr. 2).

*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).

Instruction of 1 March 1936 issued by the Minister of Social Welfare.

*Luxembourg.*

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

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

*Norway.*

Act of 24 May 1929 partially prohibiting the use of white lead, etc., in painting (L. S. 1929, Nor. 1).

Royal Decree of 6 December 1929 concerning the putting into force of the above Act.

Regulations concerning the use of white lead, etc., in painting, issued under § 6 of the Act of 24 May 1929.

*Poland.*

Order of 20 September 1920 concerning the notification of cases of poisoning by lead, zinc, phosphorus, arsenic and mercury in industrial undertakings, factories and workshops (L. S. 1920, Pol. 2).

Decree of the President of the Republic of 30 June 1927 concerning the manufacture, importation and use of white lead, sulphate of lead and all other lead compounds (L. S. 1927, Pol. 7), extended to the Province of Silesia by Act of 13 February 1931.

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

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

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

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

## Rumania.

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

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

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

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.

Labour Act of 16 July 1936 (L. S. 1936, Ven. 2).

## 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 build-

ings, 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.*

*Argentine Republic.* — See introductory note.

*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.

*Greece.* — § 1 of Act No. 6011 of 29 January 1934 provides that "white lead, sulphate of lead, other products containing these substances and white substances containing lead in a proportion exceeding 2 per cent. calculated in terms of metallic lead shall not be used for painting work". By way of exception the above substances

may be used (1) for the preservation and restoration of pictures, (2) for the manufacture of flint glass, (3) for the painting (a) of war material, (b) of rolling stock for railways and tramways, and (4) for the interior painting of parts of factories where acid fumes are given off.

*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.* — § 87 of the Act of 16 July 1936 provides that the regulations applying the Act shall define dangerous and unhealthy industries and operations. The regulations shall also specify the materials such as white lead, sulphate of lead or any other product containing these pigments, which shall not be used in painting operations inside buildings. The regulations shall also specify the proportions in which these materials may be permitted. The prohibition concerning the use in painting operations of white lead, sulphate of lead or any other product containing these pigments shall not apply to industrial establishments in which such use is recognised as necessary by the competent labour inspector after he has consulted the employers' and workers' organisations. The use of white pigment containing not more than 2 per cent. of white lead in terms of metallic lead shall, however, be permitted. The report adds that so far the use of the materials mentioned has not been recognised by the competent authority

as necessary in any industrial establishment. The regulations under § 87 mentioned above applying the Act are in preparation.

## 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.*

*Argentine Republic.* — See introductory note.

*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.

*Greece.* — The report states that in a regulation relating to occupational hygiene provision was made to draw the line of demarcation between different kinds of painting and the use of chemical substances. The publication of this regulation has been delayed for general reasons.

*Latvia.* — ... See also under Article 5.

*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.* — § 88 of the Act of 16 July 1936 lays down that the provisions prohibiting the use of white lead shall not apply in decorative painting nor in finishing and working-up operations. § 90 of the same Act provides that the Federal Government shall issue all the necessary regulations as regards the use and prohibition of white lead in conformity with the Convention ratified by the Venezuelan Government. The report adds that regulations are about to be promulgated and all the provisions of the Convention have been taken into account in the draft.

## 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.*

*Argentine Republic.* — See introductory note.

*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 states that no cases have arisen in which such consultation has been necessary.

*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.

*Greece.* — § 2 of Act No. 6011 of 29 January 1934 provides that "the employment of young persons under the age of 18 years and women shall be prohibited in painting work in which the substances specified in § 1 (of the Act) are used". The report adds that the employment of apprentices under the conditions laid down in paragraph 3 of Article 3 of the Convention is not permitted and that the occupational organisations have not been consulted on the subject.

*Latvia.* — ... § 8 of the Instruction of 1 March 1936 provides that permission for the admission of young persons under 18 years of age in the capacity of apprentices for painting work involving the use of white lead may be given by the factory inspector only for their education in their trade.

*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.* — § 87 of the Act of 16 July 1936 provides that young persons under eighteen years of age and women shall not be employed in industrial painting operations which involve the use of white lead, sulphate of lead or any other product containing these pigments. The Act does not make any exception in the case of apprentices.

#### ARTICLE 4.

The prohibitions prescribed in Articles 1 and 3 shall come into force six years from the date of the closure of the Third Session of the International Labour Conference.

*Argentine Republic.* — See introductory note.

*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 in Cuba when the Legislative Decree came into force.

*Uruguay.* — See introductory note.

*Venezuela.* — All the provisions of the Act of 16 July 1936 will come into force on the date of its promulgation.

#### 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.*

*Argentine Republic.* — See introductory note.

*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 cloak-rooms 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 analogous to that laid down by Decrees of 1 October 1913 for the lead industry and other industries ...

*Greece.* — ... The report states that the draft regulation concerning occupational hygiene mentioned under ARTICLE 2 will include provisions regarding the use of paint in the form of spray.

*Latvia.* — Under § 4 of the Instruction of 1 March 1936, in undertakings in which the use of white lead, sulphate of lead and other pigments containing more than 2 % of lead expressed in terms of metallic lead is not prohibited the employer is required to observe the following provisions : (a) that the workers receive the necessary colours only in the form of paste or paint ready for use ; (b) that all necessary safeguards are taken in painting work in order to protect the body against direct contact with the pigments ; (c) to ensure with the utmost strictness that scraping and dry rubbing down of lead surfaces or paint containing white lead is carried out only after the surface in question has been rendered sufficiently humid to prevent dust being liberated during work and where such humidification is impossi-

ble to supply to the workers in question masks or other means of protection; (d) the employer is required to supply to the workers in the operations in question special overalls made of smooth and impermeable material and covering the neck and arms, to equip them with special head-gear and is also responsible for having the working clothes washed; (e) that suitable washbasins, soap and towels for the use of workers during and after work are provided in the workplace; (f) that fresh drinking water is provided in the workplace; if the water is not provided in the workplace by means of a pipe the fresh water in question should be kept in a closed receptacle; (g) that the workplaces are provided with closed wardrobes or boxes where the clothes put away by the workers and the food brought by them may be kept. In exceptional cases if rendered necessary by the conditions of work, the authorities for the protection of labour may require the employers to provide a special cloakroom or refectory; (h) the employer is required to make known to working painters the prescriptions concerning lead poisoning and its prevention. Such prescriptions shall be issued by the Department for the Protection of Labour in agreement with the Health Department. § 6 of the Instruction provides for the transport to a doctor of workers who show symptoms of lead-poisoning and for notification to the factory inspector. Under § 7 a copy of the Act concerning the sale of white lead and its use in painting as well as of the Instruction (in particular § 6) must be posted up in a place accessible to the workers or should be available for consultation with the person in charge of the work.

*Rumania.* — I. Under § 6 of the Decree of 30 January 1933, lead salts may be used only in the form of paste or of paint ready for use. In cases where such salts must be used in a dry condition or in the form of spray the necessary manipulation must be carried out mechanically in a closed apparatus. The manipulation of lead and its salts directly with the hands is prohibited. The employers shall take special measures to prevent danger arising from the application of paint in the form of spray or from the dust caused by dry rubbing down and scraping. According to § 7 of the Decree, boilers, furnaces and other installations from which vapours, gases and lead in the form of spray issue shall be equipped with exhaust lids which, if necessary, can be lowered to close the apparatus hermetically. The draught from the apparatus concerned is arranged for by means of a special opening. II. According to § 9 of the Decree, the employers shall place, free of cost, at the disposal of the staff employed in the workshops covered by the Decree, special working places, cloakrooms, washrooms and shower baths. In certain branches

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

*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.* — The report states that, in accordance with § 90 of the Act of 16 July 1936, the Federal Government intends to lay down all these principles in the regulations applying the Act.

#### 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.*

*Argentine Republic.* — See introductory note.

*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.

*Greece.* — See below under points IV and VI.

*Latvia.* — ... The supervision of the application of the Act of 13 June 1930 as well as of the Instruction of 1 March 1936 is entrusted to the Department for the Protection of Labour and to the police.

*Rumania.* — See below under point VI.

*Spain.* — ... See under ARTICLE 3.

*Uruguay.* — See introductory note.

*Venezuela.* — See above, under ARTICLES 4 and 5.

#### 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.*

*Argentine Republic.* — See introductory note.

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

*Colombia.* — See introductory note.

*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.

*Greece.* — The Government states that it has not been possible to draw up statistics regarding lead poisoning among working painters.

*Latvia.* — ... See below, under point VI.

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

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

*Uruguay.* — See introductory note.

*Venezuela.* — The report states that similar provisions are to be included in the regulations applying the Act of 16 July 1936.

### 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 35 of the Constitution of the International Labour Organisation (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 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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 stated in its report for 1934-35 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. The prohibition of the use

of white lead in the painting of buildings was made applicable in *Morocco* by an Order of the Sultan of 13 July 1926 concerning the regulation of the conditions of labour, § 32 of which prohibits the use of white lead and its derivatives in the painting of buildings. This Order was amended by an Order of 9 May 1931 which extended the prohibition to the painting of vehicles. Further, a Special Order of 9 May 1931 provides that administrative authorisation has to be obtained for the importation, buying, sale, transportation and use of white lead and lead compounds for trade purposes, with the exception of red lead, litharge and other compounds with a lead content of less than 5 per cent. 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.*

*Argentine Republic.* — See introductory note.

*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.

*Finland.* — For purposes of labour inspection the country is divided into nine districts, with 17 inspectors and assistant inspectors, four women inspectors and 13 worker inspectors. The above are civil servants, but in addition there are, in each commune, inspectors paid by the commune, whose work is supervised by the Government labour inspector.

*Greece.* — The application of the Convention is entrusted to the inspection services which include a professional health inspector (doctor).

*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.* — Under Chapter 7 of the Act of 16 July 1936, the authorities responsible for applying the Act are: (1) the National Labour Office, with headquarters at Caracas and jurisdiction over the whole territory of the Republic,

this Office being placed under a director and provided with the necessary staff to ensure satisfactory operation; (2) labour inspectors, with jurisdiction in given areas of the Republic, who are responsible for seeing that the Act is strictly applied in their respective areas; (3) such special commissioners as may be appointed by the inspectors. Under Chapter 9 of the Labour Act, disputes in regard to the application of that Act are to be settled by the Labour Court. Until such time as the Federal Government shall have systematically constituted the labour courts, these are to consist of the competent labour inspector or such person, if any, as he may nominate and of assessors nominated by the parties if the latter so desire. Pending the institution of the higher labour court, an appeal lies from decisions given by the labour courts to the Director of the National Labour Office. § 214 provides that, in the event of any breach of the provisions concerning women and young persons or of those concerning health and industrial safety, the employer shall be notified that he must set the matter right without delay. If he does not comply with this request within such time as shall be fixed at the discretion of the responsible authority, he shall be liable to a fine of 100 to 1,000 bolivars.

*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.*

*Chile.* — A copy of a judicial decision is appended to the report, which, though not directly concerning the application of the Convention, establishes the competence of the courts to decide cases of occupational diseases.

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 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.*

*Argentine Republic.* — See introductory note.

*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 data on pp. 118 and 119 of the annual report of the factory inspection service for the year 1935. No case of death from lead poisoning among painters, varnishers, etc., was reported for the period 1 October 1935 to 30 September 1936. One death occurred from chronic lead poisoning, but the victim was a worker in a lead mine. Eleven cases of lead poisoning were reported, all the workers who fell ill being men. Their ages were as follows: 18, 28, 31 (2 cases), 35, 38, 40, 46, 53, 55, 56. In eight cases the attack was the first, in three cases a repetition. In these latter the first attack had occurred three years earlier in one case, four years earlier in another, and eleven years earlier in the third, though the patient had complained of subsequent attacks about every two years. The various symptoms of disease reported were: lead pallor (two cases), anaemia (five cases), colic (ten cases), arthralgia (four cases), encephalopathy (one case, though this diagnosis could not be verified despite subsequent investigations), blood changes (two cases). There were also one case of chronic eczema of the hands, one case of general arterio-sclerosis with attacks of giddiness and headaches, and one case of pyorrhea, though these were obviously not due to lead poisoning. It is pointed out that in all but two cases patients displayed several symptoms of lead poisoning. The materials used were white lead, red lead and white zinc. The report adds that neither the employers' nor the workers' organisations 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 1935, records 84 declared cases of lead poisoning, 53 of which gave rise to compensation. Of this number 40 cases resulted in temporary invalidity, 9 in permanent invalidity and 4 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
1935	2,726	354,510	1,900,860

In its 1934-35 report, the Government pointed out that from the above table it might be seen that the position had remained stationary since the putting into force of the Act in so far as concerned 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 showed the development of the economic crisis, viz., an increase up to 1931, corresponding to the period of prosperity, and a rapid fall since that year, corresponding to the crisis. The 1935-36 report adds that the figures for 1935 are a reflection of industrial recovery. They also reflect the demand for painting that accompanied the Brussels Exhibition. 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.* — The report states that 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.

*Chile.* — The Government states in its report that labour inspectors, on their visits to industrial establishments and work places, constantly require conformity



which the regulations in force concerning industrial health and safety. The number of persons employed in paint factories is only 200. No statistics exist showing the number of workers employed in painting work. The reports do not mention any infringement of the provisions of the legislation applying the Convention. No cases of lead poisoning have been found. 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 has supplied a report from the Occupational Health Section of the Hygiene and Social Welfare Office of the Department of Labour. No observations on the practical fulfilment of the conditions of the Convention have been put forward by employers' or workers' organisations.

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

*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. It adds that the use of white lead and sulphate of lead in painting work in the building industry is prohibited in France and no exceptions have been made to this prohibition. It is possible to say consequently that lead poisoning among working painters has on the whole practically disappeared in France now, as borne out by the statistics of notifications of occupational diseases. As a matter of fact in 1935 there were reported only 3 cases of lead poisoning among working painters in the building industry, as compared with 4 cases in 1934 and 3 in 1933. In other occupations involving the use of

white lead there was only one case of lead poisoning reported, which concerned a spray painter employed on painting the wings of aeroplanes. In 1935, there were 2 cases of contraventions of the prohibition of the use of lead compounds in the painting of buildings. There were no cases of contraventions of the regulations in regard to the use of lead compounds in painting work where their use is not prohibited, but 31 warnings were issued. 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.

*Greece.* — It has not been possible to draw up statistics in this connection. The reports of the labour inspectors show that the Convention and the legislation which implements it are fully applied, thanks to the strict and careful supervision exercised by the factory inspectors among whom there are qualified chemists and also to the Act which obliges all chemical undertakings to employ one or more qualified chemists.

*Latvia.* — The Government states in its report that, according to the Health Department of the Ministry of Social Welfare, there were 17 cases of lead poisoning among working painters in 1936 (1 January-1 November). The application of the Convention is stated to be entirely satisfactory.

*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 1935 indicates that two cases of lead poisoning were reported; of these two cases, one is still unsettled; the other was rejected, the existence of the alleged disease not being proved; another case dating from the previous year was rejected for the same reason. The Government has not received any observations from the employers' or workers' organisations concerned with regard to the application of the national legislation which implements the provisions of the Convention.

*Norway.* — The Government states that the Convention is applied strictly and that no observations have been received from employers' and workers' organisations.

*Poland.* — The report of the head of the Medical Labour Inspection Service for the year 1935 states that there were 4 cases of lead poisoning during the year in question among working painters and varnishers, as against 15 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 the social insurance sickness figures issued by the Central Social Insurance Fund show that the number of cases of chronic poisoning (by alcohol and by organic and mineral substances) for the period 1 April 1934-31 March 1935 was 201, distributed as follows: surface mining, 5; underground mining, 20; electro-technical metallurgy, 49; woodworking, 8; building, 6; textiles and ready-made clothing, 27; skins and furs, 12; foodstuffs, 11; chemicals, 16; printing trades, 13; credit and insurance undertakings, 1; commercial undertakings, 12; transport, 7; miscellaneous, 8; unspecified, 6. According to the figures issued by the Central Statistical Institute the number of deaths in 1935 due to poisonings was as follows: chronic poisoning (a) by organic substances other than alcohol: 3; (b) by mineral substances: 6. No observations have been received from the employers' and workers' organisations with regard to the practical application of the provisions of the Convention.

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

*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.* — Until the Labour Act came into force, Venezuelan laws and regulations made no provision for the enforcement of the Convention. The new Labour Act now lays down the necessary principles and the Federal Government is preparing in accordance with the provisions of the Convention the corresponding regulations, which will shortly be promulgated. As soon as the regulations have been drafted and brought into force, the labour inspectors will see that they are strictly applied.

*Yugoslavia.* — The report states that the labour inspectors have not reported any cases of infringement. Ten cases of lead poisoning were reported in 1935.

#### 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 States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935-30 September 1936 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	26. 5.1936	6. 4.1937
Belgium . . . . .	19. 7.1926	22.10.1936
Bulgaria . . . . .	6. 3.1925	23.11.1936
Canada . . . . .	21. 3.1935	23.10.1936
Chile . . . . .	15. 9.1925	4. 1.1937
China . . . . .	17. 5.1934	15. 1.1937
Colombia . . . . .	20. 6.1933	25. 1.1937
Czechoslovakia . .	31. 8.1923	7. 1.1937
Denmark . . . . .	30. 8.1935	15. 1.1937
Estonia . . . . .	29.11.1923	26.10.1936
Finland . . . . .	19. 6.1923	17.11.1936
France . . . . .	3. 9.1926	12. 4.1937
Greece . . . . .	11. 5.1929	5. 1.1937
India . . . . .	11. 5.1923	16.12.1936
Irish Free State . .	22. 7.1930	14. 4.1937
Italy . . . . .	8. 9.1924	24. 2.1937
Latvia . . . . .	9. 9.1924	28.12.1936
Lithuania . . . . .	19. 6.1931	30. 3.1937
Luxemburg . . . .	16. 4.1928	8. 2.1937
Nicaragua . . . . .	12. 4.1934	
Poland . . . . .	21. 6.1924	28.11.1936
Portugal . . . . .	3. 7.1928	10.12.1936
Rumania . . . . .	18. 8.1923	22. 3.1937
Spain . . . . .	20. 6.1924	30. 3.1937
Sweden . . . . .	22.12.1931	15.11.1936
Switzerland . . . .	16. 1.1935	31.10.1936
Uruguay . . . . .	6. 6.1933	23.12.1936
Yugoslavia . . . . .	1. 4.1927	13.11.1936

The Government of *Canada* states in a letter dated 7 October 1936: "With regard to three Conventions... Hours of Work (Industry); Weekly Rest (Industry); and Minimum Wage-Fixing Machinery... statutes... have been adopted

by the Parliament of Canada to give effect thereto. A reference was made to the Supreme Court of Canada by Order in Council of November 5, 1935, with respect to the jurisdiction of the Parliament of Canada to enact these three statutes. Judgments were delivered by the Supreme Court of Canada in these matters on June 17, 1936. Appeals have since been taken to the Judicial Committee of the Privy Council in London, and the same have been set down for hearing at the Michaelmas term opening this month. From the foregoing it will be observed that the necessary arrangements to obtain a final decision as to the validity of these respective enactments are being expedited to the utmost. In the circumstances, we are not in a position at present to furnish a report in the particular form which has been approved by the Governing Body of the International Labour Office."

For the general information supplied by the Government of *Colombia*, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Denmark* states in its report that the Workers' Protection Committee set up by the Ministry of Social Affairs for the purpose of codifying the social legislation at present in force, has considered the question of introducing into that legislation the amendments necessary to bring it into agreement with the provisions of the Convention, and in particular with those of Articles 5 and 7.

For the general information contained in a letter from the Government of *Greece*, dated 17 December 1936, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of the *Irish Free State* states in its report that, as from 29 May 1936, § 34 of the Factory and Workshop Act, 1901, which prohibits the employment on Sundays in factories or workshops of women and of young persons, was repealed, on the coming into operation of the Conditions of Employment Act, 1936. The provisions of the Convention are now applied by § 49 of the new Act and by the Road Traffic Act, 1933. 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 report of the Government of *Nicaragua* has not yet been received.

For the general information supplied by the Government of *Spain*, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

*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.*

#### *Argentine Republic.*

*National legislation in force in the Federal capital and in the national territories :*

Act. No. 4,661 of 6 September 1905 concerning the weekly rest (French text, B.B. 1905, Vol. IV, page 343), amended by Act No. 9,104 of 12 August 1913.

Act No. 11,640 of 7 October 1932 concerning the five-and-a-half-day week (L.S. 1932, Arg. 2).

General Decree No. 16,117 of 16 January 1933 to issue Regulations (for the Federal capital) under Acts No. 4,661 and No. 11,640 mentioned above, partially amended by Decrees No. 46,701 of 9 August 1934, No. 61,908 of 11 June 1935, No. 69,843 of 30 October 1935 and No. 79,276 of 27 March 1936.

Decree No. 61,907 of 11 June 1935 to issue Regulations under the above-mentioned Acts in the national territories.

#### *Provincial legislation :*

Acts and Administrative Regulations enacted by the fourteen Provinces.

#### *Special provisions :*

Decree No. 65,240 of 10 August 1935 to issue Regulations under Act No. 11,544 concerning railways under national jurisdiction.

#### *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.*

See 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.

Decree No. 338 of 13 April 1936 concerning exceptions to the Sunday rest in undertakings for the revision and distribution of cinematograph films.

Decree No. 611 of 5 August 1936 concerning exceptions to the Sunday rest in the refrigerating plant of San Cristobal.

*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.  
 Mines Act of 25 June 1936.

*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.

*Denmark.*

Act of 29 April 1913 relating to work in factories, etc. (B. B. Vol. VIII, 1913, p. 324).  
 Act of 18 April 1925 respecting the employment of children and young persons (L. S. 1925, Den. 1).  
 Notification of the Act respecting work in bakeries and confectionery businesses, as amended by the Act of 9 June 1920 (L. S. 1920, Den. 3).

*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 1923 bringing the Convention into force in Finland.

Decision of the Council of State of 30 December 1935 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 30 December 1935 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, amended by Legislative Decree of 30 October 1935.  
 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.)

*Greece.*

Decree of 8 March 1930 to consolidate the Acts respecting Sunday rest (L. S. 1930, Gr. 3).  
 Legislative Decree of 2 November 1935 to supplement § 2 of the above Decree of 8 March 1930.

*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.*

Conditions of Employment Act, 1936 (L. S. 1936, I.F.S. 1).  
 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).

### *Luxembourg.*

Act of 31 August 1913 concerning the weekly day of rest for employees and workmen (B. B. Vol. IX, 1914, p. 106).

Resolution of 21 August 1914 in pursuance of the above Act (B. B. Vol. XI, 1916, p. 16).

Rules relating to railway staff, approved by the Grand-Ducal Orders of 14 May 1921 and 26 May 1930.

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

### *Poland.*

Act of 18 December 1919 relating to hours of work in industry and commerce (L. S. 1920, Pol. 1), text as in 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.*

Act of 10 December 1920 concerning weekly rest (L. S. 1920, Ur. 2).

Decree of 26 June 1935 to issue regulations in pursuance of the above Act.

Act of 31 May 1923 to explain the meaning of "the workers' half holiday."

Legislative Decree of 18 December 1933 to exempt from the obligation to grant a weekly rest employers of establishments which are not subject to the legislation concerning the closing of shops.

*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.*

*Argentine Republic.* — The report states that the national Act No. 4,661, which

is in force in the Federal capital and in the national territories, and the local Acts in force in each of the fourteen Provinces of the Republic, apply "to factories, workshops, commercial houses and other undertakings or work places" in accordance with the formula used in the first of the Acts mentioned above and reproduced, sometimes with variations, in the other Acts and their Administrative Regulations.

*Canada.* — See introductory note.

*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 Act of 25 June 1936 applies to mines.

*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.

*Denmark.* — § 1 of the Act of 29 April 1913 provides that it shall apply to all factories and undertakings conducted as factories, together with other concerns carrying on handicrafts or industries (including stone and lime quarries, etc.) in which several workmen are regularly and simultaneously employed, exclusively or principally in workshops or other permanent workplaces, and in regard to which it has been decided that they shall be subject to the Act. Undertakings carried on by Governments or by communes are also subject to the Act.

*Greece.* — § 1 of the Decree of 8 March 1930 lays down that it shall apply to all work in industry, handicrafts and commerce. The report adds that all establishments which are subject to the eight-hours rule and which are not explicitly specified in the Decree of 8 March 1930 are also obliged to grant weekly rest to their employees. Thus, either the law specifies the industries which must grant their staff weekly rest, or the rest in question is granted as a result of the eight-hour rule. The weekly rest always consists of at least twenty-four consecutive hours, and whenever possible it is granted to the whole staff of the undertaking; every effort is made to give the rest on Sunday.

*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 provisions of § 49 of the Conditions of Employment Act, 1936 apply to the industrial undertakings covered by (a), (b) and (c) of this Article, with the exception of mines. As regards (d), 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. § 3 of the Conditions of Employment Act, 1936 defines, for the purposes of that Act, "agricultural work" and "commercial work", and excludes such forms of work from the application of the Act.

*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.

*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 four appeals of this kind; two other appeals are pending.

*Uruguay.* — The Act of 22 November 1920 applies to every employer, director, manager or acting manager in any industrial or commercial establishment or annex thereof, irrespective of the nature of the establishment, whether public or private, lay or religious, existing for trade instruction or for philanthropic purposes. The report adds that, since the Act applies to both industry and commerce, it has not been necessary to determine the line of division.

## 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.

*Argentine Republic.* — The report states that the Argentine Acts and regulations prescribe, as a general rule, a rest period which includes the twenty-four hours of Sunday and sometimes also Saturday afternoon. When exceptions are allowed in regard to the suspension of work on Sunday, the staff concerned must be given a compensatory rest period equal to the Sunday period lost. No uniform rule exists, however, making it compulsory to grant a compensatory rest period of not less than twenty-four consecutive hours, since some regulations provide that, when the work done on Sunday has not taken the whole day, the compensatory rest period shall consist of a reduction in the working hours on another day, equal to the number of hours which were worked on Sunday.

*Canada.* — See introductory note.

*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. § II of the Mines Act of 25 June 1936 provides that, with the exception of special provisions, the conditions of work of miners shall be governed by the Act of 30 December 1932.

*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.

*Denmark.* — § 26 of the Act of 29 April 1913 provides that all work shall cease on the feast days of the national church. Under § 6 of the Act of 18 April 1925, young persons under eighteen years of age employed in industrial undertakings are entitled to one whole day's rest weekly. § 7 of the Act of 9 June 1920 provides that all workers who are employed in bakeries or confectionery business shall be granted every week an uninterrupted holiday of at least twenty-four hours.

*Greece.* — . . . See also under ARTICLE 1.

*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 § 49(1) of the Conditions of Employment Act, 1936, industrial work, with certain exceptions, is prohibited on Sundays and public holidays. § 49(3) lays down that workers covered by the exceptions to § 49(1) shall be allowed a compensatory rest period of twenty-four consecutive hours before the next following Sunday. Under § 122 of the Act of 29 June 1933 concerning road traffic, every person employed as dri-

ver 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 . . .

*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.* — § 1 of the Act of 22 November 1920 prescribes a rest day after every six days' work, or a rest day every six days. This rest shall last for not less than twenty-four hours. Under § 2, the rest granted after to day's work shall be given on Sunday except in certain cases provided by the Act. § 3 lays down that the rest every six days shall be granted in rotation.

#### 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.

*Argentine Republic.* — The report states that this exception is not provided for in Argentine legislation concerning the weekly rest.

*Canada.* — See introductory note.

*China.* — Chinese legislation contains no provision of this kind.

*Colombia.* — The legislation in question contains no provision of this kind. See under ARTICLE 2.

*Denmark.* — The legislation in question contains no provision of this kind.

*Greece.* — § 9 of the Decree of 8 March 1930 allows Sunday work to be performed by owners of industrial, handicraft or commercial establishments, provided that employees are not engaged therein and the work is not done in public.

*Irish Free State.* — No such exception is made in the legislation in question.

*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.

*Poland.* — The Act of 18 December 1919, text of the Notification of 25 October 1933, 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.* — The legislation in question contains no provision of this kind.

#### ARTICLE 4.

Each Member may authorise total or partial exceptions (including suspensions or diminutions) from the provisions of Article 2, special regard being had to all proper humanitarian and economic considerations and after consultation with responsible associations of employers and workers, wherever such exist.

Such consultation shall not be necessary in the case of exceptions which have already been made under existing legislation.

*Where advantage has been taken of the provisions of this Article, please state the methods adopted for consulting the responsible associations of employers and workers.*

*Argentine Republic.* — The Federal Act admits of exceptions to the prohibition of Sunday work or Saturday afternoon work but does not allow any exceptions to the obligation to grant compensatory weekly rest to staff employed on Sunday. The provincial Acts and their Administrative Regulations have adopted the same system.

*Canada.* — 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 Act of 25 June 1936 lays down similar rules for mines.

*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.

*Denmark.* — § 26 of the Act of 29 April 1913 provides that the Minister of the Interior is authorised to grant exemptions from the rule with regard to Sunday rest after consultation with the Labour Council in the following cases: (a) if the undertakings in question are of such a nature that they can only be carried on during certain times of the year, or if they are dependent upon elementary forces or other circumstances of irregular effect. The workers shall in such cases be allowed at least one half of the Sundays in the year; (b) if the undertakings in question, from their nature or for the purpose of providing the public with the daily necessities of life, must work continuously. The workers must in this case be given a holiday every other Sunday or, if the work is done in three shifts, every third Sunday; (c) when binding agreements have been made in the undertaking in question between the employers and workers fixing the total time off duty. § 27 lays down that the inspection department may grant permission to perform urgent work on religious feast days, such as the cleaning of machines and implements. Otherwise no exceptions are permitted unless natural occurrences, accidents or other equally unforeseen events have disturbed the regular working of the undertaking or rendered it liable to interruption. § 6 of the Act of 18 April 1925 authorises exemption from the weekly rest rule in the case of young persons employed in particular

in dairies. Under § 7, the Director of Labour and Factory Inspection may grant exemption, provided that the arrangement of work proposed by the employer is considered to be as favourable to the workers as the provisions of the Act. Under § 8 of the Act of 9 June 1920 concerning bakeries, etc., temporary deviations from the provisions concerning the weekly rest may take place in bakeries and confectionery businesses not more than twenty times in each calendar year as local conditions, such as festivals, popular gatherings and the like, may require. The Government states that the wide extension of the system of collective agreements in Denmark, by which, *inter alia*, a considerable increase of wages in case of Sunday work is prescribed, tends to reduce to a minimum the work done on Sundays and festival days in industrial and handicraft undertakings. See also introductory note.

*France.* — § 30 of Book II of the Code of Labour and Social Welfare entirely excepts from the weekly rest provisions water transport undertakings and railways, which are subject to special regulations. Provision is further made for a series of exceptions in §§ 34, 36, 38, 39, 40, 41, 43, 45, 46, 47 and 49 of Book II of the Code, amended by the Legislative Decree of 30 October 1935. These exceptions are either permanent exceptions to the normal weekly rest of from midnight to midnight on Sunday and are granted on condition that an equivalent rest period of twenty-four hours is granted, or temporary exceptions providing for the diminution or suspension of the weekly rest. These exceptions, which have, moreover, been restricted by the Legislative Decree of 30 October 1935, were in existence at the time the Convention was ratified, and the provisions of Article 4 regarding the consultation of employers' and workers' organisations do not apply...

*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*...

*Irish Free State.* — § 49 of the Conditions of Employment Act, 1936 allows exceptions to the prohibition of Sunday work in the following cases: (a) continuous process shift work; (b) licensed shift work; (c) work done in or about the printing or publishing of newspapers; (d) the work of a creamery; (e) industrial work excepted by regulations made by the Minister after consultation with representatives of employers interested in such industrial work and with representatives of workers so interested; (f) work done in or about the construction, maintenance, alteration, or repair of any telegraphic or telephonic installation; (g) work done in or about the maintenance or working of a broad-casting station. Further, an employer may employ an adult male worker on any Sunday, for a period not exceeding three hours or for two or more periods not exceeding in the aggregate three hours. In such cases, the workers employed on Sunday shall be allowed a compensatory rest period of twenty-four consecutive hours before the next following Sunday. Under § 29, the Minister of Industry and Commerce may by order make regulations declaring any specified form of industrial work to be exempt from the prohibition of Sunday work, but such exemption is subject to the provisions of § 49. The report adds that the only exception authorised by such regulations during the period covered by the report was in regard to adult persons employed to do the malting of barley. Finally, the report states that consultation with representatives of employers and workers is necessary. The method adopted for consulting responsible associations of employers and workers is to invite the views, in writing, of such associations. Where it is considered desirable, however, the representatives are consulted orally either separately or at a joint conference.

*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.

*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. The Government has not taken advantage of any of the exceptions provided for under Article 4 of the Convention, nor is it likely to do so, seeing that the principle of the weekly rest is definitely included in the terms of § 16 of Legislative Decree No. 24,402 of 24 August 1934. In special cases the competent authorities can, if a specific request is made, authorise work on Sunday or other public holiday, but this happens only in special and isolated cases. A compensatory rest period is provided for, and authorised overtime work is paid at double rates except in cases of continuous processes.

*Switzerland.* — § 2 of the *Act respecting weekly rest* excepts the following from the provisions concerning the weekly rest: the manager of the undertaking and the members of his family; persons who hold a highly responsible position in the undertaking or who represent it with respect to third parties; persons who are employed in their own homes or workplaces (home-workers); persons who are not employed

in the same undertaking for the whole of the working day or the whole week. 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 care 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. § 3 of the Administrative Order lays down that the provisions of the Act shall not apply to: workers employed exclusively in their living rooms; persons employed exclusively in cleaning operations outside the working hours of the factory; persons to whom the owner has assigned an important function in the conduct of an undertaking or an agency outside the premises. Further, § 178 (1) 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. Under § 3 of the Administrative Orders I and II, the Act does not apply to assistants who are employed by persons not engaged in exclusively personal work, at their expense, in order to assist or replace them. § 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. § 1 (2) of the *Order of 4 December 1933 (motor drivers)* provides that a person who drives a motor vehicle for remuneration by way of exception shall not be included in the category of professional drivers of motor vehicles. § 5 lays down 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.* — § 2 of the Act of 22 November 1920 lays down that the following

shall be exempt from the prohibition of work on Sunday, in accordance with the provisions and regulations laid down by the Ministry of Industry: (1) work which cannot be interrupted owing to the character of the needs which it satisfies, for technical reasons, or on account of injury to the public interest or to the industry or trade in question; (2) industries in respect of which it is possible to prove the necessity or great urgency of a certain amount of work on Sunday, whether for the indispensable repair or cleaning of machines or tools, or in order to avert the total or partial loss of materials, or on account of the necessity for finishing work in hand in order to avoid deterioration of the product, or for other plausible reasons, such as possible or imminent damage; (3) cases of emergency, accident or *force majeure*, and cases when natural phenomena or other temporary conditions, of which it may be necessary to take advantage, require the same; (4) the industries or trades supplying foodstuffs which are daily and absolute necessities; (5) and, in general, all cases in which it is proved that a general rest on Sunday for the whole staff of an establishment injures the public or endangers the normal working of an establishment, the continuous operation of which should be ensured on account of the nature of the work. § 11 of the Decree of 26 June 1935 provides that the following shall be exempt from Sunday rest: A. Work which cannot be interrupted owing to the character of the needs which it satisfies, on account of injury to the public interest or to the industry or trade in question, and because a general rest on Sunday for the whole staff of an establishment would injure the public: (1) railways, tramways, and all transport undertakings with a fixed timetable; (2) inland and maritime navigation; (3) transportation of passengers' baggage and the requisites for the carrying out of permissible Sunday work; (4) postal, telegraph and telephone services; (5) gas and electricity works supplying the general public; (6) water works; ... (9) ferries; ... B. Work which cannot be interrupted for technical reasons or in which a general rest on Sunday for the whole staff would endanger the normal working of the establishment, the continuous operation of which must be ensured on account of the nature of the work: (1) lime works; (2) preserved food factories; (3) manufacture of chemical products; (4) manufacture of explosives; (5) cement works; (6) manufacture of paper and cardboard; (7) brewing and malting; (8) ice works; (9) soap works; (10) manufacture of glass and glassware; (11) sugar factories and refineries; (12) petroleum and paraffin refineries; (13) alcohol distilleries; (14) brick-kilns; (15) pottery works and the ceramic industry; (16) metal foundries; (17) refrigerating and cold storage plant; (18) brine works. C. Industries or trades

supplying foodstuffs which are daily and absolute necessities: (1) the slaughter and despatch of meat required for consumption; (2) the manufacture of fresh pastry. D. Industries in which a certain amount of work must be done on Sundays for the following purposes: (1) the overhauling, cleaning and repairing of machinery, tools or workshops which it is not possible to perform on any other day of the week without interruption or disturbance of work. This shall also apply to stocktaking and to the making-up of the balance sheet; (2) in order to avert the total or partial loss of materials or on account of the necessity for finishing work in hand in order to avoid deterioration of the product; (3) for plausible reasons, such as possible or imminent damage, e.g. (a) construction, demolition, or work for the purpose of completing repairs to ensure the safety of a building; (b) renewal of water pipes, repair of lighting installations and similar work accessory to the performance of work which may be carried out on Sunday; (c) urgent repairs; (d) in cases of emergency, such as accident or *force majeure*, or in cases when natural phenomena or other temporary conditions, of which it may be necessary to take advantage, require the same: ... (ii) the manufacture of sugar and sweetmeats at harvest time. § 10 adds that an exemption may be applied to all workers or to some only, according to whether it is necessary or not to employ the whole or only a part of the staff in order to achieve the purpose for which the exemption was authorised.

#### 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.*

*Argentine Republic.* — The report refers to the information supplied under ARTICLE 2 with regard to the usual system of a compensatory rest period, which has been adopted with a view to preserving its uniform weekly character. The report adds that it is not customary to grant holidays as compensation for several rest periods not granted; exceptions are sometimes, but very rarely, granted by the General Directorate of Railways for certain classes of their staff (employees in smaller stations).

*Canada.* — See 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.

*Denmark.* — The legislation in question contains no provisions of this kind. See introductory note.

*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.

*France.* — The Labour Code makes provision for compensatory rest in the majority of cases in which exceptions to the normal Sunday rest are not conditional upon the granting of the twenty-four hour rest on another day of the week. One of the exceptional systems permitted by § 34, as amended, is the granting of a rest on Sunday afternoon with a compensatory rest of one day each fortnight in rotation. Under § 40, as amended, workers employed in cases of urgent work necessitated by specified exceptional circumstances must be granted an equal amount of compensatory rest. § 47, as amended, which provides that in certain seasonal industries the weekly rest may be suspended, but not more than six times a year, lays down that the hours thus worked

on the weekly rest day shall be treated as overtime. § 39, as amended, which provides for special exemptions from the weekly rest for workers employed on certain processes in continuous undertakings, also makes provision for compensatory rest...

*India.* — § 35 of the Factories Act provides for compensatory rest periods in cases where the weekly rest day is not given on Sunday...

*Irish Free State.* — See under ARTICLE 4.

*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.

*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.* — § 2 of the Act of 22 November 1920 lays down that, in cases of exemption from the prohibition of work on Sunday, the rest may be granted: (a) on another day of the week, either to the whole staff of the establishment simultaneously or in turn; (b) beginning on Sunday at midday or 3 p.m. and lasting till midday or 3 p.m. on Monday; (c) on Sunday afternoon, with the addition of a compensating rest of one day a fortnight in turn; (d) in turn, replacing the rest of one day a week by two half-days. § 3 provides that the rest every six days shall be granted in rotation. § 4 adds that the workers exempted under § 2(2), (see under ARTICLE 4 above) shall be entitled to a weekly compensating rest equal to that of which they were deprived by their Sunday work, and the said work shall in all cases be reduced to the strictly indispensable minimum.

#### 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.*

**Argentine Republic.** — The report states that the system laid down by Argentine Acts and Regulations with regard to the weekly rest does not admit of total exceptions. The exceptions allowed for certain classes of work which must be carried on continuously imply permission to employ staff on Sundays, but, at the same time, maintain the compulsory character of the weekly rest. Further, no temporary suspensions or diminutions exist, in general, other than those which may arise from the system of compensation mentioned above under ARTICLE 2. The multiplicity of provisions in force, however, due to the local character of the legislation on weekly rest, has necessitated a thorough examination of the whole question. This has been entrusted to the National Department of Labour, with a view to discovering the exact position in each Province with regard to the obligations arising out of the ratification of the Convention by the Argentine Republic. The report on the question will be forwarded to the International Labour Office in due course.

**Belgium.** — . . .

(b) *Partial exceptions.* — . . . The Royal Order of 14 September 1936 lays down that workers employed in the nitrogen industry and working on processes which, owing to their nature, cannot be interrupted, and workers engaged in processes connected therewith, shall be entitled to a rest period of thirty-six consecutive hours every three weeks, instead of the half day per week or whole day per fortnight normally prescribed by § 4 of the Act of 17 July 1905 concerning the Sunday rest.

**Canada.** — See introductory note.

**Chile.** — . . .

*Second category:* . . . The Decree of 5 August 1936 exempts from the provisions concerning Sunday rest the members of the staff of the refrigerating plant of San Cristobal who are indispensable for receiving and distributing the frozen meat stored in the refrigerators by the Commissary General of Supplies. The Decree of 13 April 1936 provides for a similar exemption for staff employed in cinematograph undertakings for the overhauling and distribution of the films.

**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.

*Denmark.* — The report refers to the lists of the legislative and administrative provisions in force concerning social legislation. These lists, which were published in 1934 and 1936, and a supplement to the lists which accompanies the report in the form of an appendix, enumerate the exemptions granted under § 26 (a), (b) and (c) of the Act of 29 April 1913 in the following industries : food, clothing, leather, stone, earthenware and glass, iron and metals, paper, chemicals.

*Estonia.* — The Government has communicated to the Office the two following lists of exceptions permitted by law :

1. *List of kinds of work permitted on Sundays and public holidays in the public interest, to meet the daily needs of the population.*

4. Work in connection with the publication of daily newspapers (by Ministerial Order of 12 December 1935, this exemption was repealed as from 20 December 1935).

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 of 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 30 December 1935.

*France.* — In application of Article 6 the Government has supplied information of which the following is a summary :

Article 4 : § 34 of the Labour Code, as amended, provides that where it is recognised that the granting of the weekly rest to all the staff simultaneously, and on Sunday, would be contrary to the public interest, or would hinder the normal working of the undertaking, the prefect may authorise the granting of the weekly rest, either throughout the year, or at certain seasons of the year, in one or other of the following ways : (a) to all the staff of the undertaking on a day other than Sunday ; (b) from midday on Sunday to midday on Monday ; (c) on Sunday afternoon with a compensatory rest of one full day a fort-

night in rotation; (d) to the whole or part of the staff in rotation. Such authorisations may be granted for a limited period only. § 38, as amended, allows the weekly rest to be granted in rotation to the undertakings enumerated in the section and in public administrative regulations. Under § 39, as amended, public administrative regulations shall determine the methods by which the weekly rest is to be applied in continuous undertakings for special workers employed on continuous process. The rest periods to which these special workers are entitled may be partly deferred, with the reservation that, in any given period, the number of rests of twenty-four consecutive hours shall always be at least equal to the number of weeks in the period in question, and that every worker shall be given his rest period on a Sunday whenever possible. The public administrative regulations shall contain a list of the manufactures and processes to which this exception shall apply, and shall fix the maximum length of the above-mentioned period for each of these manufactures or processes. § 40, as amended, provides that, in cases of urgent work the immediate execution of which is necessary for the organisation of life-saving measures, or for the prevention of imminent accidents or the repair of accidents to material, machinery, or buildings, the weekly rest may be suspended for the number of staff necessary to carry out this urgent work. This power to suspend the weekly rest applies not only to the workers of the undertaking where the urgent work is necessary, but also to any workers from another undertaking who execute the repairs on behalf of the first undertaking. In the second undertaking, each worker must be given a compensatory rest period equal in length to the rest period lost. The same proviso applies to the workers of the first undertaking who are normally employed in maintenance and repair work. § 41, as amended, stipulates that in any industrial or commercial undertaking where the weekly rest is given on the same day for the whole staff, the rest period may be reduced to half a day for persons employed in connection with generators and motors, greasing and inspection of shafting, cleaning, the care of horses, and, in general, in all maintenance work which must necessarily be done on the day of collective rest and which is indispensable in order to avoid a delay in the normal resumption of work. In all cases where the weekly rest has been reduced in accordance with the preceding provision, a compensatory rest period must be given at the rate of one whole day for two reductions of a half day each. The exceptions provided in §§ 40 and 41, as amended, do not apply to young persons under eighteen years of age or to women. § 45, as amended, lays down that the employment of workers on the weekly rest day on loading and unloading work in harbours, on jetties and at stations, is authorised in the same cases and under the same conditions, provided that their hours of work are increased for these actual processes, under Decrees which determine the conditions of application of the legal provisions relating to hours of work. § 46, as amended, provides that public administrative regulations shall determine the industries working for only part of the year in which the weekly rest of the staff may be partly deferred under the conditions laid down by § 39 for continuous process undertakings, with the reservation that each worker shall have at least two days' rest a month, and wherever possible on a Sunday. Public administrative legislations shall also decide the classes of undertakings which only open for part of the year, such as hotels and restaurants in certain seaside resorts and watering-places, to which the same exception may apply. In accordance with § 47, as amended, industries which use perishable materials or which have at certain periods to meet exceptional pressure of work, and which shall be specified by public administrative regulations, may suspend the weekly rest for their staff not more than twice a month, providing that the number of suspensions throughout the year does not exceed six. Hours of work done under these conditions on the weekly rest day shall be reckoned as overtime. § 49, as amended, provides that in State undertakings

and other undertakings where work is carried out on behalf of the State or in the interests of national defence, the weekly rest may be temporarily suspended by the Ministers concerned. Finally, a new § 41 (a) prescribes that caretakers and doorkeepers of industrial and commercial establishments who cannot be given a weekly rest day must be given a compensatory rest period.

*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.

*Irish Free State.* — The exceptions allowed are determined by § 49 of the Conditions of Employment Act, 1936. 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 crystallisation, 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 corporative 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 clearing: 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.

**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.* — For the exceptions provided by the national legislation, see above, under ARTICLE 4.

### 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.*

*Argentine Republic.* — The report states that Act No. 11,544 on hours of work,

concerning the daily and weekly hours of work, makes the notification of hours of work and rest periods compulsory for the whole country. In accordance with the legislation in force in the Federal capital and the national territories, time-tables must be submitted to the competent authority, which may either accept or reject them, according as they are or are not in agreement with the legal provisions. When the time-table is not the same for the whole staff, the forms of time-table must indicate the name of each employee or worker and the rules under which he works. Some of the Provinces have not stipulated these two conditions. A model of the usual time-table accompanies the report.

*Canada.* — See 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 Mines Act of 25 June 1936, the provisions also apply to mines.

*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.

*Denmark.* — The legislation in question contains no provision of this kind. See introductory note.

*Greece.* — The report states that this Article of the Convention is applied, and adds that, under § 3 of the Decree of 8 March 1930, industrial undertakings are closed on Sunday, and that the labour inspection service is preparing a scheme for the alternation of shifts which will shortly form the subject of a Royal Decree.

*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.

*Irish Free State.* — § 53 of the Conditions of Employment Act, 1936 contains provisions with regard to notices and registers stating the hours and days of collective or individual rest periods. A specimen register accompanies the report.

*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.

*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 (§ 7 (2)). A specimen is attached to the report.

*Uruguay.* — § 32 of the Decree of 26 June 1935 lays down that undertakings exempted by the terms of § 11 from the obligation of the Sunday rest, must enter in a register the days and hours on which the rest is given, and the names of the workers who must take the rest at these hours and on these days. The report adds that the registers kept by the National Labour Office and its different branches, and the work books of workers whose work is carried on on the public highways, fully satisfy the requirements of this Article of the Convention.

### III.

*Article 12 of the Convention is as follows:*

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

*In application of the second paragraph of Article 35 of the Constitution of the International Labour Organisation (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 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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 Convention, although not applicable *de jure* in *Algeria*, is applied *de facto*; the provisions of Book II of the Labour Code and, in particular, of its §§ 30-51, relating to weekly rest, were made applicable to *Algeria* by a Decree of 15 January 1921. Further, two Decrees, one of 5 May 1935 and the other of 4 September 1935, put into force in *Algeria* the Act of 25 July 1925 to add a new § 50 (b) to the above-mentioned Book II, and the Act of 18 December 1934 to amend § 44 of the same Book, respectively. The application of the Convention to the colonies *de jure* as well as *de facto* is at the moment reserved, since such a measure would involve the bringing up-to-date of the colonial social legislation, a delicate problem, and one which is at the moment the subject of a thorough investigation which is preceding the forming of a plan for its achievement. Indeed, the French Ministry for the Colonies is at the present moment initiating a scheme comprising a large series of measures for the purpose of extending home social legislation overseas. The examination of these questions is being undertaken in every French possession, and when the results of it are at hand a series of legislative texts will be put forward, in particular with regard to the regulation of the weekly rest, in order to complete the work which has already been achieved in this field. It would seem, therefore, that the French Government is putting on foot a wide-reaching scheme for the adaptation of its social legislation—including that on the weekly rest—to the colonies, taking into account local conditions. In this connection a Decree of 30 December 1936 should be mentioned, which, although later than the period covered by the present report, illustrates the tendency to regulate labour conditions in the other colonies. This Decree, the purpose of which is to determine the conditions of labour of Indo-Chinese natives and assimilated persons, regulates in particular, in its §§ 76-81 inclusive, the question of weekly rest. Further, § 9 of the Decree of 23 May 1936 for the purpose of regulating the employment of women and children and of ensuring the safety of workers in the

*French Settlements in India*, contains provisions to ensure the weekly rest of the staff covered by the Decree; and § 29 of the Decree of 18 September 1936 to codify the different provisions regulating the employment of women and children in *French West Africa* makes a weekly rest for the staff covered by the Decree compulsory. *Morocco*: Although Morocco has not given its adherence to the Convention, a Dahir of 18 December 1930, which came into force on 1 August 1931, grants weekly rest to all workers in industry and commerce and to salaried employees employed in offices. Thus, the scope of the local regulations is wider than that of the Convention, which only concerns industrial undertakings. *Tunis*: The Convention is applied *de facto* in the Regency, since the local legislation reproduces almost literally the provisions of home legislation. *Levantine States*: The Convention is not applied either *de jure* or *de facto*. The application of the International Labour Conventions ratified by France to the Levantine States under French Mandate can only be undertaken with much prudence. Indeed, Articles 421 and 427 of the Treaty of Versailles emphasise the necessity of studying each individual case in any such application. In spite of the restrictions mentioned in Article 421, the French High Commissioner's Office at Beyrout has communicated to the States concerned the International Labour Conventions which have so far been ratified by the French Government, and has drawn their special attention to them. It should be noted that the new system of Treaties between France, on the one hand, and Syria and Lebanon on the other hand, appears to make it impossible in the future for the Office of the High Commissioner to intervene in the matter.

*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.*

*Argentine Republic*. — The report states that the national Department of Labour is responsible for enforcing the national laws, and the corresponding local authority for enforcing the provincial laws. For purposes of inspection, the Federal capital is divided into several zones under the supervision of a regional inspector, who

reports weekly to the head of the inspection service of the national Department of Labour on the visits which have been made to industrial and commercial undertakings and the breaches of the labour laws which he has been able to discover. Supervision of the enforcement of the Acts concerning the weekly rest is effected in two ways: first, supervision of the suspension of all work during the days fixed for the weekly rest, and, secondly, supervision of the granting of compensatory rest periods, in accordance with the forms of time-table which are definitely and permanently fixed.

*Canada*. — See introductory note.

*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 Mines Act of 25 June 1936, these provisions also apply to mines.

*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.

*Denmark*. — The Factory Inspection Directorate is responsible for supervising the observance of the prohibition of work on Sundays and festivals, by means of local inspectors.

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

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

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

*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.* — The National Labour Office and, in particular, the labour inspection services are responsible for supervising the application of the relevant legislation. See also under *Convention No. 1 (Hours of work, industry)*, point V.

## 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 except one, however, have related to the enforcement of the weekly rest in commercial undertakings. The decision which concerned an industrial undertaking inflicted a fine on the owner of a foundry for having allowed four of his employees to work in his undertaking on a Sunday.

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

*Switzerland.* — During the period under review the federal authorities have received 87 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 nineteen other cases the penalty inflicted was a fine. The heaviest fine inflicted was 400 francs. Most of the sentences concerned proprietors of hotels, restaurants and cafés; some of them included sentences for breaches of other laws. The federal authorities are not aware of any judgments concerning the other legislative measures on this subject. The Federal Department of Justice and Police gave the following judgment in an appeal case on the question of the prohibition of night driving for heavy motor vehicles as laid down by § 8 of the Order of 4 December 1933 on hours of work (motor vehicle drivers): permits which concern the nights of Saturday to Sunday and Sunday to Monday may only be granted on condition that those provisions of the Order which relate to weekly rest (§ 5) are respected. A permit which would allow the same driver to undertake night driving on these nights during more than two consecutive weeks would be inadmissible.

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.*

*Argentine Republic.* — During the year 1 October 1935 to 30 September 1936 the national Department of Labour recorded 2,669 breaches of the laws on weekly rest in the Federal capital; these breaches resulted in the infliction of a total amount of 144,870 pesos.

*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 80 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.* — The number of workers protected by the relevant legislation is about 200,000, and the number of cases of infringement recorded was 242. No observations have been received 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.

*Canada.* — See introductory note.

*Chile.* — The report states that the inspection services have notified that the weekly rest is strictly observed in industrial and commercial establishments and that the number of wage-earning and salaried employees protected by the Act in this respect is 1,171,300, only 273,991 of whom are employed in industrial undertakings (26,063 salaried employees and

247,928 workers). The number of visits made by inspectors in industrial and commercial undertakings was 4,502. The number of cases of infringement notified was 1,510, almost all of which concerned commercial establishments. Neither the employers' nor the workers' organisations have made any observations with regard to the practical application of the Convention or of the national legislation which implements it.

*China.* — No observations have been received from either workers' or employers' organisations with regard to the practical application of the Convention or of the legislation which gives effect to it.

*Colombia.* — The supervision by the authorities of the application of the Act is becoming more and more effective with the assistance of the sectional labour inspectors. The system of inspection instituted in 1936 would appear to ensure the application of the Act. 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 1935 will be found in the labour inspection report for 1935, which will be transmitted in due course to the International Labour Office.

*Denmark.* — The number of cases of infringement of § 26 of the Factories Act during the years 1933, 1934 and 1935 was 14, 16 and 18 respectively, and the number of undertakings covered by the relevant legislation in 1935 was 8,354. The Government has not received any observations from employers' or workers' organisations with regard to the practical application of the provisions of the Convention.

*Estonia.* — In 1935 the number of workers protected by the Act was 55,978. During that year the factory inspectors received no complaints of non-observance of the Act. In their reports they noted 52 cases of contravention of the legal provisions, of which 36 were the subject of a warning and 16 entailed legal proceedings. The Ministry has not received any observations from the employers' and workers' organisations concerned with regard to the practical application of the national legislation which implements the Convention.

*Finland.* — The report refers to the annual factory inspection reports which are regularly communicated to the Office, and adds that, in the absence of any statistics, it is impossible to supply the information required under this heading.

The employers' and workers' organisations concerned have not made any observations 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 1934-1935 are as follows: 1934: 3,322 contraventions notified; 1935: 2,984 contraventions notified. The classification of 326,617 industrial undertakings the weekly rest systems of which are known to the labour inspection service was as follows in 1935: normal system: collective rest on Sundays: 313,085 undertakings. Exceptions: collective rest on a day other than Sunday: 2,975 undertakings; collective rest from Sunday noon to Monday noon: 443 undertakings; collective rest from Sunday afternoon with compensatory rest: 963 undertakings; rest by rotation: 8,482 undertakings; special rest in continuous process undertakings (Decree of 31 August 1910): 669 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.

*Greece.* — The strict supervision exercised by the factory inspection service and the police ensures the application of the Convention and the relevant legislation. The labour inspection services reported more than 60 cases of infringement in Athens, mostly committed by small tradesmen; the courts inflicted severe penalties on the guilty persons. The inspection services, in their character of arbitrators on social questions, taking into account the economic or other necessities of the undertakings subject to their supervision, allow Sunday work whenever they consider it necessary. Thus, for example, in 1935 they granted 1,014 permits for Sunday work in the first district of Athens, 486 of which concerned building undertakings, 123 printing works, 89 clothing workshops, etc. During the first nine months of 1936 they granted 1,715 permits for Sunday work in the first district of Athens and the same number in the Piraeus. From the reports of the labour inspectors it may be concluded that the weekly rest is in general granted to the whole staff in all undertakings. Not only the workers but the employers also submit

to the rule with good will, for it is a practice which is in accordance with the mentality and religious sentiment of the people.

*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, Bombay, Baroda and Central India, and Madras and Southern Mahratta Railways during the year 1935-1936" states that infringements regarding the periodic weekly rest laid down for continuous workers are now mainly confined to transportation and commercial staff. 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.* — With few exceptions, a weekly rest of twenty-four hours is customary in Saorstát Éireann. This position is so well established that the act of ratification may be regarded as the reaffirmation of a recognised principle.

*Italy.* — The Government states that, according to the report concerning the work of the corporative inspectors during 1935, 64,831 undertakings (39,283 of which were industrial, 7,685 commercial and 17,863 agricultural), employing in all 1,474,560 workers (1,130,017 employed in different industries, 31,500 in commerce and 313,043 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 14,663 undertakings. A total of 795 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.* — See under *Convention No. 1 (Hours of work, industry)*, point VII.

*Luxemburg.* — During the period under review the labour inspection service reported seven cases of infringement, all of which were tried and sentences imposed by the police courts. The Government did not receive any observations from the employers' and workers' organisations concerned with regard to the application of the national legislation which implements the provisions of the Convention.

*Poland.* — The report supplies certain details which are contained in the Annual Report on Labour Inspection in Poland in 1935, and according to which the number of workers protected by the legislation on 1 January 1936 was 918,013 persons, employed in 34,352 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: 697,280 men, 195,320 women, 20,175 boys, and 5,238 girls.

*Portugal.* — The weekly rest is strictly applied in all branches of employment. It is an old-established custom in Portugal and 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.* — The provisions of the Act in force apply to the whole country. An effective supervision is exercised by labour inspectors, the chairmen and secretaries of chambers of labour, the police and other agents specified in § 25 of the Act of 1925 concerning weekly rest. Cases of contravention do however occur; but a majority of the cases in several regions are not in connection with the weekly rest — which is generally applied in all industrial establishments — but are in connection with the exceeding of the closing hour for shops laid down by the above-mentioned Act or by decisions applying the Act. Cases of contravention when discovered are punished by law. The labour inspectors instituted during the years 1935 and 1936 4,928 and 4,813 proceedings respectively against infringements. During 1935 they authorised 589 exemptions from the provisions of the Act concerning weekly rest (110 in industry and 479 in commerce) and in 1936 they authorised 447 exemptions (83 in

industry and 364 in commerce). Of the total numbers of exemptions authorised in 1935 and 1936 the inspectors withdrew 64 in 1935 and 66 in 1936.

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

*Sweden.* — The Government declares that in a general way the Convention is satisfactorily applied in Sweden. This opinion is confirmed by the fact that the industrial organisations concerned have made no complaints with respect to its application. 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 the 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 re-

gular weekly rest seems less essential. The report refers to the Swedish Government's letter of 11 June 1936 and to the Memorandum attached to that letter, which supply details with regard to the investigation by the Department of Labour and Social Welfare of the information collected by the inspectors in the course of the enquiry mentioned above. The text of the letter and Memorandum may be found in the *Record of Proceedings of the Twentieth Session of the International Labour Conference* (Appendix V: Application of Conventions), p. 595.

*Switzerland.* — The report refers to the observations made in the report for last year, to the effect that no cases were recorded, in regard to either the Factory Act or the Act concerning hours of work in transport undertakings, in which the days of rest were not regularly given, but that the position was different in regard to the Act respecting weekly rest and the Order of 4 December 1933 (motor drivers). The report adds that this observation may also be said to apply in a general way to the period 1935-1936. It may be recorded with satisfaction, however, that considerable progress has been made with regard to the application and observance of the latter Act and Order, to both of which the cantons and communes are devoting more attention (in some districts courses of instruction have been given to local officials in order to familiarise them with the question). All the cantons except one have now issued the necessary provisions for the application of the Federal Act respecting weekly rest, and in the one canton which is an exception an Order has already been drafted and will come into force in the near future. Some of the cantons have issued provisions for the application of the Order of 4 December 1933 (motor drivers). In order to ensure that the federal authorities may exercise a certain amount of supervision, the Federal Department of Public Economy, in a Circular of 2 June last, invited the cantons to communicate to the Federal Office of Industry, Arts and Crafts, and Labour the collective permits granted under § 27 (1) of the Regulations issued in pursuance of the Act concerning weekly rest, and also of the arrangements, approved and declared to be of general application, which are made between groups of employers and workers under § 28 of the same Regulations. Certain cantons were already communicating this information on their own initiative. 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 once more 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. These observations and suggestions mostly concerned either the hotel and restaurant industry and the industry for the sale of drink, which are not regulated by the Convention, or those provisions of the Order concerning motor drivers which do not concern the weekly rest.

*Uruguay.* — The number of workers covered by the relevant legislation is 103,000 permanent workers and 7,000 casual workers. The number of cases of infringement of the Act of 22 November 1920 in 1935 was 275 (against 117 in 1934), and the amount of the fines inflicted was 2,762 pesos (against 1,774 pesos in 1934).

*Yugoslavia.* — The report states that, according to the report of the central labour inspectorate, the labour inspectors visited 4,427 undertakings during 1935. The number of workers employed in these undertakings was 125,797. The number of contraventions noted (under §§ 12 and 14 of the Workers' Protection Act) was 102.

#### 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 States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935 - 30 September 1936 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	26. 5.1936	6. 4.1937
Australia . . . . .	28. 6.1935	24.10.1936
Belgium . . . . .	19. 7.1926	22.10.1936
Bulgaria . . . . .	6. 3.1925	23.11.1936
Canada . . . . .	31. 3.1926	23.10.1936
Chile . . . . .	18.10.1935	4. 1.1937
Colombia . . . . .	20. 6.1933	25. 1.1937
Cuba . . . . .	7. 7.1928	2.12.1936
Denmark . . . . .	12. 5.1924	15. 1.1937
Estonia . . . . .	8. 9.1922	26.10.1936
Finland . . . . .	10.10.1925	17.11.1936
France . . . . .	16. 1.1928	19. 1.1937
Great Britain . . .	8. 3.1926	14.11.1936
Greece . . . . .	14. 6.1930	5. 1.1937
Hungary . . . . .	1. 3.1928	27.10.1936
India . . . . .	20.11.1922	16.12.1936
Irish Free State . .	5. 7.1930	10.11.1936
Italy . . . . .	8. 9.1924	24. 2.1937
Japan . . . . .	4.12.1930	4. 2.1937
Latvia . . . . .	9. 9.1924	28.12.1936
Luxemburg . . . . .	16. 4.1928	8. 2.1937
Netherlands . . . .	17. 6.1931	9.10.1936
Nicaragua . . . . .	12. 4.1934	
Norway . . . . .	7.10.1927	4.12.1936
Poland . . . . .	21. 6.1924	28.11.1936
Rumania . . . . .	18. 8.1923	22. 3.1937
Spain . . . . .	20. 6.1924	30. 3.1937
Sweden . . . . .	14. 7.1925	23.11.1936
Uruguay . . . . .	6. 6.1933	23.12.1936
Yugoslavia . . . . .	1. 4.1927	13.11.1936

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. For the general information supplied by the Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

For the information contained in a letter from the Government of *Greece*, dated 17 December 1936, see under *Convention No. 7 (Minimum age, sea)*, introductory note.

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

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

For the general information supplied by the *Spanish* Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The report of the Government of *Uruguay* states that the country possesses no legislation on this subject.

## 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.*

### *Argentine Republic.*

Act No. 11,317 of 30 September 1924 concerning the employment of women and young persons (L. S. 1924, Arg. 1).

Decree of 12 September 1927, approving the regulations concerning the registration of the crew of the national mercantile marine.

Decree of 31 March 1931 approving the regulations concerning the registration, departure and arrival of vessels.

### *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), now embodied in the Canada Shipping Act, 1934 (Chapter 44, 24-25 Geo. V, 1934) (L. S. 1934, Can. 7).

### *Chile.*

Legislative Decree No. 178, of 13 May 1931, to ratify the Labour Code (L. S. 1931, Chile 1). Commercial Code, Book III, § 823.

*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.

*Great Britain.*

Merchant Shipping Act, 1894.

Merchant Shipping (International Labour Conventions) Act, 1925 (L. S. 1925, G. B. 5).

*Greece.*

Act No. 4505 of 7 April 1930 ratifying the Convention.

Circular No. 12,005 of 2 May 1930, of the Ministry of Marine, drawing attention to the provisions of Act No. 4505.

Decree of 26 February 1924 codifying the legislation relating to the administration of the mercantile marine.

*Hungary.*

Act No. XVII of 1928, ratifying the Convention.

Order No. 32043 of 1933 issued by the Minister of Commerce for the application *inter alia* of the above Act.

*India.*

Indian Merchant Shipping (Amendment) Act, 1931 (L. S. 1931, Ind. 1).

Notification of the Government of India (Department of Commerce) of 5 December 1931 concerning the conditions of employment of young persons as trimmers or stokers in coasting ships.

*Irish Free State.*

Merchant Shipping (International Labour Conventions) Act, 1933 (L. S. 1933, I. F. S. 2.).

*Italy.*

Regulations for seamen's employment exchanges approved in 1920 by the Royal Maritime Commission set up by Royal Decree of 14 August 1919.

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

*Japan.*

Act of 29 March 1923 concerning the minimum age and health certificate for seamen (L. S. 1923, Jap. 3), amended by Act No. 2 of 23 February 1927 (L. S. 1927, Jap. 3).

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

Regulations of 19 November 1923 for the enforcement of the Act of 29 March 1923 (Ordinance of the Department of Communications No. 96, amended by Ordinance of the Department of Communications, No. 6 of 13 February 1928, L. S. 1928, Jap. 2 C and D).

*Latvia.*

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

*Luxemburg.*

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

*Netherlands.*

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

Act of 14 June 1930 to amend the Labour Act, 1919 (L. S. 1930, Neth. 2 A).

Decree of 1 December 1927 to amend the Labour Decree, 1920 (L. S. 1927, Neth. 4 A).

Decree of 1 December 1927 issuing regulations under §§ 71 and 92 of the Labour Act, 1919, respecting the employment of young persons on board vessels engaged in maritime navigation (L. S. 1927, Neth. 4 B).

Decree of 18 April 1931 issuing regulations under § 72 *bis* of the Labour Act, 1919 (L. S. 1931, Neth. 1 B).

*Norway.*

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

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

*Poland.*

Act of 2 July 1924 relating to the employment of women and young persons (L. S. 1924, Pol. 2), amended and completed by the Act of 7 November 1931 (L. S. 1931, Pol. 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 Social Welfare of 3 October 1935, to replace, as from 26 April 1936, the Order of 29 July 1925 (L. S. 1925, Pol. 2), enumerating the occupations in which young persons and women may not be employed.

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

Act of 28 May 1920 concerning Polish merchant vessels.

Order of the President of 24 November 1930 concerning the security of shipping.

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.

*Argentine Republic.* — The report states that the Act of 30 September 1934 regulating the employment of young persons applies to work on vessels as defined by this Article of the Convention.

*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.

*Canada.* — § 2 (107) of the Canada Shipping Act, 1934 lays down that the term "vessel" includes any ship or boat or any other description of vessel used or designed to be used in navigation.

*Chile.* — The report states that the term "vessel" used in the Labour Code is interpreted in a wide sense and in conformity with the definition contained in § 823 of the Commercial Code, viz.: the word 'vessel' includes the hull, keel, gear and accessories of every independent craft, whatever its classification and size, and whether it be propelled by sail, oars or steam. The legislation does not differentiate between publicly and privately owned vessels.

*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 Saorstat Eireann, and includes any fishing boat entered in the fishing boat register in Saorstat Eireann, 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.

*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.

*Argentine Republic.* — § 11 (d) of the Act of 30 September 1924 prohibits the employment of young persons under the age of eighteen years as stokers. The report adds that, as regards the employment of



trimmers, the regulations relating to the registration of the crew of the mercantile marine authorise the employment of young persons between the ages of 16 and 18 only as apprentice seamen. An apprentice is not usually employed as a trimmer; nevertheless, the insertion of an express prohibition in the regulations concerned is being contemplated by the Government.

*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.

*Canada.* — § 279 (3) of the Canada Shipping Act, 1934 lays down that "no young person not being a child and being a person under eighteen years of age shall be employed or work as a trimmer or stoker in any vessel."

*Chile.* — Under § 195 of the Labour Code, persons other than those entered in the compulsory maritime service registers may not be engaged as members of a ship's complement, unless they are persons over the age of fourteen years who are engaged as apprentices for the purpose of receiving practical training in their profession; under § 28 of Legislative Decree No. 678 of 27 November 1925 relating to recruitment for the army and navy, persons liable to compulsory naval service must have their names entered in the appropriate registers between 1 January and 30 September of the year in which they complete their eighteenth year. Under these two provisions, therefore, no person under the age of eighteen years can take up employment as a trimmer or stoker on board a vessel.

*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.

*Poland.* — § 4 of the Act of 2 July 1924 relating to the employment of women and young persons provides that young persons shall not be employed under conditions rendering the employment particularly dangerous or unhealthy; the section further provides that the Minister of Labour and Social Welfare, in agreement with the other Ministers concerned, shall issue lists of such employments as required, after consultation with the trade associations of employers and employees. An Order of 3 October 1935, which replaces, as from 26 April 1936, the Order of 29 July 1925 issued in pursuance of the above provision, contains a list of the occupations in which young persons may not be employed, and one of the occupations mentioned is the work of trimmers and stokers on board ship. For the purposes of application of the Act of 2 July 1924, the term "young persons" is defined as "persons of both sexes who have attained the age of fifteen years but not that of eighteen years."

*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.

*Argentine Republic.* — The report states that the legislation of the Republic does not contain the exception provided in paragraph (a) of this Article of the Convention.

*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.

*Canada.* — § 279 (3 (a) and 3 (b) ) of the Canada Shipping Act, 1934, lays down that the prohibition of employment as trimmers and stokers on board ship for young persons of under eighteen years of age shall not apply in the case of a school ship or training ship where the work is of a kind approved by the Minister of Marine, and is carried on subject to such provision as the Minister may approve, nor in the case of a vessel which is mainly propelled otherwise than by means of steam.

*Chile.* — The legislation in question does not contain the exceptions allowed under this Article.

*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.

*Poland.* — In regard to the exception provided under (a), the Order of 3 October 1935 lays down, in § 2 (1), that the Minister of Social Welfare may authorise the employment of young persons in the prohibited occupations in certain branches of work and in certain classes of undertakings, for the purpose of their vocational education. The school ship of Gdynia only takes pu-

pils who submit certificates of six classes in a secondary school, that is to say, who have completed their sixteenth year. The training course in the school ships lasts three years.

*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.

*Argentine Republic.* — The report states that the legislation of the Republic does not provide for the exception allowed by this Article of the Convention.

*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.

*Canada.* — § 279 (4) of the Canada Shipping Act, 1934, provides that where in any port a trimmer or stoker is required for any vessel and no person of or over the age of eighteen years is available to fill the place, a young person over the age of sixteen years may be employed as trimmer or stoker, but in any such case two young persons over the age of sixteen years shall be employed to do the work which would otherwise have been performed by one person of or over the age of eighteen years.

*Chile.* — The legislation in question does not provide for this exception.

*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.

*Poland.* — The Order of 3 October 1935 contains no provision of this kind.

*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.*

*Argentine Republic.* — The report states that § 2 (4) of the regulations relating to the registration, departure and arrival of vessels provides that in the list of the crew which must be kept by every vessel registered in the Argentine Republic, the name of every member of the crew, his age etc. shall be entered. The entry of the various particulars in the list of the crew must be made under the supervision of the maritime authorities.

*Australia.* — Provision has been made for appending the register of young persons to 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.

*Canada.* — Under § 279 (10) of the Canada Shipping Act, 1934, a list of the persons under eighteen years of age who are members of the crew, together with particulars of the dates of their birth, shall be included in every agreement with the crew of a sea-going ship registered in Canada, entered into under the Act, and, in the case of a ship in which there is no such agreement, the master of the ship shall, if persons under eighteen years of age are employed thereon, keep a register of those persons with particulars of the dates of their birth and of the dates on which they become or ceased to be members of the crew, and the register so kept shall at all times be open to inspection.

*Chile.* — Under the terms of the second paragraph of § 47 of the Labour Code, which, under § 238 of the Code, is applicable to officers and members of the crew, masters and owners of vessels, as well as heads of industrial undertakings, are required to keep a register of young persons under the age of sixteen years, containing the date of the birth of each. The report states that there is no prescribed form for the registers in question, and adds that, as already mentioned under ARTICLE 2 above, the age of members of the crew is established when their names are entered on the registers for compulsory naval service.

*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 indicate 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 agreements.

*Greece.* — Act No. 4505 of 7 April 1930 reproduces the text of the Convention. The report states that, under the national legislation, every master of a sea-going vessel, irrespective of its tonnage, is required to carry a list of the crew, indicating the names of all the persons employed on board. Since this list is drawn up by the port authority, and since it contains, *inter alia*, particulars as to the age of each member of the crew, a preventive and effective supervision may thus be easily exercised, and the observance of the Convention is completely ensured, for, under the Act for the ratification of the Convention and the Instructions for putting it into effect, no-one under the age of fourteen years may be enrolled by the port authority except under the conditions prescribed by the Convention.

*Hungary.* — Under § 5 of the Order No. 32043 of 1933 every master or owner 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 list 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 enter their names on the list of the crew.

*India.* — The Government reports that the object of this Article is served by four Lascar forms of agreement, all of which are now in use. 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.

*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.

*Argentine Republic.* — The report states that the application of this Article of the Convention will be secured by an appropriate amendment of the regulations concerning the registration of the crew of the national mercantile marine.

*Australia.* — A brief summary of the provisions of the Convention is included in the gummed slip referred to under ARTICLE 5.

*Canada.* — § 279 (5) of the Canada Shipping Act, 1934 provides that there shall be included in every agreement with the crew a short summary of the provisions of subsections (3) and (4) of the section, which relate to the employment of young persons as trimmers and stokers.

*Chile.* — The report states that there are no special observations to make with regard to this Article.

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

*Cuba.* — Legislative Decree No. 592 contains no provision on this question.

*Estonia.* — ... In reply to an observation by the Committee of Experts, the Government stated, in a letter of 14 May 1936, that it would ask the competent authority to consider including a summary of the provisions of the Convention in the new standard form of agreement when the existing form was being revised.

*Hungary.* — § 8 of the Order No. 32043 of 1933 provides that the articles of agreement of the crew shall contain a summary of the provisions of §§ 3-7 of the Order. These sections of the Order give effect to the provisions of the Convention.

*Irish Free State.* — Under § 2 (3) of the Act there shall be included in every agreement with the crew a short summary of the provisions of § 2 of the Act.

*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 35 of the Constitution of the International Labour Organisation (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 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examine, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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.

*Belgium.* — The report states that the Department of the Colonies has submitted the Convention to further examination, and considers that the local conditions which were put forward in previous years as a reason for not applying the Convention to the colony of the *Congo* have not developed to such a point as to lead the Government to change its attitude in this respect.

*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); *Hong Kong* (Order of His Majesty in Council dated 3 March 1936, with modifications regarding special provisions in the matter of river steamers similar to those adopted in respect of the coastal trade of India and Japan). See also "General observation" under *Convention No. 2 (Unemployment)*, point III.

*Italy.* — The Government reports that application of the Convention to the colonies is provided for in a measure concerning 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. With regard to the colonies other than *Taiwan*, the local circumstances do not yet permit the application 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.*

*Argentine Republic.* — The general maritime Prefecture attached to the Ministry of Marine is entrusted with the supervision of the application of the regulations respecting the conditions of admission of young persons to employment at sea.

*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.

*Canada.* — The observance of the provisions of the Convention is supervised by shipping masters at the sea ports.

*Chile.* — Under § 243 of the Labour Code, the supervision of the observance

of those provisions of the Code which relate to articles of agreement for officers and seamen is exercised by the General Labour Inspectorate, without prejudice to the provisions of the Commercial Code, the Shipping Act, and the Shipping Regulations.

*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 courts, 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 secure observance of 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.

*Greece.* — . . . See also under *Convention No. 7 (Minimum age, sea)*, introductory note.

*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 Marine Office where the engagement of crews is supervised. The provisions of the Convention can also be enforced by proceedings for penalties under § 4 of the Act.

*Rumania.* — The port authorities and the General Inspectorate of Navigation and Harbours, formerly attached to the Ministry of Communications, but now attached to the new Ministry for the Air and for Maritime Affairs (see *Convention No. 9—Placing of seamen*—introductory note), 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.*

*Argentine Republic.* — The report does not refer to this point.

*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 application of the Convention have been received from employers or employees.

*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 1935 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.* — The report contains no general indications of the manner in which the Convention is applied. No observations have been received from employers' or workers' organisations with regard to the practical application of the provisions of the Convention.

*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.

*Chile.* — The Government states that it may be concluded from the reports of the maritime labour inspection services that no cases have been discovered in which young persons of less than eighteen years of age have been permitted to sail on any Chilean merchant vessel as members of the crew, nor have any relevant cases of infringement been found. Neither employers' nor workers' organisations have made any observations with regard to the practical application of the provisions of the Convention or of the national legislation which implements it.

*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.* — The report states that the competent authorities have not reported any offences of any kind against the legislation on this subject. 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 breaches of the law, and none have so far 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 breaches of the law have been recorded. The Ministry has not received any observations from the employers' or workers' organisations concerned with regard to the practical application of the national legislation which implements the provisions of the Convention.

*Finland.* — The report states that there is no reason to make any general observations in regard to the application of the Convention. No statistics showing the number of persons covered by its provisions are available. See also under *Convention No. 2 (Unemployment)*, point VI.

*France.* — No contraventions 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 now represent the established practice. 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: light hands, 5,233; ship's boys, 5,144; The Ministry 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.

*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.

*Greece.* — See under *Convention No. 7 (Minimum age, sea)*, point VI.

*Hungary.* — The report states that, according to the report of the Royal Hungarian Maritime Navigation Office, during the period 1 October 1935-30 September 1936 no young person of under 18 years of age was employed on board any Hungarian vessel, and consequently no cases of infringement of the relevant legislative provisions were recorded. The report adds that no observations were made by the employers' or workers' organisations concerned with regard to the practical application of the provisions of the Convention, and of the national legislation which implements those provisions.

*India.* — No young persons below the age of 18 years were signed on on vessels as trimmers or stokers at any of the ports of recruitment in India. No observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention have been received from organisations of employers or workers.

*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 27 in Japan proper and 2 in Taiwan. The cities, towns and villages

which possess coastal offices number 159 in Japan proper and 14 in Taiwan. With regard to the practical fulfilment of the conditions prescribed by the Convention or the application of the national law which implements it, no observations have been received from the organisations of employers of workers concerned.

*Latvia.* — The report states that no contravention has been reported during the period under review.

*Luxemburg.* — See introductory note.

*Netherlands.* — The 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.

*Norway.* — The report states that the Convention is strictly applied. 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 intermediate maritime administrative authorities are unaware of any cases of the employment of young persons as trimmers or stokers.

*Rumania.* — The report states that the Convention is strictly enforced; Rumanian vessels do not employ young persons under the age of 18 years as trimmers or stokers. The report for the year 1 October 1933-30 September 1934 showed that the General Inspectorate of Navigation and Harbours 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.* — See under *Convention No. 1 (Hours of work, industry)*, introductory note.

*Sweden.* — The Government states that no general statistical information is available as required under this heading, but that the Convention may be considered to be satisfactorily enforced. This opinion is confirmed by the fact that no complaints with regard to its enforcement have been received from the occupational organisations.

*Uruguay.* — See introductory note.



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

**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 States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935-30 September 1936 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	26. 5.1936	6. 4.1937
Australia . . . . .	28. 6.1935	9.11.1936
Belgium . . . . .	19. 7.1926	22.10.1936
Brazil . . . . .	8. 6.1936	
Bulgaria . . . . .	6. 3.1925	23.11.1936
Canada . . . . .	31. 3.1926	23.10.1936
Chile . . . . .	18.10.1935	4. 1.1937
Colombia . . . . .	20. 6.1933	25. 1.1937
Cuba . . . . .	7. 7.1928	2.12.1936
Estonia . . . . .	8. 9.1922	26.10.1936
Finland . . . . .	10.10.1925	17.11.1936
France . . . . .	22. 3.1928	19. 1.1937
Great Britain . . .	8. 3.1926	14.11.1936
Greece . . . . .	28. 6.1930	5. 1.1937
Hungary . . . . .	1. 3.1928	27.10.1936
India . . . . .	20.11.1922	16.12.1936
Irish Free State . .	5. 7.1930	10.11.1936
Italy . . . . .	8. 9.1924	24. 2.1937
Japan . . . . .	7. 6.1924	4. 2.1937
Latvia . . . . .	9. 9.1924	28. 2.1936
Luxemburg . . . .	16. 4.1928	8. 2.1937
Netherlands . . . .	9. 3.1928	9.10.1936
Nicaragua . . . . .	12. 4.1934	
Poland . . . . .	21. 6.1924	28.11.1936
Rumania . . . . .	18. 8.1923	22. 3.1937
Spain . . . . .	20. 6.1924	30. 3.1937
Sweden . . . . .	14. 7.1925	23.11.1936
Uruguay . . . . .	6. 6.1933	23.12.1936
Yugoslavia . . . . .	1. 4.1927	13.11.1936

The Government of the *Argentine Republic* states in its report that certain amendments to the legislation of the Republic are being prepared in order to bring it into harmony with the provisions of the Convention.

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

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. For the general information supplied by the Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

For the information contained in a letter from the Government of *Greece*, dated 17 December 1936, see under *Convention No. 7 (Minimum age, sea)*, introductory note.

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

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

For the general information supplied by the *Spanish* Government, see under *Convention No. 1 (Hours of work, 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.*

*Argentine Republic.*

Decree of 20 March 1913 approving the maritime and river sanitary regulations.

Decree of 12 September 1927 approving the regulations relating to the registration of the crew of the mercantile marine, as amended subsequently.

Order No. 9 of 2 December 1930 concerning the medical examination of the crew of the mercantile marine.

*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), now embodied in the Canada Shipping Act, 1934 (Chapter 44, 24-25 Geo V, 1934) (L. S. 1934, Can. 7).

*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 A).

Decree No. 1682 of 21 December 1935 to issue general regulations concerning the registration of seamen, to replace Decree No. 1831 of 25 November 1898.

Commercial Code, Book III, § 823.

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

Act of 11 May 1928 to amend the Seamen's Act (L. S. 1928, 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.

*Great Britain.*

Merchant Shipping Act, 1894.

Merchant Shipping (International Labour Conventions) Act, 1925 (L. S. 1925, G. B. 5).

*Greece.*

Act No. 4674 of 12 May 1930 to ratify the Convention.

Circular of the Ministry of Marine of 23 May 1930 drawing attention to the provisions of Act No. 4674.

*Hungary.*

Act No. XVIII of 1928, ratifying the Convention.

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.

*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.*

Act of 6 April 1934 to approve with amendments a draft Children's Code (§§ 227 and 228) (L. S. 1934, Ur. 4).

#### *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.

*Argentine Republic.* — The report states that the regulations and orders enumerated under I apply to all vessels registered in the Republic.

*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.

*Canada.* — § 2 (107) of the Canada Shipping Act, 1934 provides that the term "vessel" includes any ship or boat or any other description of vessel used or designed to be used in navigation.

*Chile.* — The report states that the term "vessel" used in the Labour Code is interpreted in a wide sense, and in conformity with the definition contained in § 823 of the Commercial Code, viz.: "the word 'vessel' includes the hull, keel, gear and accessories of every independent craft, whatever its classification and size, and whether it be propelled by sail, oars or steam". The legislation does not differentiate between publicly and privately owned vessels.

*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.

*Uruguay.* — The Children's Code contains no definition of the term "vessel".

## 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.

*Argentine Republic.* — The regulations concerning the registration of the crew of the national mercantile marine provide that every person desiring to be employed on a vessel shall have his name registered in the general register of the Maritime Prefecture General (§ 1). To become an apprentice it is necessary to obtain an "embarkation permit", which is given only to young persons between the ages of 16 and 18 (§ 35), on presentation of a health and vaccination certificate (§ 36). The health certificate is issued by the National Department of Hygiene (§ 181 of the Maritime Sanitary Regulations and § 2 of the Order of 2 December 1930).

*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.

*Canada.* — § 279 (6) of the Canada Shipping Act, 1934 provides that no young person under eighteen years of age shall be employed in any capacity in any vessel unless there has been delivered to the master of the vessel a certificate granted by a duly qualified practitioner certifying that such person is fit to be employed in that capacity. § 279 (7) lays down that the above provision shall not apply to the employment of a young person in a vessel in which only members of one family are employed.

*Chile.* — §195 of the Labour Code provides that persons other than those entered

in the compulsory maritime service registers shall not be engaged as members of the crew, unless they are persons over the age of fourteen years who are engaged as apprentices for the purpose of receiving practical training in their profession. Under §28 of Legislative Decree No. 678 of 27 November 1925 relating to recruitment for the army and navy, persons liable to compulsory naval service must have their names entered in the appropriate registers between 1 January and 30 September of the year in which they complete their eighteenth year. Consequently, no person under eighteen years of age may become a member of the crew of a vessel unless he sails as an apprentice. This general rule with regard to the age of admission for service on board ship allows of no exceptions in favour of persons working on vessels on which only members of the same family are employed. Further, §183 of the Labour Code lays down that it shall be the duty of the maritime authority to define and verify the vocational qualifications, fitness for employment at sea and physical condition of the seamen who are already or are about to become members of the crew of a vessel in any rating or capacity. The physical condition and health of the seamen shall be attested by a medical certificate. In order that the maritime authorities may declare any person qualified to form part of the crew of a vessel or to be employed in any capacity, including that of apprentice, on board ship, his name must first of all be entered in the register of seamen kept by the harbour masters, and, in order to be so registered, he must fulfil all the prescribed conditions, including evidence that his health fits him for a seaman's calling. The report states that the seamen's registers are revised annually on or after 1 December, and that seamen may on this occasion be required to submit fresh certificates of health (Decree No. 1682 of 21 December 1935 to issue general regulations concerning the registration of seamen).

*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.

*Greece.* — ... The report adds that before a seaman is engaged on a Greek vessel, the harbour police or the consular

authorities must submit him to a medical examination.

*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 bar persons from being entered on the seamen's register, 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.

*Spain.* — ... § 13 of the Rules of 26 August 1935 also implements this Article.

*Uruguay.* — § 227 of the Children's Code lays down that a young person under the age of eighteen years shall not be admitted to employment unless he holds a certificate of his physical fitness issued by an official medical practitioner. 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. The report adds that this provision applies to all occupations, including employment at sea.

### 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.

*Argentine Republic.* — The report states that the legislation in force in the Republic does not provide for the repetition of medical examination at the intervals prescribed in the Convention. See also introductory note.

*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.

*Canada.* — § 279 (9) of the Canada Shipping Act, 1934 lays down that the medical certificate prescribed under subsection (6) of the section shall remain in force for a period of twelve months from the date on which it is granted, and no longer, but if the said period of twelve months expires at some time during the course of the voyage of the vessel in which the person under eighteen years of age is employed, the certificate shall remain in force until the end of the voyage.

*Chile.* — The Government states in its report that it has no observations to make on this Article of the Convention (see also the end of the statement under ARTICLE 2 above).

*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 3 March 1934, of the Ministry of Communications.

*Spain.* — ... § 13 of the Rules of 26 August 1935 also implements this Article.

*Uruguay.* — § 228 of the Children's Code, which provides that young persons under the age of eighteen years shall be medically examined every year, applies only to those who are employed in industrial or commercial establishments.

#### 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.

*Argentine Republic.* — The report states that the legislation of the Republic does not allow the exception provided in this Article of the Convention.

*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.

*Canada.* — § 279 (8) of the Canada Shipping Act, 1934 provides that a shipping master or consular officer may on the ground of urgency authorise a person under eighteen years of age to be employed on board a vessel, notwithstanding that no medical certificate has been delivered to the master of the vessel, but the person in whose case any such authorisation is given shall not be employed beyond the

first port at which the vessel calls after such person has embarked thereon, unless the medical certificate prescribed by the Act is obtained.

*Chile.* — The legislation in question does not provide for the exception allowed by this Article of the Convention.

*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 be shipped 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 be shipped 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.

*Spain.* — ... § 13 of the Rules of 26 August 1935 also implements this Article.

*Uruguay.* — The report states that there is no definite provision in the national legislation to give effect to this Article of the Convention.

### III.

*Article 9 of the Convention is as follows:*

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, 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 35 of the Constitution of the International Labour Organisation (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 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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.

*Belgium.* — The Government states that the Department of the Colonies, after a fresh examination of the purpose of the Convention, considers that the local conditions which in previous years were given as a reason for not applying the Convention to the colony of the *Congo* have not altered to such an extent as to lead the Government to modify its attitude in this respect.

*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; *Hong Kong* (Order of His Majesty in Council dated 3 March 1936, with modifications regarding special provisions in the matter of river steamers similar to those adopted in respect of the coastal trade of India and Japan in the case of *Convention No. 15*). See also "General observation" under *Convention No. 2 (Unemployment)*, point III.

*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. With regard to the colonies other than *Taiwan*, the local circumstances do not yet permit the application of the Convention.

*Netherlands.* — . . . The employment of children dealt with in this Convention does not occur either in *Surinam* or *Curaçao*.

*Spain.* — See introductory note.

#### IV.

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

*Argentine Republic.* — The Maritime Prefecture General attached to the Ministry of Marine is entrusted with the suspension of the application of the regulations and orders relating to conditions of admission of young persons to employment at sea.

*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.

*Canada.* — The observance of the provisions of the Convention is supervised by shipping masters at the sea ports.

*Chile.* — Under § 243 of the Labour Code, the supervision of the observance of those provisions of the Code which relate to articles of agreement for officers and seamen is exercised by the General Labour Inspectorate, without prejudice to the provisions of the Commercial Code, the Shipping Act, and the Shipping Regulations.

*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.

*Greece.* — The application of the relevant legislative provisions is entrusted to the consular authorities and the harbour police. See under *Convention No. 7 (Minimum age, sea)*, introductory note.

*Hungary.* — The application of the Act and the Order is entrusted to the Hungarian Seamen's Office. Supervision is exercised directly by visits and examination by the Seamen's Office or through the intermediary of the Hungarian diplomatic or consular agents.

*Irish Free State.* — The report states that the provisions of the Merchant Shipping (International Labour Conventions) Act, 1933 relating to the Convention will be enforced by proceedings under §4 of the Act which provides for penalties. Pursuant to §4 (2) of the Act, the Department of Industry and Commerce will be concerned with the enforcement of such provisions.

*Rumania.* — Supervision of the application of the relevant legislation is entrusted to the port authorities and to the General Inspectorate of Navigation and Harbours, formerly attached to the Ministry of Communications, but now attached to the new Ministry for the Air and Maritime Affairs (see under *Convention No. 9—Placing of seamen—introductory note*).

*Uruguay.* — The report states that the Children's Council is responsible for supervising the application of the relevant legislation.

## 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.*

*Argentine Republic.* — The report does not refer to this point.

*Australia.* — The Director-General of Health has submitted a report on the manner in which the Convention is applied, which states that medical officers of the Commonwealth Department of Health, stationed at all ports in the Commonwealth, who are appointed medical inspectors of seamen under the provisions of the Navigation Act, are instructed, on receipt of a request from the Mercantile Marine



Office, to examine a person under eighteen years of age who is desirous of being employed as a boy or indentured as an apprentice on a British ship, and to give a certificate of physical fitness in accordance with a prescribed form. The form must be filled in by the medical inspector in triplicate, one copy being for the Mercantile Marine Office, one for the examinee, and one to be kept in a register. Care must be taken to see that the requirement as to renewal of the certificate yearly, until the lad concerned attains the age of eighteen years, is observed. Where a young person is considered by a medical inspector of seamen to be unfit for duty at sea no certificate may be given, but a memorandum must be forwarded to the Mercantile Marine Office, stating that the person examined is unfit for duty at sea, provided that, where some minor defect arises which does not at the time render the applicant unfit for duty at sea but may do so at some later date, an endorsement to that effect is made by the medical inspector of seamen at the foot of the form. The medical inspectors are further instructed that, when giving a certificate, it may be qualified, where in the opinion of the medical inspector such qualification is desirable. Such qualifications may be made by inserting at the foot of the certificate such observations as the medical inspector may think fit regarding any disability which, although not at the time of examination rendering the applicant unfit for service at sea, yet might at some future time, within the period of expiry of the certificate, lead to disability rendering him unfit. This provision enables shipping companies, on receipt of the certificate, to be in a position to decide whether or not to accept the responsibility of engaging the applicant. Arrangements have been made that youths intending to go to sea on deck should apply for examination in sight tests, and the result of these tests is then endorsed on the form of request for medical examination which is sent to the medical inspector. Since the application of this section of the Navigation Act, 172 young persons under eighteen years of age have been medically examined in the principal ports of the Commonwealth; out of this number, 158 were passed as fit, 4 were deferred for re-examination, and 10 were rejected. The Director-General's report concludes by stating that the experience in Australia indicates that with cooperation and continued consultation between the Commonwealth Navigation Service and the Commonwealth Department of Health, and with medical examinations carried out by medical officers who are in close touch with port and shipping conditions, a satisfactory system has been established to give practical effect to the provisions of the Convention. The Government states that 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 signing on. This examination is particularly strict in the case of young persons. No observations regarding the practical application of the Convention were made during 1935 by employers' or workers' organisations.

*Bulgaria.* — The report contains no general indications of the manner in which the Convention is applied. No observations have been received from employers' or workers' organisations with regard to the practical application of the provisions of the Convention or of the national legislation which implements them.

*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.

*Chile.* — The Government states that the reports of the maritime inspection services indicate that persons under eighteen years of age may not be members of the crews of Chilean merchant vessels, except in the case of apprentices over fourteen years of age who sail to obtain professional experience. The maritime authorities permit the engagement of not more than two apprentices on deck and in the engine-room respectively on vessels over 500 tons. These apprentices must show, when their names are being entered in the seamen's register, that they are in such health as is necessary for employment at sea. The total number of apprentices' posts authorised during the year under review was fifty, and this figure also represents the number of persons protected in Chile by the provisions of the Convention. No breaches of the law have been reported, and no observation have been received from either the employers' or the workers' organisations concerned with regard to the practical application of the provisions of the Convention or of the national legislation which implements them.

*Colombia.* — See introductory note.

*Cuba.* — The Government states that, from the reports received, it would appear that no breaches of the law have occurred. No statistics have been obtained as to the number of workers covered by the legislation. 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.* — The report states that there are no general observations to make. See also under *Convention No. 2 (Unemployment)*, point VI.

*France.* — The Minister of 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 for all seamen, including apprentices and boys, has been in force for 25 years, and has become the recognised practice accepted without question by shipowners and seamen. The report states that on 1 July 1936 the number of light hands under eighteen years of age protected by the legislation in question was 5,233 and the number of ship's boys (*mousses*) under sixteen years of age similarly protected was 5,144. 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 light hands and boys.

*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.

*Greece.* — The report states that the application of the Convention does not present any difficulties, owing to the system of engagement in force. The competent authorities supervise the physical condition and verify the professional qualifications of the seamen who are engaged, under conditions strictly in accordance with the relevant legal provisions. The occupational organisations have not made any observa-

tions with regard to the application of the Convention.

*Hungary.* — The report states that during the period 1 October 1935 to 30 September 1936 no young person of under eighteen years of age was employed on board any Hungarian vessel, and consequently no cases of contravention 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, 35 young persons were medically examined, none of whom were rejected as unfit for employment at sea. 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.

*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 27 in Japan and 2 in Taiwan. The cities, towns and villages which possess coastal offices number 159 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 contravention have been reported by the labour inspectorate.

*Luxemburg.* — See introductory note.

*Netherlands.* — During 1935, 962 young persons of 14 to 18 years of age who had

been engaged for employment at sea were medically examined by the 29 doctors charged with this duty. Of this number, 25 were rejected as unfit for employment at sea. The report adds that no observations by the organisations of employers or workers concerned with regard to the application of the Convention were brought to the notice of the Government.

*Poland.* — The report states that no contraventions have been reported, as persons employed in the Polish mercantile marine enter the service at an age higher than that provided for in the Convention.

*Rumania.* — The report states that the Convention is strictly enforced. 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, owing to their lack of experience. 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

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

*Sweden.* — The Government states that no general statistical information is available as required under this heading, but that the Convention may be considered to be satisfactorily applied in Sweden. This opinion is confirmed by the fact that no complaints with regard to the application have been received from the occupational organisations.

*Uruguay.* — The report supplies no information under this heading.

*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 States Members which had ratified the Convention unconditionally before 1 July 1936 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 1935-30 September 1936 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium . . . . .	3.10.1927	22.10.1936
Bulgaria . . . . .	5. 9.1929	23.11.1936
Chile . . . . .	8.10.1931	4. 1.1937
Colombia . . . . .	20. 6.1933	25. 1.1937
Cuba . . . . .	6. 8.1928	2.12.1936
Hungary . . . . .	19. 4.1928	2. 3.1937
Latvia . . . . .	29. 5.1928	28.12.1936
Luxemburg . . . . .	16. 4.1928	8. 2.1937
Mexico . . . . .	12. 5.1934	6.11.1936
Netherlands . . . . .	13. 9.1927	9.10.1936
Nicaragua . . . . .	12. 4.1934	
Portugal . . . . .	27. 3.1929	10.12.1936
Spain . . . . .	22. 2.1929	30. 3.1937
Sweden . . . . .	8. 9.1926	23.11.1936
Uruguay . . . . .	6. 6.1933	23.11.1936
Yugoslavia . . . . .	1. 4.1927	13.11.1936

The Government of *Colombia* stated in its last report that a Bill concerning workmen's compensation for accidents, and fuller than existing legislation on the subject, had been laid before the Legislative Chambers. In its report for the present year the Government states that the Bill referred to above having been found defective, it has decided to continue the

study of the problem with a view to finding a solution by the preparation of a Bill providing for compulsory accident-insurance. Progress has been made in this connection and the Government hopes that the Bill can be submitted to Congress at an early session. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Mexico* states in its report that the existing system of workmen'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 Government will take account of this system in its Bill concerning social insurance also.

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

For the general information supplied by the Government of *Spain*, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Uruguay* states in its report that it will be necessary to amend the Act of 26 November 1920 concerning occupational accidents in order to bring it into harmony with the provisions of Articles 2, 6, 7, 9 and 10 of the Convention.

### I.

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

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

#### Belgium.

Royal Order of 28 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).

See also 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, amended by Presidential Decrees Nos. 1252 and 1653 of 6 May and 27 June 1936.

Various Orders relating to the application of the above legislation.

#### 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), 6500 of 1935 (L. S. 1935, Hung. 2) and 1250 of 6 March 1936 (L. S. 1936, Hung. 4).

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).

#### Luxembourg.

Act of 17 December 1925 respecting the Social Insurance Code, Books II and IV (L. S. 1925, Lux. 2), as amended by Act of 6 September 1933 (L. S. 1933, Lux. 3).

Act of 21 July 1927 respecting the reassessment of accident pensions (L. S. 1927, Lux. 2).

Grand Ducal Orders of 23 January, 7 and 23 April 1903, 11 June 1926, 4 April, 29 July, 23 December 1927, 7 December 1928, 27 December 1929 and 22 August 1936.

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).

Act concerning civil retiring pensions.

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).

#### Portugal.

Act No. 1,942 of 27 July 1936 respecting the right to compensation for the consequences of industrial accidents or occupational diseases, amended by Legislative Decree No. 27,165 of 10 November 1936 (L. S. 1936, Por. 2 A and B).

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), 23 May 1924 (L. S. 1924, Swe. 1 A), 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.

#### Uruguay.

Act of 26 November 1920 respecting occupational accidents (L. S. 1920, Ur. 1).

Decree of 9 February 1933 extending the application of the Act respecting occupational accidents to domestic servants.

The Government states in its report that the ratification of the Convention has not modified existing legislation.

#### Yugoslavia.

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

Regulations of the Miners' Insurance Fund for workers and salaried employees employed in undertakings covered by the Mines Act, issued by the Order of 16 February 1933 (L. S. 1933, Yug. 1).

Order of the Minister of Transport and Communications of 30 May 1922 respecting the sickness and accident insurance of staff employed in the State transport and communications services.

See also, under Convention No. 2 (*Unemployment*), point I, the information supplied by Yugoslavia.

## II.

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

## ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to ensure that workmen who suffer personal injury due to an industrial accident, or their dependants, shall be compensated on terms at least equal to those provided by this Convention.

See below under ARTICLES 2 to 11.

## ARTICLE 2.

The laws and regulations as to workmen's compensation shall apply to workmen, employees and apprentices employed by any enterprise, undertaking or establishment of whatsoever nature, whether public or private.

It shall nevertheless be open to any Member to make such exception in its national legislation as it deems necessary in respect of:

(a) persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business;

(b) outworkers;

(c) members of the employers' family who work exclusively on his behalf and who live in his house;

(d) non-manual workers whose remuneration exceeds a limit to be determined by national laws or regulations.

*Please give an analysis of the provisions of the laws and regulations which determine the scope of application of the legislation or systems of legislation concerning workmen's compensation for accidents or accident insurance applying to workmen, employees and apprentices covered by Article 2 of the Convention.*

*If advantage has been taken of the exceptions provided for in the second paragraph of this Article, please indicate:*

(a) the definition of employment which is of a casual nature and is for the purpose of the employer's trade or business;

(b) the definition of outworkers;

(c) the persons who are considered as members of the employer's family;

(d) the limit of remuneration fixed by national legislation in order to determine the sphere of the application to non-manual workers.

*Colombia.* — 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.

*Luxemburg.* — Under § 85 (1) of the Act of 17 December 1925 all industrial, agricultural and forestry establishments, including handicraft establishments but excluding commercial undertakings, are liable to accident insurance irrespective of the number of persons employed therein. § 85 (3) provides, however, that owners of commercial establishments or establishments exempt from insurance may insure their workers against industrial accidents by means of registration in writing with the president of the Accident Insurance Association. It is provided that the registration shall cover the whole and, as provided in § 87, every branch of the works. Under § 87, in the case of establishments with two or more departments the liability to insure shall cover the whole staff employed in the insured departments and all work performed by each individual worker at the order of the employer or his representative even outside the scope of his trade, so soon as any part of the establishments becomes liable to insurance either under the Act of 1925 or by voluntary declaration. § 93 of the Act, as amended by the Act of 6 September 1933, provides that the following persons shall be insured against industrial accidents provided that they are employed in an establishment as specified by § 85 (1) and (3) of the Act: (1) workers, assistants, journeymen, apprentices or domestic servants; (2) works officials, foremen and technical workers whose earnings

do not exceed an amount to be fixed by public administrative regulations. The persons enumerated above are liable to insurance even if they are employed without remuneration . . .

*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.

*Portugal.* — § 1 of the Act of 27 July 1936 provides that every employee working for another person who meets with an industrial accident shall be entitled to medical attendance, medicaments and the compensation or pension prescribed by the Act. According to the sole subsection of § 6 of the Act, no compensation is payable by persons employing one or more employees on work which is unconnected with the industry or occupation, nor by persons who habitually work alone but occasionally call in an employee or employees to help them. As regards paragraph (c) of this Article of the Convention, the report states that Portuguese legislation does not contain any specific provision relating to this matter, although the principle is embodied in the policies concluded by Portuguese insurance companies.

*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...

*Uruguay.* — Under its § 4 the Act of 26 November 1920 concerning occupational accidents applies to all persons employed in industries or occupations which involve the use of power other than man-power. By Decree of 9 February 1933 the scope of the Act concerning occupational accidents has been extended to cover domestic servants. The report states that the Act does not cover home-workers. Non-manual workers whose income exceeds a certain limit are not excluded from the scope of the Act. Nevertheless the Act fixes at 750 pesos the maximum annual salary to be taken into account for calculating the benefits to be granted. See also introductory note.

### 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.

*Portugal.* — The Act of 27 July 1936 applies to all categories of workers without distinction.

*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.

*Uruguay.* — Seamen and fishermen are not covered by the Act concerning occupational accidents. The Act does not contain specific provisions with regard to the beneficiaries of any special system of workmen's compensation.

### 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 work-



men'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.

*Portugal.* — The Act of 27 July 1936 applies to all categories of workers without distinction. Portugal has not ratified the Convention concerning workmen's compensation in agriculture.

*Spain.* — Spain has ratified the Convention concerning workmen's compensation in agriculture.

*Uruguay.* — The Decree of 25 February 1932 has extended the scope of the Act concerning occupational accidents to cover agricultural workers. Uruguay 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 autho-

rities 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 ensuring 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.

*Portugal.* — § 16 of the Act of 27 July 1936 provides, in the case of the death of the injured person, for the payment of benefits to his dependents in the form of a pension. Under § 17 of the Act, in case of permanent and total incapacity the injured person is entitled, as from the day after the date of the accident, to a pension equal to two-thirds of his wages, and in case of permanent partial incapacity to a pension equal to two-thirds of the reduction in his total earning capacity. Under § 23, a pension may be commuted by agreement between the parties, if it does not exceed 240 escudos a year, and at the request of either of the parties if it does not exceed 120 escudos a year. Nevertheless in both cases the commutation shall not be valid until it has been ratified by the judge, who must disallow it if he anticipates that the pensioner will not make reasonable use of the capital sum equal to the commuted pension.

*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.

*Uruguay.* — In accordance with §§ 14 and 17 of the Act of 26 November 1920 concerning occupational accidents, the compensation payable in case of death or permanent incapacity must be granted in the form of a pension. The report states that the Act does not permit the payment of compensation in the form of a lump sum.

#### 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.

*Portugal.* — § 17 (1) of the Act of 27 July 1936 provides that compensation for temporary incapacity shall be due as from the next day after the date of the accident. According to paragraph 3 of this section, the wages for the day of the accident shall be paid by the employer whether he has effected the requisite insurance or not.

*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.

*Uruguay.* — According to § 14 of the Act of 26 November 1920 the compensation payable in case of temporary incapacity is due as from the eighth day following the accident when the incapacity lasts more than one week, and from the day following the accident when the incapacity lasts more than thirty days. See also introductory note.

#### 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.

*Portugal.* — The legislation in force does not appear to contain analogous provisions.

*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.

*Uruguay.* — The Act of 26 November 1920 does not contain similar provisions. See also introductory note.

#### 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.

*Portugal.* — Under § 24 of the Act of 27 July 1936, any person concerned may apply for the revision of a pension for permanent incapacity within five years reckoned from the date of the ratification of the agreement or the date when the award became enforceable, at any time after at least six months have elapsed since the date when the pension was fixed or last revised.

*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.

*Uruguay.* — § 43 of the Act of 26 November 1920 provides that in cases of aggravation or extension of the victim's incapacity, he or his survivors and likewise the employer may demand a revision of the verdict which determined the nature of the accident and the amount of compensation. The said revision proceedings may be instituted not later than one year after the final verdict or the agreement of the parties before the Justice of the Peace, and may be renewed annually until the resultant incapacity has been declared final and unchangeable. Cases of this kind are heard by the departmental judge.

#### 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.

*Portugal.* — Under § 1 of the Act of 27 July 1936 the injured persons covered by the Act are entitled to medical attendance, irrespective of the form in which it must be given, and to the supply of medicaments. These benefits are a charge on the employer except in cases where he has transferred his own obligation to a legally authorised insurance company.

*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.

*Uruguay.* — § 22 of the Act of 26 November 1920 provides that the employer shall bear the expenses of medical attendance and that the granting of free medical and pharmaceutical treatment shall include also the appliances necessary for the carrying out of the treatment or the alleviation of the consequences of injuries. This medical attendance does not however include surgical treatment. See also introductory note.

#### 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 payment to the victim of a lump sum equal to the probable cost of their maintenance and renewal. Claims for the repair and renewal of such appliances shall be supported by a certificate from an expert and approved by the Department of Labour.

*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.

*Portugal.* — § 20 of the Act of 27 July 1936 provides that the injured person shall be entitled to the supply and the normal renewal at the expense of the employer or insurance carrier of the artificial limbs and orthopaedic appliances necessary for his use, or to supplementary compensation equivalent to their probable cost.

*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.

*Uruguay.* — § 22 of the Act of 26 November 1920 provides that the granting of free medical and pharmaceutical treatment shall include also the appliances necessary for the carrying out of the treatment or the alleviation of the consequences of injuries. The report states, however, that this provision of the Act has not been interpreted by the courts in such a way as to enable the injured persons to secure the supply and renewal of artificial limbs and orthopaedic appliances. See also introductory note.

#### 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.

*Portugal.* — According to § 11 of the Act of 27 July 1936 the persons or bodies liable for the expenses arising out of industrial accidents may transfer their liability to companies legally authorised to effect insurance for this purpose. According to § 12 of the Act every employer engaged in an industry in a suitable establishment and employing more than five persons, in cases where the liability is not transferred, is bound to furnish security for this liability unless he proves to the insurance inspectorate that his financial resources are sufficient to cover the risk which he takes on his own account.

*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.

*Uruguay.* — Under § 47 of the Act of 26 November 1920 any employer who has failed to make use of the permission to free himself of the responsibility arising from occupational risks by means of insurance must deposit with the State Insurance Bank a capital amount corresponding to the pension or pensions due from him within the ten days following the agreement of the parties before the Justice of the Peace or the final verdict. Under § 44 of the Act the sums due to the victim or his survivors as grants of assistance and as compensation are privileged as provided in § 2369 (4) of the Civil Code and § 1706 (4) of the Commercial Code. The report adds that the legislation in force does not contain special provisions to cover the case of insolvency of the employer or the insurance carrier.

### 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 35 of the Constitution of the International Labour Organisation (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 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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.* — In the *Netherlands East Indies* a Bill concerning workmen's compensation for accidents was published in August 1930. This Bill took into account the provisions of the Convention as far as possible. The bringing into force of the system of workmen's compensation has been delayed by the depression, but it is expected that the Bill in its final form will be submitted in the very near future. 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 the Colonial Council and the Governor have approved a draft Order "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." This Order has however not yet been promulgated.

*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.*

*Chile.* — See under *Convention No. 12 (Workmen's compensation, agriculture)*, point IV.

*Colombia.* — The enforcement of the legislation giving effect to this Convention lies with the General Labour Office of the Ministry of Industry and Labour. Act No. 12 of 18 January 1936 has re-organised this Office, which is the central organ or a certain number of departmental labour offices entrusted with the application of social legislation. The inspectors attached to these offices are, in the sphere of social questions, invested with correctional police powers, and may inflict fines of from 50 to 500 pesos for breaches of the provisions of labour legislation.

*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.

*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 obliga-

tions 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.

*Uruguay.* — See under Convention No. 12 (*Workmen's compensation, agriculture*), 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.* — ... The text of seventeen decisions given on this subject is included in an appendix 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.

*Mexico.* — The report states that the Supreme Federal Court of Justice has at present before it a demand for therapeutic appliances based upon the provisions of the Convention.

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

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 1933-1935 will be published in the near future, which will contain detailed information on this point. By Royal Order of 22 February 1936 a National Service for Orthopaedic Appliances has been established for the purpose of providing for the supply, upkeep and renewal of orthopaedic appliances for victims of industrial accidents who have entrusted to the Service the administration of the supplementary bene-

fits granted to them under the legislation in force. 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.* — The report states that the number of employees covered by the legislation concerning workmen's compensation is 200,000. During the period covered, the total amount expended on benefits in cash was 17,192,826 leva, and on benefits in kind, 151,301 leva. There were reported in all 3,116 accidents, of which 119 proved fatal, 6 involved permanent incapacity and 83 partial incapacity up to 50 per cent.

*Chile.* — The report gives the following information for 1935: (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 18,700, (2) (a) Benefits in cash amounted to 10,368,756.53 pesos, and the capitalised value of pensions granted to 3,824,423.74 pesos. (b) The average expenditure per injured worker was 211.44 pesos. (3) No data are available as to benefits in kind. (4) The number of accidents reported was 49,037. (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 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 statistical information will be communicated to the Office as soon as it is available.

*Hungary.* — The report states that no particulars are available with regard to the number of wage-earning employees, salaried employees or apprentices employed in undertakings or in different industries. In 1935 the number of paid workers covered by the legislation concerning workmen's compensation for accidents was 812,713, of which 125,441 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 1935; benefits in cash: 7,255,386.54 pengö (8.93 per insured person); benefits in kind: 532,766.32 pengö (0.66 per insured person). The number of accidents notified to the National Insurance Institute was 28,602, of which 152 were fatal. The expenses involved in instituting proceedings and the expenses of administration amounted to 1,262,751 pengö. Of this amount, 262,200 pengö was borne by the State as a contribution to the administrative charges and 1,000,551 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 in 1935 the General Accident Insurance Union registered 16,568 accidents, representing 13.34 per cent. of the total number of insured persons. The expenses incurred during that year may be classified as follows: medical treatment, 433,896.95 lats; compensation, 440,940.46 lats; pensions, 630,912.63 lats; payments on account of commutation, 41,203.19 lats; administrative charges, 285,595.77 lats. The number of victims of accidents registered by the Accident Insurance Section of the Ministry of Social Welfare in 1935 was 18,298. The total expenses of the Section amounted to 1,647,504.09 lats, of which 857,226.96 accounted for pensions, 139,076.01 lats for compensation, and 586,086.29 for medical treatment.

*Luxemburg.* — According to the report of the Accident Insurance Association for 1935 the total number of accidents notified during the year was 10,483, 10,113 of which were compensated. The number of wage earners in regular employment was 38,626 and the number of accidents compensated was 262 per thousand insured persons. The number of fatal accidents was 22. The amount paid in pensions was 15,331,046.07 francs; the amount spent on curative treatment was 2,259,330.90 francs; and the cost of administration was 2,183,631.84 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 Government has communicated to the Office a volume containing the annual report of the Department of Labour.

*Netherlands.* — The report of the State Insurance Bank (*Rijksverzekeringsbank*) for 1934 contains the following information: 1. The number of full time workers (i.e. those working 300 days a year) in 1934 was 1,205,217. The number of undertakings covered by compulsory insurance on 31 December 1934 was 183,391. The total wages insured amounted to 1,363,988,770 florins. 2. The total cost of benefits (exclusive of the cost of administration) was 14,889,459.93 florins. This includes, *inter alia*, the cost of medical benefit, including benefits in kind (2,237,030.51 florins), the cost of temporary compensation (3,252,617.26 florins), provisional pensions (1,680,097.90 florins), pensions definitely fixed (5,134,518.18 florins), funeral benefit (34,075.42 florins), survivors' benefit (2,467,519.37 florins), etc. 3. The number of accidents was 154,228. Temporary pensions were granted in 9,064 cases, and temporary grants or medical benefit in 92,119 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 (4,171,757.07 florins) paid by non-affiliated employers amounted to 2,391,786.21 florins. The Government states that no cases of infringement of the relevant legislation have been recorded during the period under review, and that the employers' and workers' organisations have not submitted any observations with regard to the practical application of the Convention.

*Portugal.* — § 49 of Legislative Decree No. 23,048 of 23 September 1933 to promulgate the National Labour Code provides that the principle of protection due to victims of industrial accidents normally involves employers' liability; and employers are not exempted from contributing financially to ensure for the worker or the union concerned funds to cover occupational risks, even in the case of services in which the employers are

not directly responsible by law for the accidents which may occur.

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

*Sweden.* — In 1933, 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 1,514,672, including 135,270 State employees. The State Insurance Office, which includes the majority of insured persons — the remainder being insured with various mutual insurance companies — spent 11,189,928 crowns during the period covered by the report on benefits in kind. During the year 1933 the cost of benefits in kind was 11.13 crowns per full-time worker. The cost of medical benefit for the period covered by the report was 2,868,711 crowns. During the year 1933 this cost represented 2.93 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 1935-30 September 1936, the State Insurance Office registered 156,074 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 1,986.657 crowns. There 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.

*Uruguay.* — The report contains the following statistical data for the year 1935 : number of insured workers, 71,143 ; benefits paid (temporary and permanent), 389,849.51 pesos ; administrative charges, 49,166.27 pesos ; medical charges, 78,232.50 pesos ; pharmaceutical charges, 13,011.91 pesos.

*Yugoslavia.* — The report states that for the year 1935, the total number of insured persons was 564,287. 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 1935 was 15,369. 872 persons received medical treatment at a cost of 14,128.46 *dinars* a day. The number of pensions awarded was as follows : 1,137 men, at a total value of 2,918,967 *dinars*, and 114 women, at a total value of 199,395 *dinars*. The number of family pensions was as follows : 134 widows, at a total annual cost of 291,046 *dinars* ; 285 children, at a total annual cost of 394,949 *dinars* ; 2 parents and grandparents, at a total annual cost of 4,815 *dinars*. The expenses of the Accident Insurance Section for 1935 were as follows : benefits in cash, 45,856,899 *dinars* (81.77 per insured person) ; benefits in kind, 4,302,115 *dinars* (7.62) ; cost of enquiries and legal proceedings, 1,002,570 *dinars* (1.78) ; endowment of technical reserve, 20,110,643 *dinars* (35.84). The expenses of insurance were met by the following receipts : payments by employers, 59,667,221 *dinars* (105.76 per insured person) ; interest and other receipts, 18,675,909 *dinars*.

# 18. Convention concerning workmen's compensation for occupational diseases.

This Convention came into force on 1 April 1927. The following table shows the States Members which had ratified the Convention unconditionally before 1 July 1936 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 1935-30 September 1936 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Austria . . . . .	29. 9.1928	23.12.1936
Belgium . . . . .	3.10.1927	22.10.1936
Bulgaria . . . . .	5. 9.1929	23.11.1936
Chile . . . . .	31. 5.1933	4. 1.1937
Colombia . . . . .	20. 6.1933	25. 1.1937
Cuba . . . . .	6. 8.1928	2.12.1936
Czechoslovakia . .	19. 9.1932	7. 1.1937
Denmark . . . . .	18. 6.1934	15. 1.1937
Finland . . . . .	17. 9.1927	17.11.1936
France . . . . .	13. 8.1931	23. 1.1937
Great Britain . . .	6.10.1926	10.12.1936
Hungary . . . . .	19. 4.1928	2. 3.1937
India . . . . .	30. 9.1927	16.12.1936
Irish Free State . .	15.11.1927	18.12.1936
Italy . . . . .	22. 1.1934	24. 2.1937

COUNTRIES	Date of registration of ratification	Report received
Japan . . . . .	8.10.1928	4.12.1936
Latvia . . . . .	29.11.1929	28.12.1936
Luxemburg . . . .	16. 4.1928	8.12.1936
Netherlands . . . .	1.11.1928	9.10.1936
Nicaragua . . . . .	12. 4.1934	
Norway . . . . .	11. 6.1929	4.12.1936
Portugal . . . . .	27. 3.1929	21.12.1936
Spain . . . . .	29. 9.1932	30. 3.1937
Sweden . . . . .	15.10.1929	23.11.1936
Switzerland . . . .	16.11.1927	31.10.1936
Uruguay . . . . .	6. 6.1933	23.12.1936
Yugoslavia . . . . .	1. 4.1927	13.11.1936

The Government of *Colombia* stated in its previous report that a Bill concerning compensation for industrial accidents and occupational diseases was before Congress. In its report for the present year it is stated that the Bill referred to above having been found defective, the Government has decided to continue the study of the problem and has set up a special committee to examine the question of occupational diseases, which in tropical countries presents somewhat complex features. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

The *Spanish* Government states in its report that no legislation has been enacted in order to give effect to this Convention, because the workers are already duly protected, thanks to the wide interpretation that the law courts have given for many years past to the workmen's compensation legislation for accidents, which is made to cover many occupational diseases (see under V below). For the general information supplied by the Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Governments of *Hungary* and *Norway* having ratified *Convention No. 42 concerning workmen's compensation for occupational diseases (revised)*, which covers all the provisions of the present Convention, the information relating to the application of the latter in these two countries is summarised below under *Convention No. 42 (Workmen's compensation, occupational diseases, revised)*.

## 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), modified by the amending Act No. I of 9 July 1936 (L. S. 1936, Aus. 2) and Regulations No. II, issued in application of the Act on 28 June 1935, and No. IV of 15 May 1936.

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.

Federal Act of 3 August 1936 relating to certain provisional measures concerning the administration of social insurance institutions for workers and salaried employees in agriculture and forestry (L. S. 1936, Aus. 3).

*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. I 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) and Legislative Decree No. 596 of 18 January 1936 (L. S. 1936, Cuba 1).

Presidential Decree No. 223 of 31 January 1935 issuing Regulations under the Act concerning industrial accidents, amended by Presidential Decrees Nos. 1252 and 1653 of 6 May and 27 June 1936.

### *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 12 April 1935 respecting the insurance of wage-earning employees against accidents (L. S. 1935, Fin. 1).

Order of 25 October 1935 on the application of the above Act.

Resolution of the Council of Ministers of 25 October 1935 concerning the application of the Act of 12 April 1935 to works undertaken by the State.

Act of 12 April 1935 concerning the right of civil servants and State employees to compensation for accidents.

Resolution of the Council of Ministers of 25 October 1935 concerning the application of the above Act.

Act of 12 April 1935 respecting compensation for certain occupational diseases and for inflammation consequent upon friction caused by implements (L. S. 1935, Fin. 2).

Order of 31 December 1935 for the administration of the above Act (L. S. 1935, Fin. 3).

Various Orders relating to certain technical problems connected with the insurance of wage-earners against accidents.

### *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).

Decree of 12 July 1936 for the purpose of supplementing the tables appended to the Act of 25 October 1919 (L. S. 1936, Fr. 9).

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 October 1935 respecting the compulsory notification of occupational diseases under § 12 of the Act of 25 October 1919 (L. S. 1935, Fr. 11).

Decree of 19 March 1925 extending to *Algeria* the provisions of the Decree of 31 December 1920.

### *Great Britain.*

Workmen's Compensation Act, 1925 (L. S. 1925, G.B. 3).

Workmen's Compensation Act (Northern Ireland) 1927.

### *Hungary.*

See introductory note.

### *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.

*Norway.*

See introductory note.

*Portugal.*

Act No. 1,942 of 27 July 1936 respecting the right to compensation for the consequences of industrial accidents or occupational diseases, amended by Legislative Decree No. 27,165 of 10 November 1936 (L. S. 1936, Por. 2 A and B).

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

Legislative Decree No. 24,363 of 15 August 1934 to supersede Legislative Decree No. 24,194 concerning the procedure and work of the labour courts (L. S. 1934, Por. 3).

*Spain.*

Decree of 8 October 1932 issuing the consolidated text of the legislation respecting industrial accidents (L. S. 1932, Sp. 6).

Decree of 31 January 1933 issuing Regulations under the above Decree.

See also introductory note.

*Sweden.*

Act of 14 June 1929 respecting insurance against occupational diseases (L. S. 1929, Swe. 1 A), amended by the Act of 12 September 1930 (L. S. 1930, Swe. 4 A).

Royal Notification of 22 November 1929 to issue special regulations under the Act of 14 June 1929 (L. S. 1929, Swe. 1 B), amended by the Royal Notifications of 7 November 1930 (L. S. 1930, Swe. 4 B) and 13 March 1931 (L. S. 1931, Swe. 2).

*Switzerland.*

Federal Act of 13 June 1911 respecting sickness and accident insurance (summary in B. B. Vol. VII, 1912, p. CXXXIV), amended and supplemented by the Federal Acts of 18 June 1915 and 9 October 1920 (L. S. 1920, Switz. 7).

Orders No. I of 25 March 1916, No. I *bis* of 20 August 1920 (L. S. 1920, Switz. 8), No. I *ter* of 8 December 1922, No. I *quater* of 8 November 1927 (L. S. 1927, Switz. 3 B) and No. I *quinquies* of 25 February 1936 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.*

Act of 26 November 1920 concerning occupational accidents (L. S. 1920, Ur. 1) amended by the Act of 11 January 1934 (L. S. 1934, Ur. 1).

*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 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 Parliament has not yet had an opportunity of taking a decision concerning the question of amending the Act of 24 July 1927 on this point...

*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.

*Finland.* — The report states that the persons who, in virtue of the legislation relating to the insurance against accidents of wage-earning employees and the right of civil servants and State employees to compensation in case of accidents, are entitled to compensation for bodily injury caused by an industrial accident, have also the right to compensation for diseases manifestly caused by the action of the substances specified in the Act of 12 April 1935 respecting compensation for certain occupational diseases. In the case of occupational diseases the compensation is granted on the same principles as in the case of bodily injury resulting from accidents...

*Hungary.* — See introductory note.

*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.

*Norway.* — See introductory note.

*Portugal.* — (i) For an account of the general principles of the legislation relating to compensation for industrial accidents see the summary of the report under *Convention No. 17 (Workmen's compensation, accidents)*. (ii) § 16 of the Act of 27 July 1936 provides that if the accident results in the death of the injured person a pension shall be paid to that person's dependants according to the following rate: 25 per cent. of the annual wage to the widow, to the widower if it was proved that he was maintained by the woman, to a wife or husband who has been divorced with a right to alimony; 15, 30 or 40 per cent. of the annual wage to children under the age of 16 years whether legitimate, legitimated or adopted, according to whether there are one, two, or three and more children (these percentages being fixed respectively at 25, 45 and 60 per cent. when the children in question have lost both father and mother); if there is neither a surviving child nor a surviving wife or husband, 10 per cent. of the annual wage subject to a maximum limit of 40 per cent. to the relations in the ascending line and to any natural heirs under the age of 16 years provided that they were maintained by the injured person. According to § 17 of the Act the victim of an accident who has suffered permanent or temporary incapacity is entitled to a pension or compensation equal to two-thirds of his wages when the incapacity is total and to two-thirds of the reduction in his earning capacity when the incapacity is partial. (iii) Compensation for occupational diseases is granted on the basis of the same legal provisions as for industrial accidents. In the case of occupational diseases, however, the legislation provides that the employer is responsible for the expenses resulting from such diseases only for one year from the date of the dismissal of the employee. If the disease manifests itself before the expiry of the liability of the employer the cost of compensation falls upon all the employers who had engaged the worker in question in any similar employment, this cost being distributed in proportion to the duration of the worker's employment with each of his employers within the prescribed time limit. The employee in every case may claim the whole compensation from the last employer who then has a right of recovery against the preceding employer or employers (§ 9). In order to obtain compensation the employee must prove that he is suffering from one of the diseases specified by law and that he has been

habitually employed in one of the industries or occupations corresponding to the disease which he has contracted (§ 10).

*Spain.* — (i) For a statement of the principles of the legislation with regard to workmen's compensation for industrial accidents, see under *Convention No. 17 (Workmen's compensation, accidents)*. (ii) §§ 23 and 28 of the Decree of 8 October 1932 issuing the consolidated text of the legislation respecting industrial accidents provide for compensation for accidents in accordance with the following rates: if the accident causes temporary disablement, the employer shall pay the victim compensation equal to three-quarters of his daily wage from the day when the accident occurred up to the day when the worker is either fit to return to work or is declared to be permanently disabled. If the disablement still continues after a year has elapsed, the compensation shall be fixed in accordance with the provisions relating to permanent disablement, without prejudice to the results of any subsequent review of the case. If the accident has resulted in permanent total incapacity for all work, the employer shall pay the victim a pension equal to 50 per cent. of his wages. If the accident has resulted in permanent total incapacity for the employee's habitual occupation, but is not such as to prevent his taking up work of another kind, the pension shall be equal to 37.5 per cent. of his wages. If the accident has resulted in permanent partial incapacity for the occupation or kind of work in which the victim was employed, the employer shall pay him a pension equal to 25 per cent. of his wages. If the accident results in the death of the employee, the employer shall pay the following sums: (1) a pension equal to 50 per cent. of the victim's wages if he leaves a widow and children or grandchildren unfit for work or orphans under 18 years of age who were under his care; (2) a pension equal to the above pension if the victim leaves only children or grandchildren unfit for work or orphans under 18 years of age or orphan brothers and sisters who are minors and maintained by him; (3) a pension equal to 25 per cent. of the wages to a widow without children or other descendants of the deceased; (4) a pension equal to 20 per cent. of the wages to the parents or grandparents of the victim, provided that they are indigent and not less than 60 years of age or incapable of work, and that he has not left a widow or descendants, but two or more relatives in the ascending line. If there is only one such relative, the compensation shall consist of a pension equal to 15 per cent. of the victim's wages. (iii) No special provisions exist with regard to workmen's compensation

for occupational diseases. See also introductory note.

*Uruguay.* — (i) For a brief account of the general principles of the legislation concerning workmen's compensation for accidents, see the summary of the report relating to *Convention No. 17 (Workmen's compensation, accidents)*. (ii) In accordance with § 14 of the Act of 26 November 1920 respecting occupational accidents, the daily compensation payable in case of temporary incapacity for work is one-half of the wages of which the victim was in receipt at the time of the accident. In case of permanent partial incapacity, the worker is entitled to an annuity equal to one-half the reduction of his wages in consequence of the accident; in case of permanent total incapacity, the worker is entitled to an annuity equal to two-thirds of his annual pay. According to § 17 of the Act, if the accident has resulted in the death of the worker, an annuity equal to 20 per cent. of the wages is payable to the surviving husband or wife if there has not been a divorce or separation; the husband would be entitled to the pension only if he proves that he is incapable of work. Children below the age of 16 who were maintained by the victim are entitled to a pension fixed at 15, 25, 35 or 40 per cent. of the annual wage, according to whether their number is one, two, three or four and more; if the children have neither surviving father nor mother, the pension may be fixed for each child at 20 per cent. of the annual wage. The total amount of the annuities granted to dependants may not, however, exceed two-thirds of the annual wage; if the total amount of the pensions exceeds two-thirds of the said wages, each pension shall be proportionally reduced. If the victim of the accident did not leave any of the persons mentioned above, the ascendants who were maintained by him are entitled to a direct pension equal to 10 per cent. of the annual wages for each, which shall not exceed the total amount of a pension of 30 per cent. of the annual wages. (iii) Under § 8 (a) of the Act of 11 January 1934, compensation for occupational diseases is granted in the same conditions as those for industrial accidents.

## ARTICLE 2.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to consider as occupational diseases those diseases and poisonings produced by the substances set forth in the Schedule appended hereto, when such diseases or such poisonings affect workers engaged in the trades or industries placed opposite in the said Schedule, and result from occupation in an undertaking covered by the said national legislation.

## SCHEDULE.

<i>List of diseases and toxic substances.</i>	<i>List of corresponding industries and processes.</i>
Poisoning by lead, its alloys or compounds and their sequelae.	Handling of ore containing lead, including fine shot in zinc factories. Casting of old zinc and lead in ingots. Manufacture of articles made of cast lead or of lead alloys. Employment in the polygraphic industries. Manufacture of lead compounds. Manufacture and repair of electric accumulators. Preparation and use of enamels containing lead. Polishing by means of lead files or putty powder with a lead content. All painting operations involving the preparation and manipulation of coating substances, cements or colouring substances containing lead pigments.
Poisoning by mercury, its amalgams and compounds and their sequelae.	Handling of mercury ore. Manufacture of mercury compounds. Manufacture of measuring and laboratory apparatus. Preparation of raw material for the hat-making industry. Hot gilding. Use of mercury pumps in the manufacture of incandescent lamps. Manufacture of fulminate of mercury primers.
Anthrax infection.	Work in connection with animals infected with anthrax. Handling of animal carcasses or parts of such carcasses, including hides, hoofs and horns. Loading and unloading or transport of merchandise.

*Chile.* — The Decree of 21 April 1927 (§ 8) contains a list of compensable diseases assimilated to accidents which includes, *inter alia*, lead poisoning, mercury poisoning and anthrax. § 259 of the Labour Code provides that the President of the Republic shall issue special regulations specifying the occupational diseases referred to in the Code, and may revise these regulations every three years. These regulations, which are to supersede the above Decree, have not yet been issued.

*Colombia.* — See introductory note.

*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	(a) Care of animals, work in slaughter houses, use or destruction of animal carcasses or remains which may be infected with anthrax; (b) work with wool, fur, leather, skins, hair, or silks. Undertakings for trade in these products and for their transport.

*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.

*Finland.* — The list of occupational diseases giving rise to compensation in Finland includes all the diseases mentioned in the Convention, as well as a number of other diseases. The Order of 31 December 1935 specifies the occupations which must be regarded as liable to cause occupational diseases giving rise to compensation.

*Hungary.* — See introductory note.

*Irish Free State.* — The occupational diseases set out in the Schedule to Article 2 of the Convention are included in the

Sixth Schedule to the Workmen's Compensation Act, 1934...

*Italy.* — § 2 of the Royal Decree of 13 May 1929 provides that the diseases specified in the Schedule reproduced below which have been contracted in the course of and as a result of the processes specified in the said Schedule for each disease shall be deemed to be occupational diseases.

<i>Diseases.</i>	<i>Processes.</i>
Poisoning by lead, its alloys or compounds and their sequelae	Handling of minerals containing lead, including residues containing lead in zinc factories. Casting of old zinc and lead in ingots. Manufacture of articles made of lead or of lead alloys. Processes in the polygraphic industries in which lead or lead alloys are used. Manufacture of lead compounds. Manufacture and repair of electric accumulators. Preparation and use of enamels and varnishes containing lead. Polishing by means of lead filings or paste with a lead content. Painting operations involving the preparation and manipulation of coating substances, cements or colouring substances containing lead pigments.
Poisoning by mercury, its amalgams and compounds and their sequelae	Handling of mercury ore, down to the bottling of the metal. Manufacture of mercury compounds. Manufacture of measuring and laboratory apparatus containing mercury. Preparation of raw materials for the hat-making industry (carrotting of fur for hats). Fire gilding involving the use of mercury. Use of mercury pumps. Manufacture of fulminate of mercury primers. Silvering of mirrors with mercury.

Under §14, anthrax infection is deemed to be an industrial accident for purposes of Act No. 51 (consolidated text) of 31 January 1904 (workmen's compensation for industrial accidents) and of Legislative Decree No. 1450 of 23 August 1917 (workmen's compensation for accidents in agriculture). The report adds that the Regulations of 5 October 1933 issued under the Act contain a table of symptoms of morbidity giving rise to compensation. These symptoms are as follows: (1) for lead poisoning; lead anaemia, arteriosclerosis, lead cardiopathies, lead colic, lead encephalopathia, injuries caused to the eyes by lead, myalgia, arthralgia, arthritis, gout caused by lead, lead nephritis, lead paralysis; (2) for mercury poisoning; anaemia, stomatitis, gastro-enteritis, tremors, mental disorders, paralysis due to mercury. The report adds further that, under §2 of the Regulations, all



workers who are employed in the same workplace on processes connected with or supplementary to those mentioned in the above table are also liable to compulsory insurance against occupational diseases if, in the opinion of the competent office of the corporative inspectorate they are in any way exposed to the risk of poisoning.

*Norway.* — See introductory note.

*Portugal.* — The occupational diseases covered by the Convention are recognised as compensable under § 8 of the Act of 22 July 1936. The Act contains in an appendix a list which includes all the industries and occupations mentioned in the table contained in this Article of the Convention.

*Spain.* — See introductory note.

*Switzerland.* — § 47 of Order No. I amended by Order No. I *bis* and supplemented by Orders No. I *quater* and No. I *quinquies* gives the list of substances whose production or use involves the risk of certain serious diseases giving rise to compensation on the same basis as industrial accidents . . .

*Uruguay.* — § 8 (a) of the Act of 11 January 1934 lays down that lead poisoning and mercury poisoning shall be considered as occupational diseases, and that the executive authority may add new diseases to those mentioned in the Act. The report states that, in order to bring the national legislation into harmony with the Convention, the executive power would have to make use of the option granted to it by law by including anthrax infection among the occupational diseases giving rise to compensation.

### 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 35 of the Constitution of the International Labour Organisation (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 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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 1953) 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. See also "*General observation*" under *Convention No. 2 (Unemployment)*, point III.

*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*, the Colonial Council and the Government have approved a draft Order "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." This Order has not however been promulgated.

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

*Spain*. — The legislation in force in Spain extends only to its fortified settlements in Africa (*Ceuta* and *Melilla*).

#### IV.

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

*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 officers appointed to protect labour are responsible for supervising the enforcement of the Act.

*Chile*. — See under *Convention No. 12 (Workmen's compensation, agriculture)*, point IV.

*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.

*Hungary*. — See introductory note.

*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 correlative inspectors.

*Norway*. — See introductory note.

*Spain*. — The report states that the labour inspectors are responsible for the application of the measures which concern accident prevention. See also introductory note.

*Uruguay*. — See under *Convention No. 12 (Workmen's compensation, agriculture)*, 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.*

*Belgium*. — The report states that in 1936 two disputes were brought before the Justice of the Peace. In one of these cases a lead worker whose illness could not be recognised as having had an occupational origin was refused the demand that he had put forward. In the other the welfare funds were ordered to pay benefits

for total incapacity to a zinc and lead metallurgical worker who was considered by the funds as having suffered partial temporary incapacity. No final decision has been given, as the above judgment has been made the subject of an appeal.

*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 two judgments, however, concerning compensation for cases of occupational diseases which are not covered by the Convention.

*Spain.* — Among the decisions giving compensation to victims of occupational diseases, the report refers to those of 17 June 1903, 5 March 1909, 28 July 1913, 13 October 1920, 20 October 1924, 29 December 1925, 23 February 1928, and 2 March and 5 December 1933, where the Supreme Court ordered compensation in several cases of lead poisoning.

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 1935 was 732,791. During the same year, the number of cases of lead poisoning which were notified was 40, of which 11 were compensated. The cases were divided as follows among various

occupations: lead manufacture, 1 case (compensated); metal work, 8 cases; manufacture of accumulators, 1 case (compensated); industries for the preparation of enamels, 7 cases (2 compensated); manufacture of colours and painting work, 2 cases (1 compensated); printing, type-founding, 5 cases; other undertakings, 16 cases (5 compensated). For the same period, 2 cases (1 compensated) of mercury poisoning were notified in the electrical industry and one case in the hat-making industry. 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 1935 shows that, during the period to which the report applies, the number of cases of occupational diseases notified was as follows: 84 cases of lead poisoning, 1 case of hydrargyrisms and 4 cases of anthrax. Compensation was granted in 53 cases of lead poisoning, and 3 cases of anthrax. Four deaths from lead poisoning were recorded. The cost of compensation for the diseases in question was 468,080.90 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.* — The report states that no observations have been made by the employers' and workers' organisations with regard to the practical application of the provisions of the Convention or of the national legislation dealing with the matter.

*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.* — The report states that statistical information will be communicated

to the Office as soon as it is possible to do so. 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 Government refers to the report of the factory inspection service for the year 1934 which has been communicated to the Office.

*Denmark.* — The Government states that, during the period 1 October 1934-30 September 1935, the Directorate of Accident Insurance recorded 9 cases of occupational disease, the cost of which was as follows: medical treatment, etc., 300 crowns; daily benefit, 3,436 crowns; annual pensions, 2,836 crowns; compensation in case of death: 21,106 crowns and for funeral expenses: 360 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 during the period covered by the report one case of lead poisoning was notified, the victim concerned being a person engaged in painting work.

*France.* — The Government has communicated to the Office a copy of a report drawn up by the Ministry of Labour concerning the application of the Act of 25 October 1919 during the year 1935. This report contains detailed statistics relating to cases of lead poisoning and mercury poisoning. Statistics regarding anthrax infection will be communicated later. The employers' and workers' organisations have not made any observations concerning the practical application of the provisions of the Convention.

*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 are published annually in the workmen's compensation statistics. The statistics of cases of occupational diseases covered by the Convention for 1935 for Great Britain and Northern Ireland were: lead poisoning or its sequelae, 174; anthrax, 17; mercury poisoning, or its sequelae, 2. The reports 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.* — See introductory note.

*India.* — Statistical information is given in the workmen's compensation statistics for the year 1934 and the Note on the working of the Indian Workmen's Compensation Act, 1923. The statistics for 1935 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 1935 seven cases of occupational diseases 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 1935, the number of cases of lead poisoning was 6, one of which proved fatal; the compensation paid in the latter case amounted to £200. 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 (1934), 1,187,995 males, 1,036,364 females; mines (1935), 247,668 males, 27,136 females; other undertakings (1934), 791,143 males, 92,745 females. Number of cases of sickness subject to relief: factories (1934), 335 males, 917 females; mines (1935), 134 males, 2 females; other undertakings (1934), 81 males, 2 females. Cost of relief: factories (1934), 15,250 yens; mines (1935), 34,394 yens; other undertakings (1934), 4,179 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 1935 there were 17 cases of lead poisoning among working painters, and the same number during the first ten months of 1936.

*Luxemburg.* — The report of the Luxemburg Accident Insurance Association for 1935, to which the annual report of the Government refers, states that two cases of lead poisoning were reported. The Government has not received any observations from the organisations concerned with regard to the practical application of the Convention.

*Netherlands.* — The Government has communicated to the International Labour Office a copy of the Report of the State Insurance Bank (*Rijksverzekeringsbank*) for 1935, from which it appears that 5 cases of lead poisoning and one case of anthrax infection gave rise to compensation. The report states that no cases of infringement of the relevant legislation were reported during the period under review, and no observations were received from employers' or workers' organisations.

*Norway.* — See introductory note.

*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.

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

*Sweden.* — The report states that during the year 1933—the latest year for which claims for compensation have been definitely settled—59 cases of occupational diseases were notified, of which 26 gave rise to compensation. Five of these cases were due to lead poisoning, 1 case to hydrargyrisms, 1 case to anthrax and 13 cases to silicosis. During the period covered by the report, the number of cases notified was 178. 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 1935 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 1935 and 30 September 1936: *Lead poisoning*: 31 cases, 1 of which terminated fatally. These 31 cases cost: (a) unemployment benefit: 11,544.35 francs; (b) medical expenses: 12,444.30 francs; (c) survivors' pensions (capital value): 18,094 francs; total 42,082.65 francs. The cases resulted in 1,629  $\frac{3}{4}$  days of incapacity for work and 2,205 days of medical treatment, including 697 days of hospital treatment. *Mercury poisoning*: 3 cases, all of which resulted in recovery. These 3 cases cost: (a) unemployment benefit: 2,390.20 francs; (b) medical expenses: 1,995.75 francs; total: 4,385.95 francs. The cases resulted in 307  $\frac{1}{2}$  days of incapacity for work and 301 days of medical treatment, including 119 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.* — The report states that particulars of this kind are not available.

*Yugoslavia.* — The report states that during 1935 there were 10 cases of lead poisoning, one of which was granted a pension amounting to 9,006 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 States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935-30 September 1936 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria . . . . .	29. 9.1928	23 12.1936
Belgium . . . . .	3.10.1927	22.10.1936
Bulgaria . . . . .	5. 9.1929	23.11.1936
Chile . . . . .	8.10.1931	4. 1.1937
China . . . . .	27. 4.1934	11. 1.1937
Colombia . . . . .	20. 6.1933	25. 1.1937
Cuba . . . . .	6. 8.1928	2.12.1936
Czechoslovakia . . .	8. 2.1927	7. 1.1937
Denmark . . . . .	31. 3.1928	15. 1.1937
Estonia . . . . .	14. 4.1930	26.10.1936
Finland . . . . .	17. 9.1927	17.11.1936
France . . . . .	4. 4.1928	12. 4.1937
Great Britain . . .	6.10.1926	10.12.1936
Greece . . . . .	30. 5.1936	5. 1.1937
Hungary . . . . .	19. 4.1928	2. 3.1937
India . . . . .	30. 9.1927	16.12.1936
Irish Free State . .	5. 7.1930	19.10.1936
Italy . . . . .	15. 3.1928	24. 2.1937
Japan . . . . .	8.10.1928	4. 2.1937
Latvia . . . . .	29. 5.1928	28.12.1936
Lithuania . . . . .	28. 9.1934	30. 3.1937
Luxemburg . . . . .	16. 4.1928	8. 2.1937
Mexico . . . . .	12. 5.1934	16.11.1936
Netherlands . . . .	13. 9.1927	9.10.1936
Nicaragua . . . . .	12. 4.1934	
Norway . . . . .	11. 6.1929	4.12.1936
Poland . . . . .	28. 2.1928	27.11.1936
Portugal . . . . .	27. 3.1929	10.12.1936
Spain . . . . .	22. 2.1929	30. 3.1937
Sweden . . . . .	8. 9.1926	23.11.1936
Switzerland . . . .	1. 2.1929	7. 1.1937
Union of South Africa	30. 3.1926	10.11.1936
Uruguay . . . . .	6. 6.1933	23.12.1936
Yugoslavia . . . . .	1. 4.1927	13.11.1936

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, in view of the fact that the Constitution of the Republic, in theory, provides for reciprocity of treatment, that is to say, foreigners in Colombia have the same rights as are granted in their respective countries to Colombian nationals. Moreover 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 Government adds that when this legislation is amended the provisions of the Convention will be included in the new Act. For the general information supplied by the Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

For the general information contained in a letter from the Government of *Greece*, dated 17 December 1936, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The *Lithuanian* Government states in its report that an Act concerning insurance against occupational accidents was promulgated on 30 April 1936, the provisions of which are fully in harmony with those of the Convention. This Act, however, came into force only on 1 January 1937.

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

For the general information supplied by the Government of *Spain*, see under *Convention No. 1 (Hours of work, 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.*

## *Austria.*

Federal Act of 30 March 1935 concerning social insurance in industry (L. S. 1935, Aus. 2) and amending Act of 9 July 1936 (L. S. 1936, 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).

Federal Act of 3 August 1936 concerning certain provisional measures regarding the administration of social insurance institutions for workers and salaried employees in agriculture and forestry (L. S. 1936, Aus. 3).

The report states that, in so far as the provisions of the above Acts are 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).

Mines Act of 25 June 1936.

### *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, amended by Decrees Nos. 1252 and 1653 of 6 May and 27 June 1936.

Various Orders relating to the above legislation.

### *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).

Legislative Decree of 5 February 1936 respecting the insurance of agricultural workers against accidents (L. S. 1936, Est. 1).

### *Finland.*

Act of 12 April 1935 respecting the insurance of wage-earning employees against accidents (L. S. 1935, Fin. 1) amended by the Act of 14 December 1935.

Order of 25 October 1935 respecting the application of the above Act.

Resolution of the Council of Ministers of 25 October 1935 concerning the application of the Act of 12 April 1935 to works undertaken by the State.

Act of 12 April 1935 concerning the right of civil servants and other employees of the State to compensation for accidents.

Resolution of the Council of Ministers of 25 October 1935 respecting the application of the above Act.

Act of 12 April 1935 respecting compensation for certain occupational diseases and for inflammation consequent upon friction caused by implements (L. S. 1935, Fin. 2).

Order of 31 December 1935 for the administration of the above Act (L. S. 1935, Fin. 3).

Various Orders relating to certain technical problems connected with the insurance against accidents of salaried employees.

### *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).

*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.

*Greece.*

- Royal Decree of 24 July 1920 respecting the codification of the Acts respecting liability for payment of compensation to wage-earning or salaried employees who are victims of accidents (L. S. 1923, Gre. 1, appendix), amended in particular by the Legislative Decree of 20 January 1923 (L. S. 1923, Gre. 1).
- Decree of 23 March 1925 to consolidate in a single text the laws concerning assistance to persons who are victims of accidents in mining and metallurgical undertakings and their families (L. S. 1925, Gre. 6) amended subsequently.
- Act No. 6298 of 24 September 1934 respecting social insurance (L. S. 1934, Gre. 7).

*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), No. 6500 of 21 June 1935 (L. S. 1935, Hung. 2) and No. 1250 of 6 March 1936 (L. S. 1936, Hung. 4), and Orders issued under the Act XXXI of 1928 containing provisions relating to the application of the Convention to industry, commerce, mines and communications.
- Act XVI of 1900 relating to agricultural workers subject to compulsory accident insurance, and the regulations having force of law which amend and supplement the Act.
- Order No. 2830/1932 of the Council of Ministers, dated 10 May 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.

*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.*

Act No. 1942 of 27 July 1936 respecting the right to compensation for injury resulting from industrial accidents or occupational diseases (L. S. 1936, Por. 2).

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

Legislative Decree No. 24,363 of 15 August 1934 to supersede Legislative Decree No. 24,194 concerning the procedure and work of the labour courts (L. S. 1934, Por. 3).

*Spain.*

Decree of 8 October 1932 issuing the consolidated text of the legislation 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. 3).

Various Decrees granting exemption from certain provisions of the Act of 17 June 1916, as amended, to the nationals of the countries which have ratified the Convention.

*Switzerland.*

Federal Act of 13 June 1911 respecting sickness and accident insurance (summary in B. B., Vol. VII, 1912, p. CXXXIV), amended and supplemented by the Federal Acts of 18 June 1915 and 9 October 1920 (L. S. 1920, Switz. 7).

Orders No. I of 25 March 1916, No. I *bis* of 20 August 1920 (L. S. 1920, Switz. 8), No. I *ter* of 8 December 1922, No. I *quater* of 8 November 1927 (L. S. 1927, Switz. 3 B) and No. I *quinquies* of 25 February 1936 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).

Act No. 38 of 24 June 1936 amending the Workmen's Compensation Act (L. S. 1936, S. A. 2).

*Uruguay.*

Act of 26 November 1920 respecting occupational accidents (L. S. 1920, Ur. 1).

*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.

*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. By the Act of 25 June 1936 the benefits of the above-mentioned provisions of the Factories Act have been extended to workers in mines. 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...

*Finland.* — The Act of 12 April 1935 provides in § 60 that, if the injured person is not a Finnish citizen and if at the time when he sustained injury he had not been resident in Finland for at least a year

without interruption, compensation shall not be paid under the Act. This restriction is however not applicable to a person who was formerly a Finnish citizen or who enjoys the right of asylum in Finland. The same section provides that the Government shall be entitled to authorise exceptions to the above provisions for citizens of certain States on the basis of reciprocity. The report states that the nationals of States which have ratified the Convention are entitled to claim the benefits of such exceptions. According to § 61 of the Act, if a person entitled to compensation resides abroad for more than a year, he shall forfeit his right to compensation for so long as he continues to reside abroad. Nevertheless, if sufficient reason for the residence abroad is present, the Insurance Council has power to grant compensation during the residence abroad.

*France.* — . . . The report adds that the negotiations between the representatives of the French and Spanish Governments have resulted in a draft arrangement based on this Article of the Convention, and that negotiations are contemplated in the near future with a view to concluding an agreement on the same basis between France and the Netherlands.

*Greece.* — In accordance with § 5 of the Royal Decree of 24 July 1920 as amended, aliens are entitled to the compensation provided for temporary incapacity caused by industrial accidents only if they are resident in Greece; the compensation payable in case of death is due only if the dependants were resident in Greece at the time of the accident. In all cases the same rights may, however, be recognised in favour of aliens on the same basis as for nationals if there exists an agreement concluded with their country of origin providing for reciprocity. In the absence of such agreement the rights accorded to nationals will be recognised without reservation in favour of foreigners if the legislation of their country of origin concerning industrial accidents provides for foreign workers resident in the country in question treatment in conformity with the spirit of Greek legislation (Legislative Decree of 20 January 1923). The report states that the condition of residence is not exacted by the law in the case of permanent incapacity when the compensation is payable to the victim in the form of a lump sum. With regard to workers employed in mines and metallurgical undertakings the Decree of 23 March 1935 provides in § 13 that foreigners are entitled to a pension under the law if they are resident in Greece. The same is the case for their dependants if they are resident in Greece and if they were resident in Greece at the date of the accident. Nevertheless, foreigners who are victims of an accident and their dependants would

receive, if they left Greece, a compensation equal to the pension for three years and would definitely lose all further right for themselves and their dependants. The report states that a Bill which will be submitted in the near future will abolish the condition of residence contained in the existing legislation.

*India.* — Every person who falls within the definition of "workman" as contained in Section 2 (1) (n) of the Indian Workmen's Compensation Act is entitled to the benefits of the Act irrespective of nationality and without any condition as to residence. In exercise of the powers conferred by § 35 of the Act the Workmen's Compensation (Transfer of Money) Rules were issued in 1935. Special arrangements for the payment of claims outside India have been made with the Government of the Straits Settlements.

*Irish Free State.* — The Workmen's Compensation Act, 1934 makes no distinction between national and foreign workers. Under § 70 of the Act, the Executive Council may, by order, make certain special provisions to ensure the application of the Convention, and under § 71 the Council is authorised to make arrangements with other States for the reciprocal transfer and payment of benefits. No arrangement of this kind has yet been made. The report adds that the Acts which have been repealed by the Act of 1934 continue in force and effect in cases where the accident happened prior to 1 August 1934.

*Latvia.* — . . . The exceptions under § 31 of the Act 1 June 1927 are not applicable to nationals of States which have ratified the Convention. The Convention is applied in practice with no conditions as regards residence.

*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.

*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.

*Portugal.* — § 3 of the Act of 27 July 1936 respecting the right to compensation for the consequences of industrial accidents or occupational diseases provides that if an alien meets with an industrial accident on Portuguese territory he and his heirs and representatives shall enjoy the rights granted by the Act to Portuguese citizens even if they are resident outside Portugal, provided that the legislation of their country grants the same treatment to Portuguese citizens. § 30 of the Act provides that the method of making payments abroad shall be regulated by agreements between the Portuguese Government and the other Governments concerned.

*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.* — The report states that under Uruguayan legislation the same compensation is payable to all victims of accidents irrespective of their country of origin. This equality of treatment between national and foreign workers is, however, subject to the condition as regards residence laid down in § 58 of the Act of 26 November 1920, which provides that "a person protected by the Act shall be entitled to a pension only if he was resident in the territory of the Republic at the date of the accident and remains therein. If he absents himself he shall lose his right to the pension and shall receive as final compensation a sum equal to three years' pension".

## 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, will be the subject of forthcoming negotiations, and that a draft agreement with Spain, of the same kind, has just been initialled.

*Greece.* — The report states that there does not exist any agreement of this kind concluded with other States, but that Greece will take up the question of concluding such agreements.

*Lithuania.* — See introductory note.

*Mexico.* — The report states that no special agreements have been made.

*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.* — The report states that Uruguayan legislation does not provide for the case contemplated by this Article and that no agreement has been concluded on the subject.

### 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 allowances 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.

*Greece.* — Legislation on the subject was already in existence.

*Lithuania.* — See introductory note.

*Mexico.* — Legislation concerning workmen's compensation for accidents was already in existence when the Convention was ratified.

*Uruguay.* — Legislation on the subject of workmen's compensation has been in existence since 1920.

### 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 scope of application of the Federal Act of 30 March 1935 concerning social insurance in industry has been slightly modified by an Act of 9 July 1936.

*China.* — The Act of 25 June 1936 has extended to workers in mines the benefits of the provisions of Chapter 9 (Grants and Benefits) of the Factories Act.

*Estonia.* — By Legislative Decree dated 5 February 1936 a special system of accident insurance has been set up for agricultural workers. The Decree came into force on 1 May 1936.

*Finland.* — Previously existing legislation has been replaced by a series of new Acts and Orders which have slightly modified the former system of workmen's compensation for accidents. The texts which are mentioned under I, the Act of 12 April 1935 concerning the insurance against accidents of salaried employees, the Act of 12 April 1935 concerning compensation for certain occupational diseases and the Order of 31 December 1935 respecting the application of the above Act will be communicated to the Governments concerned.

*Italy.* — Decree No. 2276 of 15 December 1936 supplements Royal Decree No. 1765 of 17 August 1935 concerning compulsory insurance against industrial

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accidents and occupational diseases. These Decrees, which repeal and replace the existing legislation on the subject, came into force, however, only on 1 April 1936.

*Portugal.* — Act No. 1942 of 27 July 1936 respecting the right to compensation for the consequences of industrial accidents or occupational diseases has repealed and replaced previously existing legislation on the subject.

*Switzerland.* — An Order of 25 February 1936 has supplemented the list of undertakings subject to compulsory accident insurance as well as the list of toxic substances whose production or use involves the risk of causing certain occupational diseases.

*Union of South Africa.* — The report mentions certain modifications which have been made to the Act concerning workmen's compensation by an Amending Act of 24 June 1936.

### 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 35 of the Constitution of the International Labour Organisation (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 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

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

*France.* — The report states that the Convention, which was already applied in *Algeria* and *Tunisia*, has now been applied in the French zone of the *Sherifian Empire* by a Dahir of 6 February 1933. The Convention is not yet applied in the other French colonies and protectorates. With regard to *Algeria*, the report adds that the Supreme Court of Appeal, by an Order of 27 February 1934, has ruled that the Convention, which was ratified by the

Act of 30 March 1928 but was only extended to *Algeria* by a Decree of 29 March 1930, had force of law in the colony even before the date of this Decree, since the legislation of the home country with regard to industrial accidents had been extended to *Algeria* by the Act of 25 September 1919, and this extension applied not only to the legislation then existing, but also to future legislation, as any Act amending an Act already in force applied *ipso facto* to the colony in question.

*Great Britain.* — ... 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. See also "General observation" under *Convention No. 2 (Unemployment)*, point III.

*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 insurance 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*, to which the ratification

does not apply, 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.*

*Chile.* — See under *Convention No. 12 (Workmen's compensation, agriculture)*, point IV.

*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.

*Finland.* — The supervision of the application of the Act respecting the insurance against accidents of salaried employees is entrusted to the Insurance Council, which is attached to the Ministry of Social Affairs, to which the insurance companies and the State Accidents Office are required to submit for examination their decisions in the cases specified by the relevant legislation. The Insurance Council also functions as an appeal court of first instance from whose decisions an appeal lies in certain cases to the Supreme Court.

*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.

*Greece.* — The application of the legislation in question is within the competence of the civil courts. Disputes in connection with workmen's compensation for accidents which are not submitted to the courts are often settled by the inspection services, to which all accidents must be reported. See also *Convention No. 1 (Hours of work, industry)*, point V.

*Lithuania.* — See introductory note.

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

*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 appointed, 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.* — The authorities entrusted with the supervision of the application of the legislation in question are the National Labour Office and its different branches, as well as the State Insurance Bank.

## 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.*

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

*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.* — The report states that the number of foreign workers in Bulgaria is 4,651, of whom 1,980 are Russians, 612 Armenians, 599 Yugoslavs, 311 Hungarians, 273 Czechs, 193 Germans, 186 Italians, 149 Austrians, etc. Classified according to occupations, there were among these foreigners 2,746 workers, 1,394 specialists, 433 administrative managers and 78 technical managers.

*Chile.* — The report states that the number of foreign workers in Chilean territory is 30,964. Of this number, 2,381 salaried employees and 5,004 workers were employed in industry, 6,800 salaried employees and 1,253 workers in commerce, and 452 salaried employees and 2,572 workers in agriculture. The number of industrial accidents suffered by foreign workers was 635. 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.* — Statistical information will be communicated to the Office as soon as such information is available. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention.

*Czechoslovakia.* — The Government refers to the report on factory inspection for the year 1934 which has been communicated to the Office.

*Denmark.* — The report states that, in the absence of the necessary statistics, it is impossible to supply detailed information under this heading. No observations have been received from organisations of employers or workers with regard to the practical application of the Convention and of the national legislation which implements its provisions.

*Estonia.* — The statistical data at present available do not permit of the supply of information regarding the number of foreign workers employed in Estonia, the number of accidents which have occurred in the case of foreign workers, etc. No observations have been received from employers' or workers' organisations with regard to the practical application of the Convention.

*Finland.* — The report states that according to information supplied by the insurance companies and the State Accidents Office there were, during the period covered, 26 industrial accidents in which the victims were foreigners. Of this number 21 cases gave rise to the grant of daily benefits, while five cases are still pending. Classified according to their nationality, the victims included 7 Russians, 2 Inguerians, 2 Estonians, 1 Latvian, 3 Germans, 1 Hungarian, 1 Belgian, 1 Norwegian, 1 Italian, 2 British and 5 of unknown nationality.

*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 number of foreign workers in France was 1,288,644 (employees and workers) of which 1,135,161 belonged to industrial occupations and 153,483 to agricultural occupations. The report adds that there was no appreciable change in these figures during the year 1936 and that, in any case, precise data on the

subject in question can only be given when the results of the general census of the population in March 1936 are known. 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.

*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.

*Greece.* — The report states that there are in Greece more than 40,000 foreign workers possessing labour permits. More detailed information will be supplied in future reports.

*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 1935, to which the annual report of the Government refers, contains the following information: out of a total of 78 persons in receipt of life annuities who were paid a lump sum during 1935, 12 were foreigners; out of a total of 10,483 accidents reported during 1935, 2,185 (20.84 %) 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.

*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 states that according to the particulars supplied by the Social Insurance Institute 2,658 pensions to victims of accidents resident abroad were paid during the first six months of 1936, the total amount of the sums thus transferred being about 170,500 zloty. In this calculation no account has been taken of the classification of the beneficiaries according to their country of origin; it may be presumed, however, that these figures include a large number of nationals of countries which have ratified the Convention.

*Portugal.* — The report contains no information of this kind.

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

*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 as 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 239 survivors' pensions granted from 1 October 1935 to 30 September 1936 on account of industrial accidents, 224 related to accidents to Swiss citizens, and 15 to foreigners. The nationality of these 15 pensioners was as follows: Italian, 8; German, 6; French, 1. The report adds that, during the period under review, the federal authorities have not received any suggestions, complaints, or observations with regard to the application of the

Convention and of the legislative provisions which implement it.

*Union of South Africa.* — The report states that a number of officials of the Department of Labour and Social Welfare have been appointed, in terms of § 81 of the Workmen's Compensation Act, 1934, to investigate matters falling within the purview of the Workmen's Compensation Commissioner, and to report to him upon such matters. The inspections carried out hitherto have been mainly in order to ensure that employers have insured against their liabilities under the Act and have affixed the necessary notices. No observations have been recieved 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 under *Convention No. 17 (Workmen's compensation, accidents)*, point VI.

*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 States Members which had ratified the Convention unconditionally before 1 July 1936 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 1935-30 September 1936 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Bulgaria . . . . .	5. 9. 1929	23. 11. 1936
Chile . . . . .	31. 5. 1933	4. 1. 1937
Colombia . . . . .	20. 6. 1933	25. 1. 1937
Cuba . . . . .	6. 8. 1928	2. 12. 1936
Estonia . . . . .	23. 12. 1929	26. 10. 1936
Finland . . . . .	26. 5. 1928	17. 11. 1936
Luxemburg . . . . .	16. 4. 1928	8. 2. 1937
Nicaragua . . . . .	12. 4. 1934	
Spain . . . . .	29. 8. 1932	30. 3. 1927
Uruguay . . . . .	6. 6. 1933	23. 12. 1936

The Government of *Colombia* states in its report that its main object in rati-fying 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. For the general information sup-plied by the Government, see under *Con-vention No. 1 (Hours of work industry)*, introductory note.

The report of the Government of *Nica-ragua* has not yet been received.

The *Spanish* Government stated in its report last year that the provisions in force, namely, the Royal Decree of 3 April 1919 and the provisional Regulations of 10 June 1919, were not fully in harmony with the text of the Convention. However, since the Convention was ratified, joint boards had followed the terms of the Con-vention in drawing up labour regulations fixing rest hours. The provisions of the Convention had thus been gradually and progressively introduced, and, since 1934, had been uniformly applied. Co-pies of various Ministerial Orders stating the required standards were attached to the Government's report.—The Social Policy Year Book showed the tendency, since 1931, to bring Spanish legislation into line with the provisions of the Convention by means of labour regulations... This tendency had been more marked since 1934. From that time, the labour regulations submitted to the Ministry for approval had been based on the resolutions adopted by the joint boards in order to conform to inter-national legislation. The text of the Minis-terial Orders sent with the report illustrat-ed this juridical phenomenon. For the general information supplied by the Gov-ernment this year, see under *Convention No. 1 (Hours of work, industry)*, introduct-ory note.

The report of the Government of *Uru-guay* states that in Uruguay night work in bakeries, pastry-cooks' or other establish-ments 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 stipulated 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 contra-

vention 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.

Order of 11 November 1931 concerning conditions of employment in bakeries (Ukase No. 32) (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 A).

Decree No. 356 of 30 March 1932 to approve the Regulations for the employment of operative bakers (L. S. 1932, Chile 4 A).

Decree No. 13 of 24 June 1932 to provide for the appointment of operative bakers and bakers' roundsmen for the purpose of supervising the observance of the Act respecting the abolition of night work in bakeries (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 the baking industry (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 the baking industry is prohibited (L. S. 1929, Est. 3 B).

Order of 11 April 1929 concerning 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 the baking industry (L. S. 1929, Est. 3 D).

Order of 27 April 1933 concerning the exceptional cases (authorised for the performance of preparatory and accessory work) in which night work is permitted in the baking industry (L. S. 1933, Est. 1 H), amended by order No. 39 of 1933 (n.d.) (L. S. 1933, Est. 1 J).

Order of the Minister of Communications of 15 December 1934 concerning the exceptional cases in which night work is permitted in the baking industry in order to ensure the weekly rest day (L. S. 1934, Est. 2 B).

### Finland.

Act of 20 January 1928 respecting employment in bakeries (L. S. 1928, Fin. 1 A).

Order of 18 August 1917 respecting work in industrial and certain other establishments (B. B. Vol. XIII, 1918, p. 35).

Order of 11 May 1928 respecting the coming into force of the Convention concerning night work in bakeries.

### Luxemburg.

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

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

### Spain.

Royal Decree of 3 April 1919 prohibiting night work in bakeries and similar establishments during six consecutive hours between 8 p.m. and 5 a.m. (B. B. vol. XIV, 1919, p. 69).

Provisional Regulations of 10 June 1919 to apply Royal Decree of 3 April 1919.

See also introductory note.

### Uruguay.

Act No. 5,646 of 19 March 1918 to prohibit night work in bakeries, pastry-cooks, etc., between 9 p.m. and 5 a.m.

Act No. 7,293 of 15 October 1920 to supplement Act No. 5,646 of 19 March 1918.

Decree of 20 January 1921 issuing Regulations in pursuance of Acts No. 5,646 of 19 March 1918 and No. 7,293 of 15 October 1920.

## 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.

**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.** — § 1 of Act No. 5,646 of 19 May 1918 provides that night work shall be prohibited in bakeries and in the manufacture of macaroni, confectionery and other similar articles. Under § 1 of Act No. 7,293 of 15 October 1920 this prohibition applies equally to proprietors. Uruguayan legislation does not exclude from the prohibition the wholesale manufacture of biscuits.

## 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.

**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.* — § 1 of Act No. 5,646 of 19 March 1918 prohibits work in bakeries between the hours of 9 p.m. and 5 a.m.; this is taken as defining the term "night". The report adds that the employers' and workers' organisations are not permitted to enter into agreements as to the time at which the night period may begin or end. No modification of the definition given in the legislation is permitted.

### 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 eighteen 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 Order No. 39 of 1933 (undated). 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.

*Finland.* — ... (a) ... The report for the year 1 October 1931 to 30 September 1932 stated that ... "the Minister of Social Affairs has authorised kneaders to begin work two hours before 5 a.m. at the earliest, and the stokers of bakery ovens to begin work one hour before 5 a.m. at the earliest." The report for this year states that the authorisation in both cases is for two hours at earliest before 5 a.m.

*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 the 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.* — The legislation applying the Convention makes no allowance for either permanent or temporary exceptions as provided in the Article.

#### ARTICLE 4.

Exceptions may also be made to the provisions of Article 1 in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

*Please state whether your legislation, etc. imposes any conditions subject to which employers are allowed to take advantage of this exception.*

*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.

*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.* — No such exception is allowed by the national legislation. The report does not refer to this point.

### 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 35 of the Constitution of the International Labour Organisation (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 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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. 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, has been replaced by Decree No. 445 of 30 May 1936; this latter Decree 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 report states that the authorities responsible for ensuring the enforcement of this Convention are the Department of Labour, acting through the National Labour Inspectorate, and the courts of summary jurisdiction, which deal with judicial matters.

**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.

**Finland.** — ... For purposes of labour inspection the country is divided into nine districts, with 17 inspectors and assistant inspectors, four women inspectors and

13 worker inspectors. The above are civil servants, but in addition there are, in each municipality, inspectors paid by the municipality, whose work is supervised by the Government labour inspector.

**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.** — The report states that the application of the relevant legislation is entrusted to the National Institute of Labour and its various services. The methods of ensuring supervision include: (a) the registers kept by the National Institute of Labour; (b) the work of the factory inspectors, who for a certain period were assisted by the courts, which issued Orders authorising the inspectors to enter by night establishments where work was being carried out behind closed doors; in every case the inspectors have the co-operation of the police authorities. The report adds that it is difficult to ensure compliance with the law.

## 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 applying the provisions of Chilean legislation which relate to the Convention, and that the labour inspectors exercise constant supervision on their visits, with a view to ensuring strict conformity. As an appendix to the report are attached copies of thirteen relevant decisions with regard to breaches of the prohibition of 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.* — No observations have been received from employers' or workers' organisations with regard to the practical application of the provisions of the Convention or of the national law implementing the Convention.

*Chile.* — The report for 1 October 1934-30 September 1935 forwarded information from the Labour and Provident Section of the Department of Social Welfare in which it was stated that the provisions concerning the prohibition of night work in bakeries were in general observed without difficulty in most parts of the country. In Santiago and Valparaiso, however, certain difficulties had arisen, due to 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. It was added that a system of registration of kneading establishments by the Central Inspectorate of Labour had been adopted, and this had made it possible considerably to reduce their number. At the same time, registered establishments were compelled to conform to the provisions of the law in the matter of hygiene and night work. The report added that the employers' organisations had made insistent representations in favour of the amendment of the legislation relating to night work in bakeries, with a view to permitting the employment of a specified number of workers whose services they considered essential if new bread was to be ready in the early hours of the morning,

as the public demanded. They argued that the employment of a single worker, and that only from 2 a.m. onwards, was quite insufficient for the completion of the preparatory and supplementary work. The Superior Labour Council, in which the employers' and workers' interests are represented, was studying the petition of the employers, and the report stated that the Government would in any case see that the solution finally adopted complied with the Convention. The report for this year states that the solution of the problem is still pending. A report submitted by the Welfare Department of the General Labour Inspectorate states that the employers are concluding mutual agreements to comply with prohibition of night work so as to avoid competition from those who, in defiance of the law, sell fresh bread (to which the people of Chile are generally accustomed) at an earlier hour than those who fulfil their obligations. The number of workers covered by the relevant legal provisions is 12,274; 547 breaches of the Act were noted.

*Colombia.* — See introductory note.

*Cuba.* — The report states that, according to information received from the National Labour Inspectorate, it would appear that some offences against the legislation have occurred, but no statistical details can be given, as the information received from the Inspectorate was incomplete. See also under *Convention No. 1 (Hours of work, industry)*, point VII.

*Estonia.* — The report states that the number of undertakings in which night work in bakeries was carried on at the end of 1935 was 396. These undertakings employed 747 workers. During that year 30 breaches of the Act of 25 March 1929 were reported by the labour inspectors. In 28 cases the inspectors instituted proceedings and in 2 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 1935 the number of bakeries subject to inspection was 1,734 employing 6,238 workers, including 3,808 women. The number of visits of inspection made during the year was 2,307, some of which were made at night. Proceedings were taken in 66 cases of infringement. The employers' and workers' organisations concerned have not made any observations with regard to the application of the Convention.

*Luxemburg.* — The report states that no breaches were reported during the period under review. The Government

has not received any observations from the employers' and workers' organisations concerned with regard to the practical application of the Convention.

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

*Uruguay.* — The report states that the relevant legislation protects about 3,200 workers. The exceptions allowed under Articles 3 and 4 of the Convention do not exist in Uruguay. During the last three years, ten cases of infringement have been reported, and fines amounting to 1,000 pesos have been inflicted.

## 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 States Members which had ratified the Convention unconditionally before 1 July 1936 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 1935-30 September 1936 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Albania . . . . .	17. 3. 1932	
Australia . . . . .	18. 4. 1931	31.10.1936
Austria . . . . .	29.12.1927	16.11.1936
Belgium . . . . .	15. 2. 1928	22.10.1936
Bulgaria . . . . .	29.11.1929	23.11.1936
Colombia . . . . .	20. 6. 1933	25. 1. 1937
Czechoslovakia . .	25. 5. 1928	7. 1. 1937
Finland . . . . .	5. 4. 1929	17.11.1936
Hungary . . . . .	3. 2. 1931	2. 3. 1937
India . . . . .	14. 1. 1928	16.12.1936
Irish Free State . .	5. 7. 1930	2.12.1936
Japan . . . . .	8.10.1928	4. 2. 1937
Luxemburg . . . . .	16. 4. 1928	8. 2. 1937
Netherlands . . . .	13. 9. 1927	9.10.1936
Nicaragua . . . . .	12. 4. 1934	
Uruguay . . . . .	6. 6. 1933	23.12.1936

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. For the general information supplied by the Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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 no legislation exists providing for the placing of an official inspector on board an emigrant vessel and stipulating his duties and powers. The legislation given below under I, however, contains provisions concerning the protection of emigrants, the competence of the masters and the inspection of emigrant vessels.

The Government of *Luxemburg* states that it is not practicable to apply this Convention, since the country possesses neither seaboard, seaports, nor sea-going vessels.

The Government of the *Netherlands* states in its report that there is no clause in Netherlands legislation requiring the inspection of vessels; inspection is carried out under the Act of 1 June 1861 (*Staatsblad* No. 53) containing provisions respecting the transit and transport of emigrants before the departure of the vessel. The Convention provides for an inspectorate to supervise the protection of emigrants on board ship, but it does not make it obligatory to arrange for inspection on

board ship. It follows therefore that the legislation of the Netherlands, which does not provide for official inspectors on board ship, is not in conflict with the Convention, and that no amendment of it is necessary.

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

The Government of *Uruguay* states in its report that Uruguay has no mercantile marine engaged in the transport of emigrants, and in any case there are no emigrants. The movement of workers is entirely an immigration movement, there being very few citizens of Uruguay going to other countries to work who could be classified as emigrants. The provisions of this Convention are therefore a matter rather for the countries of origin of the workers who come to Uruguay and it is those countries that must deal with the conditions under which the emigrants travel.

## 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 Emigrants' Protection Act, promulgated as Ordinance No. 3 of the Department of Home Affairs in June 1907.

Act No. 47 concerning seamen, promulgated in June 1899.

Regulations for the enforcement of the Seamen's Act, promulgated as Ordinance No. 25 of the Department of Communications in June 1899.

Ship Inspection Act, No. 11 of March 1933.

Regulations for the administration of the preceding Act, promulgated as Ordinance No. 4 of the Department of Communications in February 1934.

Regulations relating to ship equipment, promulgated as Ordinance No. 6 of the Department of Communications in February 1934.

*Luxemburg.*

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

*Netherlands.*

See introductory note.

*Uruguay.*

See introductory note.

*Japan.* — § 4 of the Regulations for the administration of the Ship Inspection Act lays down that the term "emigrant vessel" means all vessels which take on board, at the harbour where the Ship Inspection 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 Communications...

*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 observers 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 emigrants.

*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 purposes of application of this Convention the terms "emigrant vessel" and "emigrant" shall be defined for each country by the competent authority in that country.

*Please indicate the definitions of the terms "emigrant vessel" and "emigrant" which have been adopted.*

*Colombia.* — See introductory note.

## ARTICLE 3.

If an official inspector of emigrants is placed on board an emigrant vessel he shall be appointed as a general rule by the Government of the country whose flag the vessel flies. Such inspector may, however, be appointed by another Government in virtue of an agreement between the Government of the country whose flag the vessel flies and one or more other Governments whose nationals are carried as emigrants on board the vessel.

*Please state (a) whether your country has an official emigrant inspection system, and (b) whether any agreements have been made with other Governments respecting the appointment of official inspectors.*

*Colombia.* — See introductory note.

*Japan.* — The report states that no official emigrant inspection system exists in

Japan. No agreements have been made with other Governments respecting the appointment of official inspectors. At present, however, the Government is taking the following measures with a view to ensuring the protection of emigrants on board ships sailing to South America: (1) Persons dealing with emigrants select suitable persons for the protection of emigrants and make a report in advance to the Government on their personal records and on the methods of protecting emigrants. (2) After being given the necessary instructions, and in agreement with the Government, these persons are taken on board ship. They are asked to submit to the Government a report on the conditions under which the transport of the emigrants is made on each voyage. These inspectors, however, have no legal authority.

*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.

*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.

*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.

*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.

*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 35 of the Constitution of the International Labour Organisation (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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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.

*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 infringe-

ment. 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 1935 and for the first and second quarters of 1936 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, for other continental or English ports. 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 states that the transport of emigrants at the port of Antwerp decreased markedly during 1935, in comparison with the figures for 1934. During the latter year, 3,563 emigrants of different nationalities passed through the port of Antwerp, either to embark on vessels sailing direct to their destination, or bound for some European port from which the sea voyage properly so called would start. In 1935, the number of emigrants fell to 3,115. During the first three months of 1936, the number showed a tendency to increase, 1,154 emigrants having em-

barked during that period, for direct or indirect transport. The Government adds that no observations have been made by employers' or workers' organisations with regard to the practical application of the Convention or of the relevant national legislation.

*Bulgaria.* — The Government states that 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. See also introductory note.

*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 reports for the period 1 October 1934-30 September 1936 do not refer to this point.

*Finland.* — The Government states that at the present time emigration plays an unimportant rôle in Finland, and supplies the following statistics: the average number of emigrants per 10,000 inhabitants during the years 1901-1910 was 55, during the years 1911-1920 the figure was 21, and during the years 1921-1930, 17. Owing to the restrictions imposed in regard to migration, the figure fell to 3.1 in 1932, 1.8 in 1933, and 1.1 in 1934. The total number of emigrants in 1934 was 402, and the principal countries to which they emigrated were Sweden (97), United States (90), Russia (66) and Canada (56). During the same year, 526 emigrants returned to Finland. The employers' and workers' organisations concerned have not made any observations with regard to the application of the Convention.

*Hungary.* — In 1935, 1,093 Hungarian nationals were carried overseas as emigrants. During the first nine months of 1936 the number was 775.

*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 1935 was: Ceylon, 43,018 and Malaya, 20,771. During the year 1936 their number up to 31 July was: Ceylon, 25,217 and Malaya, 1,691. The decrease in the number of Indian emigrants to Ceylon and Malaya was due to the restricted production and export of tea and rubber under the tea and rubber restriction schemes.

*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 1935 the number of emigrants of Saorstát Éireann nationality was 1,031. The report adds that no observations have been received from organisations of employers or workers.

*Japan.* — The report supplies the following statistics, showing the number of Japanese subjects carried as emigrants on board ships flying the Japanese flag during the year 1935:

Destination	Number of emigrants
South America (Brazil, Argentine Republic, etc.)	7,441
North America (Mexico, Canada, etc.)	1,576
South Seas (Davao, Surabaya, etc.)	1,666
Elsewhere	1,547
Total	12,230

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

*Luxemburg.* — See introductory note.

*Netherlands.* — The report states that emigrants are inspected before the vessel leaves port and that, in the absence of any inspection on board ship, the Government is not in a position to supply any information on this point. The application of the provisions in force has not given rise to any observations from employers' and workers' organisations.

*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 States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935-30 September 1936 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Australia . . . . .	1. 4. 1935	24. 10. 1936
Belgium . . . . .	3. 10. 1927	22. 10. 1936
Bulgaria . . . . .	29. 11. 1929	23. 11. 1936
Chile . . . . .	18. 10. 1935	4. 1. 1937
Colombia . . . . .	20. 6. 1933	25. 1. 1937
Cuba . . . . .	7. 7. 1928	2. 12. 1936
Estonia . . . . .	10. 5. 1929	26. 10. 1936
France . . . . .	4. 4. 1928	19. 1. 1937
Great Britain . . . .	14. 6. 1929	14. 11. 1936
India . . . . .	31. 10. 1932	16. 12. 1936
Irish Free State . . .	5. 7. 1930	10. 11. 1936
Italy . . . . .	10. 10. 1929	24. 2. 1937
Luxemburg . . . . .	16. 4. 1928	8. 2. 1937
Mexico . . . . .	12. 5. 1934	6. 11. 1936
Nicaragua . . . . .	12. 4. 1934	
Poland . . . . .	8. 8. 1931	23. 11. 1936
Spain . . . . .	23. 2. 1931	30. 3. 1937
Uruguay . . . . .	6. 6. 1933	23. 12. 1936
Yugoslavia . . . . .	30. 9. 1929	13. 11. 1936

In its report for the period 1 October 1934-30 September 1935 the Government of *Colombia* stated that effect had not been given to the Convention because national economic conditions did not,

then, require its embodiment in the positive law of the country. The Government also pointed out 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. In its report for this year the Government states that the situation has not changed and that it has nothing to add to the observations made in last year's Report. For the general information supplied by the Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

The report of the *Polish* Government states that legislation for the purpose of codifying all the provisions concerning the work of seamen is still in course of preparation. This legislation will codify in one text all the provisions in force applying the maritime conventions which Poland has ratified.

For the general information supplied by the *Spanish* Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The report of the Government of *Uruguay* states that as Uruguay has only coastal trading ships and fishing vessels, which are excluded from the scope of the Convention in virtue of Article 1, there was no necessity to adopt any legislative measures in this matter, although she had ratified the Convention. The report adds that should the merchant shipping of Uruguay develop, the Government would consider the adoption of legislative measures in accordance with its obligations resulting from the ratification 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 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.

### *Chile.*

Legislative Decree No. 178 of 13 May 1931 ratifying the Labour Code (L. S. 1931, Chile 1). amended by Act No. 5405 of 8 February 1934 (L. S. 1934, Chile 1).

Decree No. 399 of 5 May 1934 consolidating the Shipping Decrees which govern the conditions of employment in seafaring and occupations connected therewith in ports (L. S. 1934, Chile 3).

Commercial Code, Third Book, § 823, § 889, § 900 and § 933.

Navigation Act of 24 June 1878.

### *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).

### *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.

National collective agreements for cargo ships of more than 50 tons' displacement.

National collective agreements for passenger ships of more than 50 tons' displacement.

*Luxemburg.*

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

*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.

*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.

*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.

*Chile.* — The report states that the Convention is applied in Chile in the manner prescribed in this Article and that only the following may take advantage of the excepting provision: ships of war; Government vessels employed as fleet auxiliaires and on the Admiralty establishment; fishing vessels not engaged in deep sea fishing.

*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.

*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

## II.

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

## ARTICLE 1.

This Convention shall apply to all seagoing vessels registered in the country of any Member ratifying this Convention, and to the owners, masters and seamen of such vessels.

It shall not apply to:

ships of war,

Government vessels not engaged in trade,

vessels engaged in the coasting trade,

pleasure yachts,

Indian country craft,

fishing vessels,

vessels of less than 100 tons gross registered tonnage or 300 cubic metres, nor to vessels engaged in the home trade below the tonnage limit prescribed by national law for the special regulation of this trade at the date of the passing of this Convention.

*In addition, please indicate the tonnage limit, if any, in respect of vessels engaged in the home trade prescribed by national law for the special regulation of this trade at the date of the passing of the Convention.*

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 different types of vessel, and makes no special provisions for vessels engaged in "home trade" or in coastal trading, whatever their tonnage.

*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.

*Chile.* — (a) The report states that the term "vessel" in the Labour Code is interpreted in a wide sense, and that in conformity with the definition of this term contained in § 823 of the Commercial Code the term "vessel" includes the hull, keel, gear and accessories of every craft constituting an independent unit, whatever its type or size, and whether it be propelled by sail, oars or steam. The legislation does not differentiate between publicly and privately owned vessels. (b) § 181, § 182, § 184 and § 186 of the Labour Code and § 933 of the Commercial Code provide that the legislation relating to the Convention shall apply to all persons, including females and apprentices employed on board vessels. The crews of ships of war and other persons in the permanent service of the State are alone excluded. There are at present no training ships in Chile (c) § 889 of the Commercial Code provides that the master is the highest officer of a merchant vessel, to whom its command and direction are entrusted. (d) There are no special rules for vessels engaged in the "home trade".

*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, firemen, 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 the term "home trade" is unknown to Mexican law and is nowhere defined, but that Cuba, Guatemala and the United States are regarded as "neighbouring countries."

*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.

*Chile.* — § 4 of the Labour Code lays down that articles of agreement shall be drawn up in writing and signed by both parties. If the agreement is concluded verbally, the employer shall give to the seaman a signed declaration containing the terms of the agreement. § 181 of the Labour Code provides that the articles of agreement shall be approved by the harbour master if concluded in Chile or

by the Chilean consul if concluded abroad. The officials of the Employment Offices set up under Decree No. 399 of 5 May 1934 shall, in conformity with § 63 of the Navigation Act, explain to the parties the meaning and scope of the agreements to be signed and read such agreements to them. § 191 (13) of the Labour Code provides that articles of agreement shall not contain provisions contrary to the relevant legislation.

*Colombia.* — See introductory note.

*Cuba.* — § 3 of Legislative Decree No. 659 lays down that articles of agreement shall be drawn up in writing and shall enumerate both the rights and duties of the respective parties; they shall be signed by the shipowner or his representative or the master, and by the seaman. Before signing, the seaman shall be properly conversant with 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 Cuban consul or consular agent shall supervise it. An official of any of the above classes before whom the agreement is signed 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 hand, 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 conformity with the provisions of the Civil Code concerning the hiring of services, which apply to seamen engaged in Cuba.

*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 agree-

ments 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 report states 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 and void. § 22 enumerates certain conditions which shall be 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.

*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 engagement (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 recorded 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.

*Chile.* — § 575 of the Labour Code provides that the rights secured by the relevant legislation cannot be waived. § 418 of the same Code lays down that labour courts shall take cognisance of all disputes which may arise concerning the terms of contracts of employment. These provisions being applicable to articles of agreement of seamen, by virtue

of § 238 of the Code there is no possibility of the parties contracting in advance to depart from the rules as to jurisdiction.

*Colombia.* — See introductory note.

*Cuba.* — § 5 of Legislative Decree No. 659 provides that the agreement with the crew 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.

*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.

*Chile.* — In accordance with § 15 of the Labour Code, which applies to seamen's agreements, every seaman is entitled, under § 238 of the Code, to require the issue to him, on termination of his service on a vessel, of a certificate stating the date at which his service began, the date at which his service ended and the type of work done. A specimen form of certificate has been received by the Office.

*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.

*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.

*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) Applications for service books and documentary evidence in support of such applications 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 pro-

vided 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.

*Chile.* — § 192 of the Labour Code provides that the agreement may be made for an out-and-home voyage or for a definite period. The legislation does not permit agreements to be made for indefinite periods. Under § 191 of the Code, articles of agreement must contain the following particulars: (1) Place and date of the agreement; (2) The full name, occupation and domicile of each party; the seaman's status, date of birth, and number and date of entry in the Naval and Seamen's Registers; (3) Name and registration number of the vessel or vessels; (4) The type of trade in which the vessel is engaged; (5) The duration of the agreement; (6) The capacity in which the seaman is to be employed on board; (7) The ordinary and special duties relating to the service of the vessel during loading and unloading; (8) The wages or salary, place of payment, and rate of exchange if payment is to be made abroad; (9) The percentage of increase in wages or salary in case of a voyage abroad; (10) The food and accommodation allowed; (11) The port to which the seaman is to be returned; (12) Undertaking by the shipowner to pay allowances to members of the seamen's family, as instructed by him; (13) Any other stipulations which the parties desire to include, provided they are not contrary to the provisions in force.

*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 engagement 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 which along

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. The report adds that the Labour Act contains provisions concerning the termination and cancellation of contracts of employment and holidays with pay (§§ 37-39, 55-57, 121-123, 138, 144-146, 150, 151, 157 and 159-161) and that if no clauses are included in the agreement, these matters are determined by the Act.

*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 catering staff) and the seaman's rating; (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 allowance in lieu thereof; (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.

*Chile.* — § 900 of the Commercial Code provides that the list of the crew, which every vessel must carry, shall contain, *inter alia*, the full name of the master, officers and ratings, place of birth, age, status, domicile, nature of employment on board, and agreed rate of wages, and the ports of departure and destination of the ship.

*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.

*Spain.* — ... The report states 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, agreements 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.

*Chile.* — A copy of the articles of agreement, signed by both parties, must remain in the possession of the seaman, in virtue of § 4 of the Labour Code, and Decree No. 484 of 22 April 1925, these provisions being applicable to articles of agreement in virtue of § 238 of the Code.

*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 § 302, § 603 and § 636 of the Commercial Code also apply 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 report states that all the provisions of this Article are reproduced in the regulations for service on board which, under § 391 of the Act of 10 September 1932 respecting public lines of communication, must be approved by the Ministry of Communications.

*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.

*Chile.* — The legislation does not allow agreements for indefinite periods.

*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 of notice, which must be at least 24 hours, is observed. Notice must be given in writing. If no period of notice has been fixed, the relevant provisions of the Commercial Code, both for normal and exceptional cases, shall apply. 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 report states 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 terminated while the vessel is at sea, nor while the vessel is in port if a request to terminate it is made 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 terminated 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.

*Poland.* — § 28 of the Marine Code provides that in the case of an agreement concluded for an indefinite period the agreement shall specify the length of notice to terminate, or a special clause indicating the manner of termination shall be inserted. In the absence of such provisions, the agreement may be terminated by either party in any port where the vessel loads or unloads, provided that a notice of twenty-four hours has been given. The collective agreement of 14 December 1932 provides in § 33 that articles of agreement for an indefinite period may be terminated, at forty-eight hours' notice, only at a port in Poland. An Order of the Ministry of Industries and Commerce dated 18 October 1932 provides that, in conformity with the second paragraph of Article 9 of the Convention, notice to terminate shall be given in writing. The report states that this provision of the Order will be brought

to the notice of shipowners and masters by a Circular of the Maritime Office, and that a copy of the Order has been transmitted to the Office of Merchant Shipping at Danzig and to the Ministry of Foreign Affairs. According to § 77 (a) of the Marine Code, a seaman who wishes to terminate the agreement in a foreign port shall not leave the service without the consent of the master, except by provisional decision of the Marine Office, save in the case of a change of flag. An Act to put into effect the provisions of paragraph 3 of the present Article of the Convention is being drafted. 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.

*Chile.* — The report states that there are no special rules on these points. The general rules relating to workers' and salaried employees' contracts are applicable.

*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.

*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 offences); (5) termination of the agreement by the seaman on the grounds specified in § 69 of the Order; (6) physical or mental incapacity occurring after the seaman has been shipped and duly established in accordance with § 6 of the Order; (7) wilfully quitting the vessel 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 states that the master of a vessel may discharge a seaman before the expiration of the agreement, without serious grounds, after giving him a certificate of discharge and the necessary money for his return to his country. A seaman discharged without serious grounds is entitled to an indemnity, in addition to the wages due to him.

*Chile.* — § 226 of the Labour Code provides that seamen's articles of agreement shall legally be terminated without compensation, in the following cases: (1) Incompetence in the discharge of the duties for which he was engaged, or refusal to perform such duties; (2) Serious dereliction of duty, especially habitual drunkenness, proved on at least three occasions, or smuggling; (3) Conviction, for a breach of the law rendering him liable to imprison-

ment, loss of rank, or other penalty which incapacitates him, for its duration, from performing his duties; (4) Incapacity to work by reason of injury due to acts committed by the seaman, and which entail a legal penalty. The termination of the agreement in these cases must be previously notified to the maritime or consular authority, which will only sanction such termination if the grounds are established to its satisfaction. § 79 of the Navigation Act enumerates certain cases of dereliction of duty regarded as serious offences.

*Colombia.* — See introductory note.

*Cuba.* — Under § 11 of Legislative Decree No. 659, the shipowner or master may immediately discharge a seaman on the grounds specified and according to the procedure 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 report states that the employer may discharge the worker for the reasons enumerated in § 121 of the Federal Labour Act.

*Spain.* — ... The report adds that the terms of this Article are reproduced in § 18 of the Labour Regulations of 26 August 1925.

*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) lack of professional competence, if the seaman is not in possession of a certificate of competence issued in respect of the duties for which he was engaged; (b) disability resulting from an illness or injury due to his own wilful act or default; (c) absence from the vessel contrary to orders or without leave; (d) serious disciplinary offences; (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 damage. The amount of this compensation is determined by the port authorities, who take into consideration custom, the nature of the employment, the date of expiry of the agreement, former service, the damage

caused by dismissal, and the gravity of the offence 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.

*Chile.* — § 227 of the Labour Code provides that a seaman shall be entitled to terminate his agreement with a right to compensation in the following cases: (1) if he fails to receive his pay on the dates and under the conditions stipulated; (2) in case of failure to carry out the clauses of the agreement relating to rations and accommodation; (3) in case of ill-treatment or abuse of authority by the master; (4) if the destination of the vessel is changed before the beginning of the voyage for which the seaman was engaged and (5) in case of the arbitrary abandonment of the voyage. § 228 of the Code provides, on the other hand, that a seaman shall be entitled to terminate his agreement without a right to compensation in the following cases. (1) if authoritative news is received, before the vessel sails, of an epidemic at a port of call or the port of destination; and (2) if the master dies or is dismissed before the vessel sails. § 229 provides that if a vessel undertakes a voyage which is to exceed by one month or more the period for which the agreement was concluded, the person engaged may give notice not less than four days before the sailing of the vessel to cancel the agreement.

*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 conclusive evidence, 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 report states 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.

*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 food 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 pro-

visions 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.

*Chile.* — According to § 228 (3) of the Labour Code a seaman shall be entitled to terminate his agreement if he accepts a post as master of a vessel, provided he can produce evidence of the offer and can supply a suitable substitute and that no delay in the sailing of the vessel is caused thereby.

*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 a deck or engineer 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 substitute 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 report states that Mexican legislation contains no provisions of this nature but that, in view of the spirit of the legislation, no difficulties are met with in applying this article of the Convention.

*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.* — § 47 of the Act concerning maritime trade lays down that on the termination of the agreement the master of the vessel shall give to the seaman a certificate of discharge containing the full name of the master, and the period of service of the seaman as shown in the list of crew.

*Chile.* — The Government states that it has no remarks to make on this Article other than those made as regards Article 5.

*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.

*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 record in the seaman's book and in the list of the ship's crew any case of rescission of the 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 35 of the Constitution of the International Labour Organisation (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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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.

*Belgium.* — The report states that the Department of Colonies, after re-examining

the question, is of opinion that the local conditions in the Congo, indicated in previous reports as the grounds for the exclusion of the colony from the application of the Convention, have not changed in such a way as to cause the Government to modify its attitude in this matter.

*Great Britain.* — . . . See also " *General observation* " under *Convention No. 2 (Unemployment)*, point III.

#### 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 report states 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.

*Chile.* — The report states that the Inspectorate-General of Labour and the Labour Courts are the authorities responsible for the enforcement of the provisions of the legislation with regard to the Convention. It adds that, in accordance with § 243 of the Labour Code, this responsibility for the enforcement of the provisions of this Convention, incumbent on the Inspectorate-General, is without prejudice to the provisions relating to the special powers of the maritime authorities contained in the Commercial Code, and in the Navigation Act and Regulations.

*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 magis-

trate 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 play a part in enforcing the provisions of 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 report states 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.

*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 Destitute Seamen's Fund attached to the Department of Maritime Communications at Split. Under § 86, the Minister of Communications, acting through the administrative maritime authorities, is responsible for the supervision and enforcement of the Order, and of any public administrative Regulations in so far as they concern the welfare and safety of seamen 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 welfare and safety of seamen.

## 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 Marine Commissioner 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 decisions given by the Probiviral Seamen's Court in 1935 on the following disputed cases: (1) contested case concerning overtime; (2) contested case on travelling expenses from the port of discharge to the port of engagement (3) contested case on the subject of compensation for immediate discharge.

*Chile.* — The Government states in its report that the Labour Courts have issued many awards applying the provisions of the Chilean legislation which relate to the Convention. The Government does not possess the texts of such awards.

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 adoption of the necessary legislation to secure the application of this Convention has made no practical difference to conditions in Australia. During the 12 months ended 31 December 1935, 10,668 individual seamen of all ranks and ratings were engaged in Australian ports, but those seamen made 25,792 engagements during the same period. No observations on the Convention have been received from employers or employees.

*Belgium.* — The report states that, during 1935, 14,967 seamen were signed on for service under the Belgian flag; of these 441 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.* — The report contains no observations on the application of the Convention. It merely states that no observations on the practical application of the Convention or on the legislation implementing the Convention has been received from employers' and workers' organisations.

*Chile.* — The Government states that according to the reports of the Maritime Labour Inspection Services the Chilean legislation applying this Convention is satisfactorily enforced. The number of ratings on board Chilean merchant vessels is now 2,690, and the total number of persons protected by the relative legislation is 4,490. No infringements have been reported. It is the general custom to sign agreements for the outward and return voyage, the duration of which varies from 30 to 90 days, according to the service on which the vessel is employed. The seamen's employment exchanges supervise and check the signing of agreements, so as to ensure that these comply with all the statutory and administrative provisions in force. Neither the employers' nor the workers' organisations concerned have submitted remarks concerning the practical enforcement of the provisions of the Convention or of those of the legislation which guarantee the Convention's application.

*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, as these were not received in complete form. Neither the employers' nor the workers' organisations have submitted observations concerning the practical application of this Convention.

*Estonia.* — In June 1935 the number of seamen signed on was 2,278 of whom 504 were deck officers, 309 engineer officers, 26 wireless operators, 917 deck hands, 338 engine room staff and 184 catering staff. 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 provisions of the Code of Maritime Labour which relate to seamen's articles of agreement. The statistics of seamen drawn up on 1 July 1936 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 143,208 of whom 29,590 were not employed on board. The number of French seamen on board ship was therefore 113,618 divided as follows: deck officers, 83,385; engineer officers, 16,242; catering staff, 8,185; sailing under foreign flags, 42; naval ratings or serving in some military unit, 5,164. In addition, the number of seamen on board ship included 1,695 colonials and 1,829 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.

*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. 8,658 seamen signed on during the year ended 30 June 1936. 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.

*Poland.* — The report does not refer to this point. See introductory note.

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

*Uruguay.* — See introductory note.

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

### 23. Convention concerning the repatriation of seamen.

This Convention came into force on 16 April 1928. The following table shows the States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935 - 30 September 1936 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium . . . . .	3.10.1927	22.10.1936
Bulgaria . . . . .	29.11.1929	23.11.1936
Colombia . . . . .	20. 6.1933	25. 1.1937
Cuba . . . . .	7. 7.1928	2.12.1936
Estonia . . . . .	9. 7.1928	26.10.1936
France . . . . .	4. 3.1929	19. 1.1937
Irish Free State . .	5. 7.1930	20.11.1936
Italy . . . . .	10.10.1929	24. 2.1937
Luxemburg . . . . .	16. 4.1928	8. 2.1937
Mexico . . . . .	12. 5.1934	6.11.1936
Nicaragua . . . . .	12. 4.1934	
Poland . . . . .	8. 8.1931	28.11.1936
Spain . . . . .	23. 2.1931	30. 3.1937
Uruguay . . . . .	6. 6.1933	23.12.1936
Yugoslavia . . . . .	30. 9.1929	13.11.1936

The Government of *Colombia* stated in its report for the period 1 October 1934-30 September 1935 that, properly speaking, there were no maritime shipping concerns in Colombia and that foreign trade was carried by foreign vessels. While noting this statement of the Government of Colombia, the Committee of Experts suggested that the Government might be asked to explain more exactly its meaning, in view of the statements on the same point in the reports on other maritime Conventions ratified by Colombia. This suggestion was endorsed by the Committee on the Application of Conventions set up by the Conference. In reply the Government states in its report for this year that there has been no change in the situation and that there is nothing to add to last year's observations. For the general information supplied by the Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

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

The *Spanish* Government stated in its report for the year 1 October 1934 to 30 September 1935 that a Bill implementing the Convention had been drafted and would be submitted to the Cortes shortly. The full text of the provisions of the Convention was incorporated in Chapter II of this Bill. For the general information supplied by the Government this year,

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

The report of the Government of *Uruguay* states that as Uruguay has no mercantile marine except vessels engaged in the coasting trade and fishing, which are excluded by Article 1 of the Convention, there was no reason to pass legislation on this subject although the Convention had been ratified. The report adds that if in course of time Uruguay develops a mercantile marine it will enact legislation taking account of the obligations resulting from the ratification of the Convention.

# I.

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

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

## *Belgium.*

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).

## *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.

National collective agreements for cargo ships of more than 50 tons' displacement.

National collective agreements for passenger ships of more than 50 tons' displacement.

*Luxemburg.*

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

National collective agreements for passenger ships of more than 50 tons' displacement.

*Mexico.*

Political Constitution of the United States of Mexico, 1917.

Federal Labour Act of 18 August 1931 (L. S. 1931, Mex. 1).

General Population Act of 24 August 1936 published in the *Diario Oficial* of 29 August 1936.

Act of 10 September 1932 concerning the general means of communication.

Regulations concerning the registration of national merchant ships (§ 4).

Consular regulations (Chapter relating to the mercantile marine).

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

## II.

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

## ARTICLE 1.

This Convention shall apply to all seagoing vessels registered in the country of any Member ratifying this Convention, and to the owners, masters and seamen of such vessels.

It shall not apply to :

ships of war,

Government vessels not engaged in trade,

vessels engaged in the coasting trade,

pleasure yachts,

Indian country craft,

fishing vessels,

vessels of less than 100 tons gross registered tonnage or 300 cubic metres, nor to vessels engaged in the home trade below the tonnage limit prescribed by national law for the special regulation of this trade at the date of the passing of this Convention.

*In addition, please indicate the tonnage limit, if any, in respect of vessels engaged in the home trade prescribed by national law for the special regulation of this trade at the date of the passing of the Convention.*

*Bulgaria.* — 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 Great Britain 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)*.

*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 Great Britain 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)*.

*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 Commercial 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, 41, 141, 143, 147 and 148 of the Federal Labour Act contain provisions that ensure the repatriation of Mexican seamen employed on national or foreign ships if engaged in a home port. §§ 98 and 99 of the General Population Act of 21 August 1936 provides that maritime transport undertakings shall convey from Mexico at their own expense the foreigners carried by them, and shall be pecuniarily liable for the transport of such persons. These provisions shall apply also to seamen. § 368 of the Act concerning general means of communication provides, among other things, that a vessel cannot be removed from the register unless the cost of repatriating the crew is met. In the case of removal from the register abroad the Mexican consul shall intervene to ensure the application of § 368.

*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 agreement, 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 carry-

ing 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, accommodation 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 act or default; (d) discharge in a foreign port for any cause for which he cannot be held responsible.

*Mexico.* — The report states that in all cases covered by this Article the Federal Labour Act is applied and that the repatriation of seamen is, consequently, guaranteed. See also under Article 3.

*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 lays down that, as a general rule, the ship-owner is liable for the cost of 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 states that the application of this Article is effected by §§ 29 and 41 of the Federal Labour Act. §§ 29 and 41, which are applicable to seamen's articles of agreement, provide that in the case of a contract of employment entered into for the performance of services abroad, the expenses of transport and board for the employee shall be defrayed exclusively by the employer.

*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 35 of the Constitution of the International Labour Organisation (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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

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

*Belgium.* — The report states that the Department of Colonies, after re-examining this question, is of opinion that the local conditions in the Congo indicated in previous reports as grounds for the exclusion of the colony from the application of this Convention have not changed so as to permit the Government to modify its attitude in this matter.

#### 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 authorities shall be responsible for supervising the repatriation of seamen, in so far as vessels registered in the Republic are concerned, in cases covered by the Legislative Decree, without distinction as to nationality. § 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.

*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 Destitute Seamen's Fund attached to the Department of Maritime Communications at Split. Under § 86, the Minister of Communications, acting through the administrative maritime authorities, is responsible for the supervision and enforcement of the Order and its administrative Regulations in so far as they concern the welfare and safety of seamen 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 welfare and safety of seamen.

## 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 serious 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 of 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 1935, 62 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.* — The report does not contain any observations on the manner in which the Convention is applied, but states that no observations on the application of the Convention were received

from employers' and workers' organisations.

*Colombia.* — See introductory note.

*Cuba.* — The Government states in its report that according to the information received it appears that there was no case of repatriation. 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 in order to stand their 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.

*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.

*Luxemburg.* — 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.

*Poland.* — The report states that the Ministry of Industry and Commerce possesses no available statistics concerning repatriation of seamen, and adds that, during the period under review, no complaints have been made by the seamen concerned.

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

*Uruguay.* — See introductory note.

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

## 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 States Members which had ratified the Convention unconditionally before 1 July 1936, 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 1935-30 September 1936 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria . . . . .	18. 2.1929	23.12.1936
Bulgaria . . . . .	1.11.1930	23.11.1936
Chile . . . . .	8.10.1931	4. 1.1937
Colombia . . . . .	20. 6.1933	25. 1.1937
Czechoslovakia. . .	17. 1.1929	7. 1.1937
Great Britain . . .	20. 2.1931	10.12.1936
Hungary . . . . .	19. 4.1928	2. 3.1937
Latvia . . . . .	29.11.1929	28.12.1936
Lithuania . . . . .	19. 6.1931	30. 3.1937
Luxemburg . . . . .	16. 4.1928	8. 2.1937
Nicaragua. . . . .	12. 4.1934	
Rumania . . . . .	28. 6.1929	22. 3.1937
Spain. . . . .	29. 9.1932	30. 3.1937
Uruguay . . . . .	6. 6.1933	23.12.1936
Yugoslavia . . . . .	30. 9.1929	13.11.1936

In *Austria* the system of sickness insurance for workers in industry and commerce and domestic servants has been completely revised by the Act of 30 March 1935 concerning social insurance in industry. 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* stated in its previous report that it had submitted to the Legislative Chambers a Draft Labour Code containing most of the fundamental principles laid down by the Convention. In its report for the present year the Government states that a Bill concerning social insurance, whose principal object is the establishment of sickness insurance, is at present being examined, and that the preparatory work undertaken to inaugurate this branch of insurance is already fairly advanced. The Government mentions also certain private initiatives taken to ensure medical assistance to the workers employed in certain large undertakings. It also mentions, finally, the Act No. 10 of 1934, in virtue of which private employees have the right in case of sickness to a fraction of their wages during a maximum period of 120 days; as well as Acts No. 86 of 1923 and No. 48 of 1930 which provide that in similar circumstances civil servants and workers in State undertakings are entitled to half their salaries for a period of six months. See also *Convention No. 1 (Hours of work, industry)*, introductory note.

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. Moreover a large number of domestic servants are covered by voluntary insurance. In its report for this year, the Government states that the revision of the Insurance Code which is to be undertaken during the year 1937 provides for the organisation of sickness insurance for domestic servants.

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

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. According to the instructions received, the National Welfare Institute prepared and submitted 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. See also, for the general information supplied by the Government, under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Uruguay* stated in its previous report that the application of this Convention in Uruguay presented considerable practical difficulty, which the Government was striving to overcome in a manner favourable to the workers' interests. For this purpose a special committee had 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 remarked that existing legislation concerning workers' pensions, public health, and old-age and invalidity pensions gave the workers certain benefits equal or superior to those provided for in the Convention. It was 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 was engaged. In its report for the present year the Government notes the absence of a system of compulsory sickness insurance and quotes the opinion of the Labour Institute, which urgently demands the adoption of such a system with the shortest possible delay.

## 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), modified by the Amending Act No. 1 of 9 July 1936 (L. S. 1936, 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. 84 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).

*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).

National Health Insurance and Contributory Pensions Act of 2 August 1935 (L. S. 1935, G.B. 2).

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), No. 6500 of 21 June 1935 (L.S. 1935, Hung. 2) and No. 1250 of 6 March 1936 (L. S. 1936, Hung. 4).

Act No. XXXII of 1928 to ratify the Convention.

### *Latvia.*

Order of 10 July 1930 concerning sickness insurance funds (L.S. 1930, Lat. 3 A).

Amendments of 2 October 1930 to the Order 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), amended by the Act of 14 December 1935 (L. S. 1935, Lith. 4).

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).

### *Luxembourg.*

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, 26 October 1934 and 30 May 1936.

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

See also introductory note.

### *Rumania.*

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

Royal Decree No. 2986 of 9 November 1934 concerning the composition of governing bodies of social insurance funds.

Legislative Decree No. 1485 of 31 July 1936 concerning the organisation of the Ministry of Labour, Health and Social Welfare.

### *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, including apprentices, employed by industrial undertakings and commercial undertakings, out-workers and domestic servants.

It shall, nevertheless, be open to any Member to make such exceptions in its national laws or regulations as it deems necessary in respect of:

(a) Temporary employment which lasts for less than a period to be determined by national laws or regulations, casual employment not for the purpose of the employer's trade or business, occasional employment and subsidiary employment;

(b) Workers whose wages or income exceed an amount to be determined by national laws or regulations;

(c) Workers who are not paid a money wage;

(d) Out-workers whose conditions of work are not of a like nature to those of ordinary wage earners;

(e) Workers below or above age-limits to be determined by national laws or regulations;

(f) Members of the employer's family.

It shall further be open to exempt from the compulsory sickness insurance system persons who in case of sickness are entitled by virtue of any laws or regulations, or of a special scheme, to advantages at least equivalent on the whole to those provided for in this Convention.

This Convention shall not apply to seamen and sea fishermen for whose insurance against sickness provision may be made by a decision of a later Session of the Conference.

*Please give an analysis of the provisions of the laws and regulations which determine the scope of application of the legislation or systems of legislation concerning compulsory sickness insurance for manual and non-manual workers, including apprentices, employed by industrial undertakings and commercial undertakings, out-workers and domestic servants.*

*If advantage has been taken of the exceptions provided for in the second paragraph of this Article, please indicate :*

- (a) *the duration of temporary employment, the definition of occasional employment, and the definition of subsidiary employment in respect of which exemptions may have been granted ;*
- (b) *the limit of the wages or income fixed by national laws or regulations for determining the scope of application ;*
- (c) *whether all workers who are not paid a money wage are excluded or only certain categories of such workers ;*
- (d) *the classes of out-workers whose conditions of work are not of a like nature to those of ordinary wage earners ;*
- (e) *the age-limits determined by national laws or regulations for admission to insurance ;*
- (f) *the persons who are regarded as being " members of the employer's family " as understood in the national legislation.*

*If advantage has been taken of the exception provided for in paragraph 3 of this Article, please indicate the categories of persons exempted because of their being entitled in case of sickness to advantages at least equivalent, and give a list of the laws, regulations and statutes relating to the protection of such persons in case of sickness, forwarding the texts of the said laws, regulations or statutes with this report.*

*Austria.* — Under the 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 employ-

ment, 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.) working on an average less than 18 hours or earning less than 10 schillings a week, as well as 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, or to private employees, since each of these categories is covered by a special welfare fund. By a decision of the National Congress the salary limit prescribed by the law for being subject to compulsory sickness insurance has been raised to 12,000 pesos per annum.

*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, or to those who, having work-books, are engaged as industrial workmen or mates, or 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, or to persons whose wages exceed 1,000 litas a month. (c) Under § 86, workers who are not paid a money wage are subject to insurance. (d) The report states that workers belonging to this category are not covered by the Act. (e) The report states that insurance is applicable without any age-limit. (f) The report states that the Act gives no definition of the employers' family, and, consequently, if the members of the employer's family receive wages they must be insured. Under the terms of § 9 (6), workers who in case of sickness are entitled by virtue of any laws or special regulations to benefits at least equivalent to those provided by the Act are exempt from compulsory insurance. The report states that the employees and workers of the following bodies are exempt from compulsory insurance: the Ministry of Communications, the Bank of Lithuania, the depôts of the State monopoly on alcohol, and the electric stations of Kaunas; and also the members of the Association of St. Zita.

*Rumania.* — According to § 1 of the Act concerning the unification of social insurance, employees in industrial and commercial undertakings (public or private) whose wages do not exceed 6,000 lei per month are subject to sickness insurance. Apprentices and probationers in such undertakings, even when they do not receive any wages, as well as the members of the family of the employer who habitually render services without

remuneration in the undertaking, are considered as being subject to insurance. The following are also subject to insurance without any condition as to remuneration: independent craftsmen; employees of certain professional organisations of salaried employees; persons working in their own homes, either alone or with the assistance of others, on account of one or more employers (home workers), persons working on their own account in the houses of their clients (independent workers). Domestic servants are brought under compulsory sickness insurance as from 1 July 1934. According to the provisions of § 4 of the Act, the general assembly of the Central Social Insurance Fund has power to admit to compulsory insurance other categories of employees on the proposal of the governing body, and subject to approval by the Council of Ministers. The report states that no use has been made of the exceptions provided in paragraph 2 (a) of this Article of the Convention. The Act does not fix any minimum age for admission to insurance; nevertheless, in view of the requirements of the Act concerning apprenticeship, such admission cannot take place in practice under the age of 14 years. The obligation to pay contributions ceases when the insured person has reached the age of 65 years. According to § 2 of the Act, the following are exempted from the obligation to insure: (a) employees covered by the General Pensions Act; and (b) employees in public undertakings who are insured with special funds established in accordance with the relevant Acts.

*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 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.

*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 as amended, benefit is paid from the fourth day of disablement. 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; the duration of the benefit shall not exceed 26 weeks per annum, but may be extended, on the decision as the council of the fund, to a maximum of 13 weeks. The payment of the benefit is made conditional on the insured person having complied with a qualifying period of six months; the council of the fund may, however, decide to grant cash benefit to persons who have not been members of the fund for six months. § 41 of the Act lays down that the fund shall not pay sick benefit when the insured person receives hospital treatment; but if an insured person, who before his illness was keeping the members of his family on his wages or was contributing to their support, is sent to hospital, the members of his family receive benefit equal to one-half of his sick benefit (§ 54). The report states that benefit is not paid in respect of accidents to industrial workers, accident compensation being payable by the employers under a special Act. Under § 30 of the Sick Funds Act, if the sick person refuses to go to hospital as ordered by the fund, sick benefit as provided under § 38 may be refused. § 43 lays down that an insured person who injures himself intentionally or who brings about his own illness by his own criminal or rowdy behaviour, is not entitled to sick benefit.

*Rumania.* — Under § 11 of the Act for the unification of social insurance, the insured person is entitled, while he is sick and incapable of working, to a benefit in cash equal to 50 per cent. of the average wage insured, and payable as from the eighth day of sickness. During the first seven days, the employee has the right to be paid his full wage by the employer. Benefits in cash are paid for a maximum of 26 weeks for the same illness, and for 36 weeks for different illnesses suffered during twelve months. In the case of accidents the benefits in cash are paid until recovery or the healing of the wound. If the financial situation admits, the Fund may decide, with the approval of the Council of the Central Fund, to prolong the cash benefits for the same

illness from 26 to 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 not receive the cash benefit due to him more than 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; otherwise the maximum period for medical assistance is fixed at 52 weeks. §§ 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, together 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 does not allow the refusal of benefits in kind.

*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 fixed participation by the insured person in the cost of medicaments and therapeutic requisites. 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 examination; (4) treatment and maintenance in hospital; (5) medicines, dressings and curative appliances; (6) maternity benefit for women during confinement; (7) dental treatment. Under § 20 as amended, medical benefit may be given for 26 weeks per year from the first day of sickness. The duration of the benefit may, however, be extended, on the decision of the council of the fund, to a maximum of 13 weeks (§ 21 as amended). Under § 18, the fund may allow its members a sum of 25 litas for the purchase of curative appliances after the completion of a qualifying period of three months, and a sum of 50 litas after the completion of a qualifying period of six months. The report states that, if the cost of the necessary curative appliances exceeds the above sums, the difference must be paid by the insured person, and the same applies in the case of dental treatment, the insured person being obliged to pay the price of costly fillings which exceed the tariff established by the fund (§ 35).

*Rumania.* — Under § 6 of the Act for the unification of social insurance, the insured persons are entitled to medical attendance as from the first day of the illness or accident until recovery. § 7 provides that the insured person may be confined to a hospital or sanatorium in accordance with the instructions given by the doctors attached to the insurance fund. In such a case, the insured person has the right to the payment of cost of transportation from his home to the hospital and return. The period of hospital treatment at the expense of the insurance fund may last for 26 weeks for insured persons. The Council of the insurance fund may decide to prolong the duration of hospital treatment up to a year if the financial situation of the fund permits. In cases of emergency, the insured person may on his own initiative enter a hospital or sanatorium with which the insurance institution has con-

cluded 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, legitimatised, 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 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 occurrence of the event giving rise to benefit or the commencement of 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.

*Lithuania.* — Under § 55 of the Act of 23 January 1934, members of the family of an insured person are granted the same medical benefit as the insured person, but a charge of one lita is made for each prescription dispensed. Further, the members of the family of an insured person may not be sent to hospital at the expense of the fund unless the insured person in question has been a member of the fund for at least three months. The extent and nature of the benefit are decided by the council of the fund. § 58 lays down that the cost of benefits granted to members of the family of an insured person must

not exceed one-third of the receipts of the fund from contributions by the insured persons and the employers.

*Rumania.* — Under § 6 (2) of the Act for the unification of social insurance the right to medical attendance is accorded also to the following members of the family if they live in the household of the insured person: the wife, children under 18 years of age, children suffering from an infirmity even if they have passed this age, and parents (father and mother) who are incapable of working. § 10 (5) of the Act provides that the members of the family are entitled to medicaments as well as to treatment in hospital for a maximum period of four weeks. In the hospitals belonging to the insurance institution the members of the family may be treated for a maximum period of 20 weeks, provided that the insured persons bear the cost of hospital treatment up to 25 per cent. of the expenses incurred by the insurance fund.

*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 institutions: regional sick funds; establish-

ment 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, representatives of the insured persons have one-third and representatives of the employers two-thirds of the number of seats. 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 governing body 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. The Department for Social Welfare of the Ministry of Health is charged with the supervision of the social welfare institutions, including the compulsory insurance fund. Employers and insured persons are represented on the governing body by members appointed by the President of the Republic.

*Colombia.* — See introductory note.

*Czechoslovakia.* — ... The Central Benefit Society, which works under the control of the Ministry of Public Works, is the controlling organ of the miners' benefit societies.

*Lithuania.* — § 88 of the Act of 23 January 1934 lays down that the business of the sick fund shall be managed by: (1) the council, (2) the board of management, (3) the auditing committee, and (4) the arbitration committee of the fund. The council of the fund consists of ten representatives of the insured persons and ten representatives of the employers, elected by the persons concerned for a period of four years (§§ 89-91). The council takes decisions on all general questions relating to the working of the fund. The board of management of the fund consists of five members, one appointed by the Minister of the Interior and the four others elected for a period of two years by the council of the fund, two being chosen from among the insured persons and two from among the employers (§ 104). The board of management carries out the decisions of the council and manages all current business. The report indicates that the supervision of the self-governing bodies of the sick funds is carried out by the Supreme Social Insurance Board, composed of two Government representatives, two employers' representatives and two representatives of the insured persons. § 141 of the Act authorises the Minister of the Interior to dissolve the council and the board of management and replace them by an administrator, if they fail to fulfil their allotted duties under the Act, or if they prove incapable of managing the fund's affairs.

*Rumania.* — Social insurance is administered by the social insurance funds, which are autonomous public corporate bodies. There has been set up in connection with each fund a governing body composed of 6 (in Bucharest 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.

*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, Hungary, Latvia, Luxemburg, 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 federated 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.

*Rumania.* — Under §§ 101 and 102 of the Act for the unification of social insurance, as amended by § 124 of the Legislative Decree of 31 July 1936, all disputed questions relating to the application of the law are decided by a permanent judge



appointed in conformity with the provisions of the Act. The decision of the judge is final if the dispute is for less than 20,000 lei. In other cases, 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 35 of the Constitution of the International Labour Organisation (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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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 also "General observation" under Convention No. 2 (Unemployment), point III.

#### 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 decisions given by the Labour Courts in connection with compulsory sickness insurance.

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 1934, the figures for 1935 being not yet available :

	Workers' Sickness Insurance	Salaried Employees' Sickness Insurance
(1) Number of insured (average) :	737,788	242,671 <sup>1</sup>
(2) Sickness benefit :		
(a) Total amount of payments for sickness benefit	Schillings 24,625,338	4,487,326
(b) Average amount of payments for sick benefit per insured .....	33.38	18.49
(3) Benefits in kind :		
(a) Total amount of outgoings for benefits in kind ...	38,441,718	22,153,712
(b) Average amount of outgoings for benefits in kind per insured ....	52.10	91.29
(4) Furnishing of resources :		
Total amount of contributions .	76,066,759	33,910,814
Share of employers .....	23,787,110	14,857,565
Share of insured	52,279,649	19,053,249

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.* — The report states that the total number of employees protected by the legislation in question is approximately 200,000, of whom 90,000 are employed in industry and 110,000 in commerce and domestic work. In 1935, 35,409,176 leva were spent as benefits in cash and 5,694,784 leva as benefits in kind. The total amount of the receipts was 48,329,742.50 leva, of which 26,221,492.50 leva were paid by the employers, 17,316,584 by the insured persons and 4,791,666 by the public authorities. The employers' and workers' organisations have not made any observa-

tions on the subject of the practical application of the Convention.

*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 compulsorily insured at 31 December 1935 was about 1,213,000. The amount paid in pecuniary sick benefit from 1 July 1935 to 30 June 1936 amounted to 15,846,632.17 pesos and the benefits in kind to 43,007,578.85 pesos. The total financial receipts of social insurance amounted to 105,149,386.79 pesos, of which 27,743,710.47 pesos represented the contributions of the persons compulsorily insured, 38,495,781.15 pesos the contributions of the employers and 16,448,831.48 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 Government states that statistical information relating to the application of the Convention will be communicated to the Office as soon as such information is 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	18,481,000 <sup>1</sup>
31st December 1935 . . . . .	(393,000) <sup>1</sup>

<sup>1</sup> This figure includes 1,257,000 (27,000) insured persons over 65 years of age who are entitled to benefits in kind but who are not entitled to benefits in cash.

<sup>1</sup> Includes 41,898 persons in receipt of pensions who are insured against sickness.

	During year ended 31 December 1935
<b>2. Benefits in cash :</b>	
	£
(a) Total cost of sickness benefit . .	10,107,000 (180,000)
(b) Average cost of sickness benefit per insured person . . . . .	11s. 8.8d. (9s. 11d.)
(c) Total cost of disablement benefit	6,448,000 (197,000)
(d) Average cost of disablement benefit per insured person . . .	7s. 5.8d. (10s. 11d.)
<b>3. Benefits in kind :</b>	
	£
(a) Total cost of medical benefit . .	10,387,000 (222,000)
(b) Average cost of medical benefit per insured person . . . . .	11s. 6.9d. (11s. 5d.)
(c) Total cost of additional treat- ment benefits provided under the scheme . . . . .	2,558,000 (27,000)
(d) Average cost of additional treat- ment benefits per insured person	3s. 5.7d. (2s. 5d.)
<b>4. Financial resources :</b>	
(a) Contributions from employers . .	13,847,000 (253,000)
(b) Contributions from employees . .	13,304,000 (249,000)
(c) Contributions by Exchequer (in- cluding cost of central adminis- tration) . . . . .	6,668,000 (145,000)
(d) Interest on accumulated funds and sundry receipts . . . . .	6,196,000 (57,000)

#### Total Financial Resources.

On 31 December 1935, the total accumulated funds amounted to £133,406,000 (£1,427,000) of which £130,937,000 (£1,390,000) 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 1935 amounted to 961,376, of whom 343,911 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 *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 which show that in 1935, benefits in cash paid to insured

persons and members of their families amounted to 3,519,590.26 lats and benefits in kind amounted to 9,276,061.47 lats.

*Lithuania.* — The report states that the average number of wage-earners subject to compulsory sickness insurance during the year 1 July 1935-30 June 1936 was 46,058. The amount of benefit paid was 834,710 litas (18.12 per insured person) and the cost of medical benefit amounted to 2,738,617.72 litas (59.46 per insured person). During the same period, contributions, paid in equal parts by insured persons and their employers, amounted to 3,963,591.20 litas. The contribution of public authorities towards the expenses of insurance was 314,270 litas. The report states that no observations were received on the practical application of the Convention.

*Luxemburg.* — The report refers to the record concerning sickness insurance in the Grand Duchy of Luxemburg during 1935 published by the Central Committee of Sickness Insurance Funds, in which the following figures are given: number of workers insured in 1935, 49,754 (17.75 per cent. of the total number of persons legally domiciled in the country); cash benefits to sick persons 7,204,591.33 francs (representing an average of 144.8 francs per insured person); expenditure for medical treatment 6,220,504.30 francs (125.02 francs per insured person); expenditure on pharmaceutical products, etc. 4,757,513.23 francs (95.62 francs per insured person); expenditure for treatment in hospitals 3,058,638.89 francs (61.4 francs per insured person); total receipts 22,687,674.45 francs; receipts from contributions 20,060,589.34 francs (403.19 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 1,280,619.93 francs (45.77 per insured person) for the district funds (half this amount was reimbursed to the funds by the State), and to 158,522.08 francs (7.27 francs per insured person) for the industrial funds (not including the salary of the accountant, which is paid by the employer). The Government has not received any observations from the employers' or workers' organisations concerned with regard to the practical application of the Convention.

*Rumania.* — The Government supplies the following particulars with regard to the period 1 April 1935 to 31 March 1936: number of insured persons: 873,649; benefits in cash: 78,788,000 lei; benefits in kind: 188,591,048 lei; total contributions paid in equal parts by employers and insured persons: 674,792,500 lei; total additional contributions by employers employing more than 10 workers (§ 48 of the Act): 118,066,000 lei;

Government contribution: 43,096,000 lei;  
miscellaneous receipts: 7,958,500 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 1935: average number of insured persons: 564,287, of whom 158,018 were women (this figure does not include about 48,000 miners and 70,000 transport workers who are insured by their own insurance funds); cash benefits: 77,344,000 *dinars* (137.07 per insured person); benefits in kind: 131,416,000 *dinars* (232.88 per insured person); total resources: 268,389,405 *dinars*; employers' contributions: 135,099,000 *dinars*; contributions from insured persons: 126,113,000 *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 States Members which had ratified the Convention unconditionally before 1 July 1936 and which, in accordance with Article 22 of the International Labour Organisation, were called upon to submit reports for the period 1 October 1935-30 September 1936 or for a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria . . . . .	18. 2. 1929	23. 12. 1936
Bulgaria . . . . .	1. 11. 1930	23. 11. 1936
Chile . . . . .	8. 10. 1931	4. 1. 1937
Colombia . . . . .	20. 6. 1933	25. 1. 1937
Czechoslovakia . .	17. 1. 1929	7. 1. 1937
Great Britain . . .	20. 2. 1931	10. 12. 1936
Luxemburg . . . .	16. 4. 1928	8. 2. 1937
Nicaragua. . . . .	12. 4. 1934	
Spain . . . . .	29. 9. 1932	30. 3. 1937
Uruguay . . . . .	6. 6. 1933	23. 12. 1936

The Government of *Colombia* stated in its previous report that it had submitted to the Legislative Chambers a Draft Labour Code containing most of the fundamental principles laid down by the Convention. In view of the acute depression now affecting agricultural as well as industrial undertakings, it had 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 appreciable effects for their interests and for the whole social system. For the information supplied in the report for the present year, see under *Convention No. 24 (Sickness insurance, industry, etc.)*, introductory note.

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. The Government has however made sickness insurance compulsory for workers employed in forestry or agricultural operations undertaken or subdivided 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. In its report for the present year the Government states that the revision of the Insurance Code which is envisaged for 1937 provides for the organisation of sickness insurance in agriculture.

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

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. According to instructions received, the National Welfare Institute prepared and

submitted 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. See also, for the general information supplied by the Government, under *Convention No. 1 (Hours of work, industry)*, introductory note.

The report of the Government of Uruguay for the previous year had stated that the application of this Convention in Uruguay presented considerable practical difficulty, which the Government was striving to overcome in a manner favourable to the workers' interests. For this purpose a special committee had 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 remarked that under existing legislation all workers were entitled to medical and surgical benefit, and, in cases of incapacity for work, to an allowance. It was, however, recognised that if the provisions of the Convention were to be fully applied, a complete revision of the existing system was required. Upon this the attention of the above mentioned Committee was engaged. The Government in its report for the present year re-affirms that the Convention is not yet applied, and that the organisation of sickness insurance for agricultural workers is called for. It adds, however, that agricultural conditions in Uruguay are entirely different from those in Europe and that consequently it will probably be difficult to carry out the obligations arising out of the ratification of the Convention.

## I

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

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

### Austria.

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).

Federal Act of 3 August 1936 respecting certain provisional measures relating to the administration of social insurance institutions for workers and salaried employees in agriculture and forestry (L. S. 1936, Aus. 3).

### 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).

### 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).

National Health Insurance and Contributory Pensions Act of 2 August 1935 (L. S. 1935, G. B. 2).

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.

*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.

*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.

*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.

*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.

*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 organs of the Agricultural Funds are the Managing Com-

mittee and the Supervisory Commission. The Managing Committee consists of representatives of the insured persons in the proportion of 3 to 5, and representatives of the employers in the proportion of 2 to 5. In the Supervisory Commission, representatives of the insured persons have one-third and representatives of the employers two-thirds of the number of seats. 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 governing body consisting of an equal number of insured persons and employers and assisted by two auditors. 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. The representatives of insured persons are appointed by a conference of the presidents of the Agricultural Chambers in Austria.

*Chile.* — See under *Convention No. 24 (Sickness insurance, industry, etc.)*, ARTICLE 6.

*Colombia.* — 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.

*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.

*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 35 of the Constitution of the International Labour Organisation (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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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.). and see also "General observation" under Convention No. 2 (Unemployment), point III.*

## IV.

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

*Chile. — Copies of three judgments, relating to compulsory insurance given by the Labour Courts 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, 271,675 persons were notified as entering into insurance in 1934. The report gives the following statistics on the cost of insurance during the year.*

	Schillings.
(2) <i>Benefits in cash :</i>	
<i>(a) Total cost of benefits in cash .</i>	3,067,637
<i>(b) Average cost of benefits in cash per insured person . . .</i>	11.29
(3) <i>Benefits in kind :</i>	
<i>(a) Total cost of benefits in kind .</i>	7,996,228
<i>(b) Average cost of benefits in kind per insured person . .</i>	29.43



(4) *Financial resources :*

Total amount of contributions . . . . .	13,364,995
(a) Contributions from the employers . . . . .	6,625,855
(b) Contributions from the insured persons . . . . .	6,739,140

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.)*.

*Great Britain.* — See under *Convention No. 24 (Sickness insurance, industry, etc.)*. The information supplied there applies equally to agricultural workers.

*Luxemburg.* — See introductory note.

*Spain.* — See introductory note.

*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 States Members for which the Convention was in force before 1 July 1936 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 1935-30 September 1936 or for part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Australia . . . . .	9. 3.1931	17.11.1936 25.11.1936 30. 3.1937
Bulgaria . . . . .	4. 6.1935	23.11.1936
Canada . . . . .	25. 4.1935	23.10.1936
Chile . . . . .	31. 5.1933	4. 1.1937
China . . . . .	5. 5.1930	24. 2.1937
Colombia . . . . .	20. 6.1933	25. 1.1937
France . . . . .	18. 9.1930	6. 2.1937
Great Britain . . .	14. 6.1929	28.12.1936
Hungary . . . . .	30. 7.1932	3.12.1936
Irish Free State . .	3. 6.1930	3.11.1936
Italy . . . . .	9. 9.1930	24. 2.1937
Mexico . . . . .	12. 5.1934	6.11.1936
Nicaragua . . . . .	12. 4.1934	
Norway . . . . .	7. 7.1933	4.12.1936
Spain . . . . .	8. 4.1930	30. 3.1937
Union of South Africa . . . . .	28.12.1932	24.11.1936
Uruguay . . . . .	6. 6.1933	23.12.1936

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 *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.

In a letter dated 7 October 1936, the Government of *Canada* states: "with regard to the ... three Conventions, ... Hours of work (industry); Weekly rest (industry); and Minimum wage-fixing machinery... statutes have been adopted by the Parliament of Canada to give effect thereto. A reference was made to the Supreme Court of Canada by Order in Council of 5 November 1935, with respect to the jurisdiction of the Parliament of Canada to enact these three statutes. Judgments were delivered by the Supreme Court of Canada in these matters on 17 June 1936. Appeals have since been taken to the Judicial Committee of the Privy Council in London and the same have been set down for hearing at the Michaelmas term opening this month. From the foregoing it will be observed that the necessary arrangements to obtain a final decision as to the validity of these respective enactments are being expedited to the utmost. In the circumstances, we are not in a position at present to furnish a report in the particular form which has been approved by the Governing Body of the International Labour Office."

The *Chinese* Government states that a Minimum Wage Act was promulgated on 23 December 1936. The Act applies to all persons employed in industries or in branches of industries in which no system has been set up for fixing wages by means of collective or other agreements, and in which the wages paid are exceptionally low. Under § 23 of the Act, the date of its coming into force will be determined by an Order.

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. For the general information contained in the Government's letter of 30 December 1936, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The *French* Government states in its report that a Bill has been laid before the

Chamber of Deputies, the object of which is to extend the application of § 33 of Book I of the Labour Code, explicitly as regards the protection of the wages of home workers, to the industries covered by the Decrees issued in pursuance of the section in question.

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 *Nicaragua* has not yet been received.

The *Spanish* Government stated in its report for the period 1 October 1934-30 September 1935 that the provisions in force in regard to joint boards are different from those which were indicated in the course of the previous year, and probably, from those about which information will be given next year. Several amendments to the Act of 27 November 1931 concerning joint boards are contained in the Act of 16 July 1935. In order that these should be incorporated in the legislation then in force, an amended text of the Act was issued, together with regulations for administrative procedure. These measures are at present under re-examination as the result of the change of Government which has taken place. In the amended text of the Act concerning joint boards, the boards are empowered to fix minimum rates of salary. The rules under § 35 of this Act are to be observed in regard to fixing rates in home working trades. For the general information supplied by the Government for the period covered by the present report, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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 no legislation has been passed concerning methods of fixing minimum wages or carrying out completely the provisions of the Convention. § 53 of the Constitution of 1934 states that the law must recognise the right to fair remuneration possessed by all persons, whether workers or salaried employees, who are required to work. On the basis of this section, the National Institute of Labour and its various services have prepared draft legislation for the establishment of minimum wage boards. This legislation will shortly be submitted to the Government, and will be brought into harmony with the provisions of the Convention. The Government gives a list of Acts and Decrees which fix minimum wages for different categories of workers, and adds that the State has done everything in its power to raise the level of wages until such time as it will be possible to bring the national legislation into harmony with the Convention and thus fulfil the obligations incurred by ratification.

### 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, 1936.

#### *Northern Territory of Australia:*

Commonwealth Conciliation and Arbitration Act, 1904-1934.

Aboriginals 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; 1936, Austral. 2).

#### *Queensland.*

Industrial Conciliation and Arbitration Act of 1932-1936 (L. S. 1933, Austral. 1; 1934, Austral. 5; 1935, Austral. 7).

Apprentices and Minors Act, 1929-1934 (L. S. 1929, Austral. 7) and Regulations of 27 February 1930 to apply the Act.

#### *South Australia.*

The Industrial Acts of 1920 to 1935 (L. S. 1926, Austral. 1., 1935, Austral. 10).

#### *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. 3) 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.

#### *Bulgaria.*

Legislative Decree of 5 September 1936 concerning the contract of employment (L. S. 1936, Bulg. 5).

#### *Canada.*

See introductory note.

#### *Chile.*

Legislative Decree No. 178 of 13 May 1931 (§§ 43-45) to ratify the Labour Code (L. S. 1931, Chile 1).

Decree No. 276 of 12 September 1932 to approve the Regulations concerning the appointment and working of joint minimum wage boards.

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.

See also introductory note.

#### *Colombia.*

See introductory note.

*France.*

Code of Labour and Social Welfare, Book I, §§ 33 to 33m (L. S. 1928, Fr. 11).

Act of 14 December 1928, supplementing the above (L. S. 1928, Fr. 11).

Decrees of 10 August 1922 (L. S. 1922, Fr. 1) 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.

See also introductory note.

*Great Britain.*

Trade Boards Act, 1909 (B. B. Vol. V, 1910, p. 23).

Trade Boards Provisional Orders Confirmation Act, 1913.

Trade Boards Act, 1918.

Trade Boards Act (Northern Ireland), 1923 (L. S., 1923, G. B. 3).

Various Regulations and Orders issued under the Acts.

*Hungary.*

Act XIX of 1932 respecting the Convention concerning the creation of minimum wage-fixing machinery adopted by the International Labour Conference at Geneva in 1928.

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. 23).

Trade Boards Act, 1918.

*Italy.*

Labour Charter of 21 April 1927 (L. S. 1927, It. 3).

Act No. 563 of 3 April 1926 concerning the legal regulation of collective relations in connection with employment (L. S. 1926, It. 2).

Royal Decree No. 1130 of 1 July 1926, issuing rules for the administration of the above Act (L. S. 1926, It. 5).

Royal Decree No. 471 of 26 February 1928, issuing regulations for the settlement of individual disputes arising out of employment (L. S. 1928, It. 1).

Royal Decree No. 1251 of 6 May 1928, to issue rules for the filing and publication of collective contracts of employment (L. S. 1928, It. 3).

Act No. 877 of 26 April 1930, conferring force of law on the Convention.

Act No. 437 of 3 April 1933 to extend the legal regulation of collective relations in connection with employment to share contracts in agriculture and contracts for small holdings (L. S. 1933, It. 7).

Act No. 150 of 25 January 1934 to regulate the validity of collective agreements and similar provisions during the period between the denunciation of such agreements and the conclusion of new agreements.

Act No. 163 of 5 February 1934 concerning the constitution and functions of the corporations (L. S. 1934, It. 1).

Royal Decree No. 1073 of 21 May 1934 containing new rules for the settlement of individual labour disputes.

*Mexico.*

Constitution of the United States of Mexico of 1917.

Federal Labour Act of 18 August 1931 (L. S. 1931, Mex. 1).

Decree of 6 October 1933 to amend the Federal Labour Act (L. S. 1933, Mex. 2).

The Government adds the following information : " 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 explicit provisions of § 133 of the Constitution."

*Norway.*

Act of 15 February 1918 concerning industrial home work (B. B., vol. XIII, 1918, p. 55), as amended by Acts of 6 July 1923 (L. S. 1923, Nor. 4), 15 June 1928 (L. S. 1928, Nor. 1) and 24 March 1933.

*Spain.*

Decree of 29 August 1935 approving the codified text of the legislation concerning joint labour boards (L. S. 1935, Sp. 3).

Regulations concerning administrative procedure.

Order of 11 December 1933 to pronounce that the Act of 21 November 1931 concerning contracts of employment (L. S. 1931, Sp. 14) shall establish the basic rule of contractual relations.

See also introductory note.

*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.*

Act of 15 February 1923 respecting a minimum wage for agricultural workers (L. S. 1923, Ur. 1).

Decree of 8 April 1924 issuing regulations under the preceding Act (L. S. 1924, Ur. 1).

Act No. 8054 of 18 November 1926 to fix a minimum wage for workers and employees employed by the customs services.

Act No. 8645 of 27 June 1930 to fix a minimum wage for workers and employees employed by cold storage undertakings for the loading and unloading of vessels.

Decree of 18 December 1930 issuing regulations under the preceding Act.

Decree of 18 June 1931 to extend the application of a provision relating to the work of the staffs of cold storage undertakings employed on board ship.

Decree of 9 August 1929 to regulate employment in the extraction, loading, unloading and transportation of sand for certain employers (L. S. 1929, Ur. 2).

Act No. 9216 of 23 January 1934 to authorise the Pension Fund for Industry, Commerce and the Public Services to introduce inspection stamps or labels for articles or products in industries where clandestine workshop manufacture exists (L. S. 1934, Ur. 5).

Decree of 27 June 1934 to issue regulations under the preceding Act.

See also 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.* — The Industrial Board Ordinance of 1936 lays down in § 5 that there shall be an Industrial Board composed of a Chairman and four members appointed by the Governor-General for a term of one to three years. The four members of the Board shall represent respectively the Commonwealth, the private employers, the Commonwealth employees and the private employees. § 7 provides that there may be a deputy chairman and deputy members to substitute each of the titular members. The Ordinance does not apply to the fixation of the salaries of Commonwealth officers or employees to whom an award of the Commonwealth Court of Conciliation and Arbitration or any determination of the Public Service Arbitrator is applicable, or to private employees to whom such an award is applicable. Bound apprentices, in pursuance of the Apprenticeship Ordinance, 1936, are also outside the scope of the Ordinance. § 12 of the Ordinance provides that the Board shall have jurisdiction to hear and determine all matters relating to salaries, wages, rates of pay or terms and conditions of service or employment in the Territory.

*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.

*South Australia.* — The Industrial Acts of 1920-1935 provide for the constitution and maintenance of a machinery (consisting of a Board of Industry, an Industrial Court which is also a Court of Record, and such industrial boards as are constituted for any industry or division of any industry or any combination of industries) which shall fix the minimum wage of employees in any industry, trade or profession, with the exception of agriculture; agriculture is defined in §§ 5 and 140 to include horticulture, viticulture and the use of land for any purpose of husbandry, including the keeping or breeding of livestock, poultry or bees, and the growth of trees, plants, fruit, vegetables and the like.

*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.

*Bulgaria.* — The report states under § 21 of the Legislative Decree of 5 September 1936 concerning contracts of employment, the amount of the wages cannot in any case be less than the amount of the lowest wage fixed by the collective labour agreement. If there is no collective labour agreement, minimum wages shall be fixed by a scale submitted to the Council of Ministers by the Minister of Commerce, Industry and Labour, and approved by the former after consultation with the competent Chambers of Commerce and Industry and the occupational organisations, institutions and persons concerned. § 22 lays

down that if no scale has been approved by the Council of Ministers, the employee shall have the right to be paid the minimum wage paid to an employee carrying out the same work in the same undertaking or in a similar neighbouring undertaking.

*Canada.* — See introductory note.

*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 nitrate 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. See also introductory note.

*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. See also introductory note.

*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.

*Mexico.* — § 414 of the Labour Act of 18 August 1931, as amended by the Decree of 6 October 1933, lays down that the minimum wage shall be fixed by special boards appointed in each municipality, composed of equal numbers (not being less than two on each side) of employees' and employers' representatives, and one representative of the municipal authority, who shall act as chairman. For the purposes of this section, the special boards shall be subordinate to the Central Conciliation and Arbitration Board of the Federal State or Territory concerned. Under § 342, it shall be the duty of the Central Conciliation and Arbitration Boards to take cognisance of and settle differences and disputes between capital and labour, and under § 343, they shall be constituted and shall sit permanently in the capitals of the States of the Federal District and of the Federal Territories; § 344 lays down that they shall be composed of a representative of the Governor of the State or Territory or Head of the Department for the Federal District, who shall act as chairman of the board, an employees' representative and an employers' representative for each branch of industry or group of different occupations. The report states that the Act does not refer to a particular category of workers or to a particular category of employment; its provisions are general and refer to all "workers".

*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.

*Spain.* — In conformity with the Act concerning joint boards (Decree of 25 August 1935), the formation of joint boards for certain trades is submitted to a special sub-committee of the Council of Labour for examination. This committee is composed of an equal number of employers and workers. Minimum wage-fixing machinery covers the groups of industries laid down in § 4 of the Act of 16 July 1935, where a list is given of the various forms

of industrial and rural work (industry, trade, office work, banking, public performances, agriculture, fisheries, etc.) Exception is only made in the case of domestic work, private offices and the liberal professions (§ 111). See also introductory note.

*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 was appointed on 7 February 1936. 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.* — The Government states that a series of Acts and administrative regulations have fixed minimum wages for the following categories of workers: agricultural workers; workers and employees employed by the customs services; workers and employees employed by cold storage undertakings for the loading and unloading of vessels, and persons who handle or supervise merchandise in the cold storage chambers on board ship; employees engaged in the extraction, loading, unloading and transportation of sand for employers working under a State concession; workers employed on public works. With regard to public works, various Decrees have extended the benefit of the minimum wage to

workers in industries two-thirds of the output of which is used for the fulfilment of public work contracts, and to all persons employed in industries set up to provide materials for any public work. With regard to homework, the Act of 23 January 1934 authorises the Pension Fund for Industry, Commerce and the Public Services to introduce inspection stamps or labels (which are compulsory) for articles or products in industries where clandestine workshop manufacture exists. The stamps or labels must be affixed in such a manner that it is possible to ascertain where the article was manufactured, and whether the laws governing employment, pensions, taxation, etc., have been complied with or not (§ 1). Under § 2, in cases where work is done at home, the person carrying on the undertaking or the contractor for the work shall be deemed to be the employer for the purposes of the Act. The first paragraph of § 3 lays down that the wages paid for homework shall not be less than the current wages in workshops in the industry in the locality concerned. See also 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.* — § 13 of the Industrial Board Ordinance of 1936 lays down that the Board shall have power with respect to any matter submitted to it to declare by order that any term of a determination shall be a common rule of employment in the Territory, provided that the Board shall first, by notification published in the "Gazette" and in a newspaper circulating in the Territory specifying the matter in relation to which it is proposed to make a common rule, invite all persons and organisations interested and desirous of being heard to appear or be represented before the Board. § 15 lays down that the Attorney-General may, by notice in the "Gazette", declare that the Ordinance shall apply to any organisation in, or in connection with any industry on compliance with the prescribed conditions. The term "organisation" is defined in



§ 4 as "any organisation registered pursuant to the Commonwealth Conciliation and Arbitration Act, 1904-1934, and includes any trade or other union or branch of any union, or any association or body composed of or representative of private employers or Commonwealth or private employees...."

*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.

*South Australia.* — See under Article 1. The Government states that the minimum wage-fixing machinery applies to all trades covered by awards of the Court or determinations of Industrial Boards. Where a trade is not covered, provision is made whereby not less than 20 employees in an industry may apply for an award, or an association having not less than 20 members in an industry, or an employers having not less than 20 employees in the industry may apply.

*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.

*Bulgaria.* — See above, under ARTICLE 1.

*Canada.* — See introductory note.

*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. See also introductory note.

*Colombia.* — See introductory note.

*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.

*Mexico.* — The Government states that the opinion of employers' and workers' associations is obtained by means of their representation on the minimum wage boards. The decisions of these boards are binding for the municipality, and not for a particular industry or employment.

*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, but in March, 1936, a woman was appointed a temporary member of the Board, to represent women's interests during the investigations into the textile manufacturing industry and the garment making trades in the Union. 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 above, under ARTICLE 1, and 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 plaintiff 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.* — For information as to the composition of the Industrial Board see above under ARTICLE 1. Under § 16 of the Industrial Board Ordinance, 1936, 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, or terms or conditions of service or employment of employees in the Territory ; and are entitled to be represented before the Board on the hearing of any such matter. § 17 lays down that any determination made by the Board shall be notified in the "Gazette" and the fact of any determination being so notified shall be advertised in a news-

paper circulating in the Territory. § 18 provides that a determination is binding on the employees to whom it relates and, where the determination relates to private employees, on the employers of those employees. The Public Service Board, and the Permanent Heads and Chief Officers of the several Departments and all persons in the Public Service of the Commonwealth shall comply with the provisions of any determination made by the Board.

*Northern Territory of Australia.* — See introductory note.

*New South Wales.* — ... Should the Tribunal fail to arrive at a decision, application may be made to a second Tribunal (Industrial Commission) consisting of four judges, one of whom shall be appointed by the Chairman of the Commission. An appeal also lies from the Conciliation Committee to the Industrial Commission, and the decision of the latter shall be final. The Tribunals may be approached by the Minister, by industrial unions of employers and employees, or by an employer or employers of not less than twenty employees in the trade, industry or calling ...

*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.

*South Australia.* — Under § 253 of the Industrial Acts the Board of Industry shall comprise a President, who shall be the President or a Deputy President of the Industrial Court, and 4 Commissioners, 2 of whom shall be representatives of employers and 2 shall be representatives of employees. Under § 256 the Governor shall nominate the members of the Board of Industry for a period of 3 years. § 258 provides that the functions of the Board of Industry shall be, *inter alia*, to declare the living wage: "living wage" is defined in § 251 as a sum sufficient for the normal and reasonable needs of the average employee living in the locality where the work under consideration is done or is to be done. § 264 provides that the Board of Industry shall after public enquiry as to the increase or decrease in the average cost of living make a determination declaring what shall be the living wage to be paid to adult male employees and to adult female employees, with full power to fix different rates to be paid in different defined areas. Under § 265 the Board of Industry shall hold an enquiry for the purpose of declaring the living wage whenever a substantial change in the cost of living or any other circumstance has in the opinion of the Board rendered it just and expedient that the question of the living wage should be reopened and reviewed, but no new determination shall be made by such Board until the expiration of a period of at least one year from the date of its previous determination. The Government adds that the rates of wages thus fixed shall be applied by the various Industrial Courts. Under § 144 the Minister shall, on the recommendation in writing of the Board of Industry, constitute industrial boards for any industry or division of any industry or any combination of industries. § 146 provides that each Board shall consist of an independent chairman, and an equal number of representatives of employers and employees. Under § 161 (a) a Board, on a reference by a Governor, Court, or Minister, or on a request made by employers or employees, may, with respect to the industry or calling for which it has been constituted, make a determination fixing the minimum wage to be paid to employees. § 200 provides that after the determination of an industrial board has been in force for a period of not less than one year application may be made to the Court for an Order referring such determination or any part thereof back to the board for reconsideration. §§ 43 and 169 provide that the Board shall not have

power as regards adult employees to fix wages or rates which do not secure a living wage. However, under §§ 31 and 224, the Chief Inspector may on personal application grant to an aged, slow, inexperienced or infirm worker a licence to work at a wage less than the wage fixed by the board. §§ 121 and 186 provide that the determination of any Board or Court shall be binding on all employers or employees in the industry or profession specified therein.

*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*.

*Bulgaria.* — See above under ARTICLE 1. § 3 of the Legislative Decree of 5 September 1936 provides that the power to

conclude a contract of employment is independent of the existence of a collective labour agreement. If all the clauses of the contract of employment, or some of them, are less favourable for the employee than those of the collective agreement, or than the conditions prescribed by social legislation or by the Legislative Decree in question, the more favourable provisions shall be applicable.

*Canada.* — See introductory note.

*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. See also introductory note.

*Colombia.* — See introductory note.

*France.* — ... See also introductory note.

*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 lodgment 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.

*Mexico.* — For information with regard to the competent bodies and their composition, see above under ARTICLE 1. §§ 415 to 428 of the Federal Labour Act of 18 August 1931, as amended by the Decree of 6 October 1933, provide that on 1 October of every odd year the competent central conciliation and arbitration board shall convene the employers and employees of each municipality within its jurisdiction to appoint their representatives on the special board concerned, which shall meet not later than 20 October. If any special board has not been constituted or has not met by 1 November, the competent central conciliation and arbitration board shall appoint the lacking members within five days (§ 415). Each board, acting in accordance with the instructions received from the competent central conciliation and arbitration board, shall within a period not exceeding thirty days examine the economic situation of the district in which the minimum wage rate is to be fixed and the different kinds of employment. For this purpose the Board shall collect data and information of every kind respecting the cost of living, the expenditure absolutely necessary to satisfy the minimum needs of an employee, the economic conditions of the markets for the products in question, and other information which it considers necessary for the proper performance of its duties

(§ 416), information which the authorities and all undertakings and the chambers of commerce shall be bound to supply (§ 417). § 99 defines "minimum wage" as the wage deemed sufficient in view of the conditions in each district to satisfy the normal needs of an employee for subsistence, education and reasonable amusement, considering him in the capacity of head of a family and taking into account the fact that he must have at his disposal the necessary means of subsistence during the weekly days of rest when he is not in receipt of wages. In the case of agricultural workers, the minimum wage shall be fixed with due consideration to the facilities which the employer gives to his employees with regard to lodging, crops, wood-cutting and the like which decrease the cost of living. § 428 lays down that in employment in which wages are reckoned by the piece, the remuneration shall be such that a working day of eight hours shall yield for normal work a sum not less than the minimum wage. The first paragraph of § 419 provides that, upon the expiration of the time limit referred to in § 416, the Board shall issue its decision fixing the minimum wage for the municipality. The decision shall be transmitted immediately to the competent conciliation and arbitration board, which shall proceed *ex officio* to review it. The central board shall give notice of the decision to the employers, and employees' representatives concerned and shall give them a time limit of fifteen days within which to submit to the central board any information and statements which they consider relevant. Upon the expiration of this time limit the board, taking into account the proceedings before the special minimum wage board, shall adopt its final decision at a plenary session (§ 426). The second and third paragraphs of § 419 lay down that, if a board fails to issue a decision within the specified time limit, the competent central conciliation and arbitration board, after giving notice to the parties, shall proceed to fix the minimum wage in the municipality concerned in conformity with the provisions indicated above. In every case the central board shall issue a final decision which shall be published in the appropriate Official Gazette before 31 December. § 423 lays down that on the application of a majority of the employers or employees in a municipality the special board may at any time alter the minimum wage which has been fixed, provided that this step is justified by the conditions in the said municipality. In the event of failure to constitute a special minimum wage board, the majority applying for it shall refer the matter to the competent central conciliation and arbitration board and the latter shall proceed to alter the minimum wage, acting in conformity with the procedure laid down above, within a time limit not exceeding sixty days. For this

purpose the central conciliation and arbitration boards shall consult the competent local economic councils and may procure the assistance of the requisite technical staff (§ 424). The report states that the decisions taken remain in operation for two years unless they have been revised in the manner specified by the Act. The wage rates approved are binding, and the workers cannot surrender their right to them in any form, since they are fixed for the benefit of the workers and therefore come under the provisions of § 15 of the Federal Labour Act, which lays down that the provisions of the Act which grant any advantage to employees may not in any case be renounced. Further, this provision is endorsed in the text of the Constitution itself.

*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.

*Spain.* — The Government states that employer and worker members of the sub-committee of the Council of Labour are consulted on the formation of joint boards for certain trades in different districts or localities. These members are elected by and from the various associations concerned. In the amended text of the Act concerning joint boards, the boards are empowered to fix minimum rates of salary. The rules under § 35 of this Act are to be observed in regard to fixing rates in home working trades. On the joint boards, employers and workers fix minimum rates by majority vote. Under the new legislation approved in 1935, the president has no power to give a casting vote in any discussion between employers and workers on minimum rates. The Minister of Labour is therefore empowered to give a decision on the basis of the employers' and workers' proposals and any opinion expressed by the Council of Labour, the Council of Industry and the Council set up to co-ordinate national economic policy. The Council of Labour is composed, as stated above, of representatives of employers' and workers' associations. Minimum rates of wages shall not, under § 37 of the amended text of the Act concerning joint boards, be subject to abatement by individual or collective agreement. See also introductory note.

*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. During the period covered by the report, several applications were received and were being considered by the Board at the end of the period. The following references were issued to the Board by the Minister of Labour and Social Welfare: on 18 February 1936, concerning motor transport driving in the Witwatersrand and Pretoria; on 24 March 1936 (amended 3 July 1936), concerning the textile industry in the Union; on 9 April 1936, concerning the garment-making trades in the principal industrial centres; on 6 May 1936, concerning the liquor and catering trade in the Witwatersrand; on 31 July 1936, concerning the meat trade in Durban; on 11 September 1936, concerning the bakery and confectionery trade in the Witwatersrand; on 22 September 1936, concerning unskilled work and roadmaking in Cape Town, and concerning brick and tile making, and stone quarrying and crushing in the Cape Peninsula. The necessary investigations have either been commenced or are to be put in hand shortly; in the case of the references issued on 22 September 1936, the Board is required to investigate conditions of employment and report thereon. In the other references, the Board is also required to submit a recommendation. 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, magisterial districts of Port Elizabeth and Uitenhage, and of Krugersdorp (excluding Farm Holfontein No. 161), Roodepoort, Johannesburg, Germiston, Boksburg, Benoni, Brakpan and Springs; clothing industry in the magisterial districts of the Cape, Wynberg and Simonstown, and of Durban, Pinetown and Inanda, and in the Transvaal Province; furniture industry in the magisterial districts of the Cape, Wynberg, Simonstown and Bellville, in the municipal areas of Durban and Pietermaritzburg, and in the magisterial district of Krugersdorp, Roodepoort, Johannesburg, Germiston, Benoni, Boksburg, Brakpan, Springs, Pretoria and Witbank; tea room, restaurant and catering trade in the magisterial districts of Krugersdorp, Roodepoort, Johannesburg, Germiston, Boksburg, Benoni, Brakpan and Springs. 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.* — With regard to homework, § 3 of the Act of 23 January 1934 provides that the minimum wages shall be fixed every two years by the Superior Labour Council after consultation with local committees on which the employers and employees in the various industries shall be represented. (According to the report, the Council includes among its members representatives of employers' and workers' organisations.) An application may be made for the revision of the wage scales during their period of operation in the event of an alteration in the wages paid in workshops which were taken as the basis for the fixing of the minimum wage for homework. The Superior Labour Council shall decide respecting such applications. The first paragraph of § 5 lays down that any agreement (whether oral or in writing) respecting homework shall be null and void if it provides for a wage less than that fixed in the relevant scale. See also 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 Government states that no definite figures can be given as to the numbers of workers affected by the legislation concerned, but it may be taken generally that all members of trade unions in Australia are covered by industrial awards or determinations either by the Commonwealth or State Tribunals. See also introductory note.

The information supplied by the Government with regard to the States of the Commonwealth is as follows :

*Territory for the Seat of Government.* — No information.

*Northern Territory of Australia.* — No information.

*New South Wales.* — § 7 of the Industrial Arbitration Act of 1926 lays down that the Industrial Commission shall determine, not more frequently than once in every six months, a standard of living and shall declare what shall, for the purpose of the Act, be the living wages based upon such standard for adult male and adult female employees in the State. No award and no labour agreement may prescribe wages lower than the "living wage". This section has been amended by § 2 of the amending Act of 1929 in such a way as to provide that the living wage for adult male employees shall be based on the requirements of a man and wife with one child under the age of fourteen years and for adult female employees at 54% (calculated to the nearest sixpence) of the living wage for adult male employees (§ 5 of the Amending Act of 1936) . . . The report states that, during the period under review, the Industrial Commission made two living wage declarations for adult males and three for females. On 25 October 1935 the adult male living wage was declared at £3.8.6 per week; this rate was increased to £3.9.0. per week on 24 April 1936. In October 1935, the adult female living wage was fixed at £1.17.0 per week and in April 1936 at £1.15.6 per week. In pursuance of the Industrial Arbitration (Amendment Act) 1936, the Industrial Commission fixed the female living wage at £1.17.6 per week on 1 June 1936; this amount is equivalent to 54% of the adult male rate to the nearest six pence. During the period covered by the report, the Industrial Commission, in June 1936, made an award prescribing rates of wages, hours and other conditions of employment for all classes of nurses, employed in public or private hospitals; country commercial travellers were also brought within the scope of minimum wage fixing laws by industrial awards made in December 1935. During the period January-June 1936, 486 awards were in force, 15 principal and 576 subsidiary awards were made and 238 awards re apprentices. The Government adds that no statistics exist of the number of employees covered by awards in each industry or as a whole. 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.

*South Australia.* — The Government states that information with respect to the number of workers covered, the minimum rates of wages fixed, etc. is contained in the Annual Report of the Chief Inspector of Factories of this State, which is forwarded regularly to the Office.

*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. 3. 0. ; Brickmakers : £4. 7. 0. ; Carpenters : £4. 15. 6. ; Bricklayers : £4. 19. 0. ; Plasterers : £4. 15. 6. ; Stonemasons : £4. 19. 0. ; Painters : £4. 15. 6. ; Builders' Labourers : £3. 18. 10. ; Butchers : £4. 0. 0. ; Butter and Cheese Makers : £3. 5. 0. ; Electrical Engineers : £4. 13. 0. ; Furniture-makers : £4. 3. 0. ; Fuel Merchants : £3. 9. 6. ; Flourmillers : £4. 2. 0. ; Grocers : £3. 4. 6. ; 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. 0. ; Mechanical Engineers : £4. 16. 0. ; Foundrymen : £4. 16. 0. ; Bakers : £4. 10. 0. ; Carriers : £3. 5. 3. ; Cement-makers : £3. 7. 0. ; Chemists : £4. 15. 0. ; City Council Labourers : £3. 9. 0. ; Coachbuilders : £4. 13. 0. ; Country Council Labourers : £3. 6. 0. ; Cycle Trade : £4. 0. 0. ; Country Storekeepers : £3. 10. 0. ; Drapers : £2. 12. 6. ; Dressmakers : £1. 19. 0. ; Enginedrivers : £4. 2. 0. ; Entertainment : £3. 4. 4. ; Electrolytic Zinc : £3. 9. 0. ; Plumbers : £4. 11. 8. ; Printers : £3. 17. 0. ; Produce Merchants : £3. 9. 0. ; Quarrymen : £3. 10. 0. ; Rubber Workers : £3. 9. 6. ; Road-makers : £3. 3. 0. ; Shipping Trade : £3. 11. 6. ; Soft goods : £3. 5. 0. ; Sweep Promoters : £4. 4. 0. ; Timber Trade : £3. 8. 0. ; Tanners : £3. 9. 6. ; Textile Trade : £3. 8. 0. ; Wholesale Grocers : £3. 9. 6. ; Wharves, Piers and Jetties : £3. 15. 0. ; The report states that existing statistics do not permit of an accurate estimate of the number of persons employed, but the approximate number is considered to be 23,000.

*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. The cases referred to in last year's report as, at that time, awaiting hearing by Tribunals, have been concluded. The case referred to the Butchers Trade Tribunal resulted in the defendant being fined £50; a similar penalty was imposed by the Fibrous Plasterers Trade Tribunal, but on appeal by the defendant to the State Full Court the conviction was quashed and the penalties remitted. At the present moment one case is awaiting hearing by the Boot Trade Tribunal. The Government adds that this experimental legislation has now been in operation for two years and there is no doubt that the practices mentioned in the previous report have been checked considerably as a result.

*Western Australia.* — ... The Government states that all workers in the various trades are covered by awards of the Industrial Court or by collective agreements registered at the Court.

*Bulgaria.* — No information.

*Canada.* — See introductory note.

*Chile.* — A report of the General Labour Inspectorate states that, during the period covered by the Government's report, Minimum Wage Boards of a provincial or departmental nature have been set up for and in the following industries and towns: baking industry in Iquique, Tocopilla and Illapel; printing industry in Valparaíso; printing, hotel, cardboard and newspaper industries in Santiago; milling industry in Talca. The Government states 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 above definition of the minimum wage is not the most suitable and is not adequate in order to satisfy the workers' legitimate desire for such purchasing power and articles of necessity as are in keeping with their present life. For this reason there have been constant applications all through the year for increase in wages in all occupations. An appendix to the report gives examples of the scales fixed for various industries and occupations in different parts of the country and of the

increases in wages granted, and indicates the industries and occupations in different parts of the country in which these increases have been applied. 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.

*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	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
Mines and Power Factories under the direct control of the Reconstruction Committee		300	9 a month

See also introductory note.

*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 1935 :

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 . . . . .	2,652	9,150	914	19,524	61	10,456
Hats . . . . .	216	941	51	985	—	—
Footwear . . . . .	492	1,946	255	5,351	7	1,850
Underclothing of all kinds . . . . .	791	3,272	500	22,819	37	4,841
Embroidery . . . . .	219	1,182	608	13,842	12	2,223
Lace . . . . .	108	739	127	2,628	3	433
Feathers . . . . .	12	70	—	—	—	—
Artificial flowers . . . . .	45	227	26	446	2	480
Work subsidiary to the clothing industry . . . . .	37	206	43	1,565	4	805
Knitting and machine knitting . . . . .	82	302	46	827	1	150
Rosaries and jewellery . . . . .	4	10	9	260	2	523
Umbrellas . . . . .	16	112	3	57	2	270
Wigs, hair work, etc. . . . .	6	34	6	118	—	—
Tapestry . . . . .	4	21	1	15	—	—
Bead work . . . . .	31	144	19	313	—	—
Paper and cardboard goods . . . . .	77	338	65	1,525	3	502
Advertisement work (addressing, copying, folding) . . . . .	5	16	3	95	—	—
Basket making, straw and rush work . . . . .	48	234	39	1,010	1	103
Bristle work and brushmaking . . . . .	21	98	17	250	2	300
Case making and fancy leather goods . . . . .	10	59	5	106	—	—
Sorting, finishing and carding of buttons . . . . .	3	23	16	214	—	—
Toys . . . . .	4	16	2	25	—	—
Miscellaneous . . . . .	136	460	173	3,126	4	433
Totals . . . . .	5,019	19,600	2,928	75,101	141	23,369

*Great Britain.* — The report supplies the following lists of the general minimum time rates fixed by the Trade Boards and in operation at 30 September 1936 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.... 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 1936 the number of holders of permits of exemption in Great Britain was 2,826.

(For tables concerning Great Britain and Northern Ireland, see pp. 375 and 376).

*Hungary.* — The report states that since 1 October 1935 the Minister of Industry has approved 21 Decrees for fixing minimum wages by the Boards set up in the following branches of industry: joinery,

furniture-making with bent wood, manufacture of salami, tinned goods and preserved meat, carpentry and stone masonry, for the whole of the country; and the paper-hanging, pork butchers' and butchers' trades, for the territory within the jurisdiction of the Chamber of Commerce and Industry of Budapest. Boards have already been set up and negotiations are in progress in several other branches of industry, in particular; plumbing, installation of central heating, laying down of water pipes, manufacture of sheets of veneer, manufacture of inlaid wood flooring, glove and leather industry, boot and shoe repairing, manufacture of buttons, wool industry, hosiery trade, cotton and silk industry, silk spinning and silk twisting, clothing industry for men and women, corset making, pastry-cooks' undertakings, printing industry; minimum wages will thus be fixed in the near future for these industries. The report adds that the wages have generally been fixed by agreement between employers and workers. The minimum wages take into account the various branches of occupations, the varying degrees of occupational aptitude of the workers, and the detailed specification, in order to be able to satisfy as completely as possible the

## 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.)	1,433	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	147	7 <sup>1</sup> / <sub>2</sub>	1. 1 <sup>1</sup> / <sub>2</sub>
Boot and Shoe Repairing	12,878	10 <sup>1</sup> / <sub>4</sub> (c)	1. 2 <sup>1</sup> / <sub>4</sub>
* Brush and Broom	542	6 <sup>1</sup> / <sub>2</sub> (c)	— 11
* Button Manufacturing	159	6 <sup>1</sup> / <sub>2</sub>	1. 1 <sup>1</sup> / <sub>3</sub>
* Chain Making (m)	143	5 <sup>101</sup> / <sub>160</sub>	1. 1 <sup>13</sup> / <sub>16</sub>
Coffin Furniture and		6 <sup>36</sup> / <sub>47</sub> (c)	1. 0 <sup>12</sup> / <sub>47</sub> (h)
Cerement Making	48	7 <sup>1</sup> / <sub>2</sub> (c) (g) (l)	—
Corset	264	7	1. 1 (d)
Cotton Waste Reclamation	181		
(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	864	6 (c)	— 11
* Dressmaking and Women's Light Clothing (E. and W.)			
(1) Retail Bespoke Section	11,788	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)			
(1) Retail Branch	945	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	172	6 (f)	—
Flax and Hemp	94	6	— 10 <sup>1</sup> / <sub>3</sub>
Fur	1,614	7 <sup>1</sup> / <sub>2</sub> (b)	1. 1
Fustian cutting	31	5 <sup>3</sup> / <sub>4</sub>	— 10 (a)
General Waste Materials Reclamation	1,983	6	— 10 <sup>1</sup> / <sub>4</sub>
Hair, Bass and Fibre	62	6 <sup>1</sup> / <sub>4</sub>	— 10 <sup>3</sup> / <sub>4</sub>
Hat, Cap and Millinery (England and Wales)	4,296	7 (g)	1. — (d)
Hat, Cap and Millinery (Scotland)	296		
(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	105	6 <sup>3</sup> / <sub>4</sub>	— 11 <sup>1</sup> / <sub>2</sub>
Jute	92	6	— 9 <sup>3</sup> / <sub>8</sub>
Keg and Drum	114	7	1. —
* Lace Finishing (m)	258	6 <sup>1</sup> / <sub>4</sub>	—
Laundry	6,546		
(1) Cornwall and North Scotland		6 <sup>1</sup> / <sub>2</sub>	1. 1 <sup>1</sup> / <sub>3</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	388	6 <sup>1</sup> / <sub>4</sub>	— 11 <sup>1</sup> / <sub>2</sub>
Made-up Textiles	395	5 <sup>3</sup> / <sub>4</sub>	— 9 <sup>3</sup> / <sub>4</sub>
Milk Distributive :			
England and Wales	13,995	6 <sup>5</sup> / <sub>8</sub> , 7 <sup>1</sup> / <sub>2</sub> , 8 <sup>3</sup> / <sub>8</sub> (c) and (k)	1.1, 1.2 (k)
Scotland	2,454	6 <sup>3</sup> / <sub>4</sub> (c)	1.0 <sup>1</sup> / <sub>8</sub>
Ostrich and Fancy Feather and Artificial Flower	134	7	1. — (d)
Paper Bag	413	7 <sup>1</sup> / <sub>4</sub>	1. 1 <sup>1</sup> / <sub>8</sub>
* Paper Box	1,249	7 <sup>3</sup> / <sub>8</sub>	1. 0 <sup>1</sup> / <sub>4</sub> (d)
Perambulator and Invalid Carriage	99	6 <sup>3</sup> / <sub>4</sub> (c)	— 11 <sup>1</sup> / <sub>2</sub>
Pin, Hook and Eye and Snap Fastener	34	6 <sup>1</sup> / <sub>2</sub> (c)	— 10 <sup>3</sup> / <sub>4</sub>
* Readymade and Wholesale Bespoke Tailoring	6,064	7 (g)	— 11 (d)
* Retail Bespoke Tailoring			
England and Wales :	9,465		
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)	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 :	1,273	7 to 7 <sup>1</sup> / <sub>2</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	418			
Net Section		6 <sup>1</sup> / <sub>4</sub>		10
Other Sections		6 <sup>1</sup> / <sub>2</sub>		10 <sup>1</sup> / <sub>2</sub>
Sack and Bag	318	6 <sup>1</sup> / <sub>8</sub>		10 <sup>7</sup> / <sub>8</sub>
* Shirtmaking	1,052	7 (g)	1.	1 (d)
Stamped or Pressed Metal Wares	367	6 <sup>1</sup> / <sub>4</sub>		11
Sugar Confectionery and Food Preserving	1,757	6 <sup>3</sup> / <sub>4</sub>	1.	— (e)
Tin Box	211	7 <sup>1</sup> / <sub>4</sub>	1.	1
Tobacco	203	9 <sup>5</sup> / <sub>8</sub> (c)	1.	3 <sup>3</sup> / <sub>8</sub>
* Toy Manufacturing	429	6 <sup>3</sup> / <sub>4</sub> (c)	1.	0 <sup>1</sup> / <sub>2</sub>
Wholesale Mantle and Costume	4,804	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 October 1936 to 31 March 1937 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>		—
General Waste Materials	300	5 <sup>5</sup> / <sub>47</sub> (c)	—	10 <sup>3</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			
Net Section				
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>
Other Sections				
Belfast		4 <sup>1</sup> / <sub>4</sub> to 6 <sup>1</sup> / <sub>2</sub> (e) B	10	to 11 (b) B
Other Areas		3 <sup>3</sup> / <sub>4</sub> to 6 (e) B		9 <sup>1</sup> / <sub>2</sub> to 10 <sup>1</sup> / <sub>2</sub> (b) B
* 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>7</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

(e) " " " 18

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.

legitimate demands of the workers as regards their qualifications and the work to be done. This method of fixing wages finds its justification in the fact that the wages thus fixed are in general welcomed with satisfaction by the persons concerned.

*Irish Free State.* — The minimum wage-fixing 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 1,695 males and 6,355 females. Arrears

of wages recovered as a result of inspection totalled £2,005.17.6. The following table shows the trades in which Trade Boards have been set up and the general minimum time-rates for experienced adult workers as fixed by the Boards. Copies of the regulations governing the constitution and proceedings of the Button-making and Handkerchief and Household Piece Goods Trade Boards and of the amended regulations governing the constitution and proceedings of the Women's Clothing and Millinery Trade Board accompany the report.

Trade		Wages per hour in shillings and pence			
		Female Workers		Male Workers	
		s.	d.	s.	d.
Aerated Waters	per hour		5 ½ (a)		11 (b)
Boot and shoe repairing	per week (48 hours)	40.	6 (b)	58.	6 (b)
Brush and broom	per hour	{ 7, 7 ½ (c) (d) }		{ 1 ¾, 1 ¼ ¾ (c) (d) }	
General waste materials reclamation	per week (47 hours)	{ 7 ½, 7 ¾ (c) (d) }		{ 1 ¼, 1 ¼ ¾ (c) (d) }	
Linen and cotton embroidery	per hour	22.	6 (e)	46.	0 (a)
Milk distributive (f)	per week	3 ½		—	
Packing	per week	{ 25/3-31/0-34/3 }		{ 34/6-42/3-46/0 }	
Paper box	per hour	{ 26/9-32/6-35/6 }		{ 36/0-44/3-48/0 }	
Rope, twine and net	per hour	{ 32/6-39/6-43/6 }		{ 43/9-53/9-58/6 }	
Shirtmaking	per hour	7 per hour		50 (g) per week	
Sugar confectionery and food preserving	per hour			(44 hours)	
Tailoring (except the headgear branch)	per hour	7		1.	
Headgear branch	per week (44 hours)	10 ½ (b)		10 ½ (b)	
Tobacco	per hour	6		1 ¼	
Women's clothing and-millinery	per hour	7		1 ¼	
	per hour	11		1 ½ (g)	
	per week (47 hours)	—		1/2, 1/5 (h)	
	per hour	—		£4 (i)	
	per week (47 hours)	32.		1/3 ½ to 1 ¼ ½ (h)	
	per hour	6 ½ (b)		50.	
	per hour	6 ½, 7 ½ (j)		1.	

- (a) Workers of 18 years of age or over.
- (b) Workers of 21 years of age or over.
- (c) The rates are fixed on a sliding scale varying with the "Cost of living figure." The rates shown above are those applicable when this figure is not less than 55 nor more than 71.
- (d) According to the kind of work.
- (e) After two years' employment.
- (f) Workers of 19 years of age or over, classified in three categories of work, for each of which rates are fixed for rural, urban and metropolitan areas.
- (g) Workers of 22 years of age or over.
- (h) According to the kind of work.
- (i) Cutters.
- (j) The higher rate is applicable only to Dublin, Cork, Limerick and Waterford.

*Mexico.* — The Government transmits as an appendix to the report a study entitled "The Problem of Minimum Wages in 1936" which contains, *inter alia*, the minimum wages fixed by municipalities and grouped by States. These minimum wages, fixed at the rate per day in pesos, and varying in the different municipalities, are given for several States below :

Lower California (Northern District) :	
Urban workers	3.50-4.50
Agricultural workers	3.00-4.00
Chihuahua :	
Urban workers	1.75-2.50
Agricultural workers	1.50-2.00
Federal District :	
Urban workers	2.00
Agricultural workers	1.30
Colima :	
Urban workers	1.10-1.50
Agricultural workers	1.00

Puebla :	
Urban workers	1.20-1.75
Agricultural workers	1.10
Tamaulipas :	
Urban workers	1.00-3.00
Agricultural workers	0.75-1.50
Yucatan :	
Uniform wage	1.50-3.50

*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 ; Skimmers' 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. The report adds that this figure has varied very little in subsequent years.

*Spain.* — The Government stated in its report for the period 1 October 1934-30 September 1935 that from the available statistics it was only possible to state for certain industries the number of persons covered by minimum wage-fixing machinery. These are: oil companies: technical and administrative staff, 829 male, 107 female; chauffeurs, 28; subordinate employees, 96; foremen, 29; work-people, 1,782 male and 97 female. Telephones: salaried employees and work-people: male, 4,397, female, 3,101. Wireless: technical and other staff, 543. Actually the great majority of salaried employees and workers in Spain are covered by minimum wage-fixing machinery. The rates fixed and the regulations laid down for the wage-fixing machinery may be found in the "Spanish Social Policy Yearbook", edited by M. Mariano Gonzalez Rothvoss. See also introductory note.

*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 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 apprenticeship, industrial conciliation and wages in certain industries. The information reflects the position as at 31 March 1936. 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.* — The minimum wages fixed by the various Acts and administrative regulations enumerated above under point I for different categories of workers are as follows: agricultural workers over 18 years and under 55 years of age: the wages vary according to the value of the employers' estates; if the value of the estates is assessed at more than 20,000 pesos, the minimum wage is 18 pesos a month or 72 centesimos a day. If the estate is assessed at more than 60,000 pesos, the minimum wage is 20 pesos a month or 80 centesimos a day. In addition, the employer is required to furnish his workers with healthy accommodation and sufficient food, or, in default thereof, to pay them an additional sum of 50 centesimos a day or 12 pesos a month, as the workers may prefer. For the majority of the other categories of adult workers for whom Acts and administrative regulations have fixed minimum wages, the wage in question is 2.50 pesos a day (eight hours). See also introductory note.

### III.

*Article 35 of the Constitution of the International Labour Organisation (Article 421 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace) is 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.

## 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 ..	£5 to £6	£4 to £4.8.0.	15/- to £3.7.6.	18/- to £3	£3 to £5	£2 to £4	16/6 to £1.10.0.	15/- to £1.10.0.
Building (Hourly rates are prescribed) .....	£6.4.8. to £7.14.0.	£5.17.4. to £6.12.0.	10/- to £3.15.0.	10/- to £3.5.0.	£2.10.0.	£2 to £3.8.0.	18/9 to £1.2.0.	17/- to £1.14.6.
Clothing Manufacture :								
Males .....	£6.10.0.	£3 to £6.10.0.	£1 to £5.10.0.	17/6 to £3	—	£2 to £3	—	} £1.4.0. to £1.16.0.
Females .....	£2.10.0. to £3.5.0.	£2.5.0.	£1 to £2.5.0.	15/- to £2.2.6.	—	£1.5.0. to £1.12.6.	—	
Commercial Distributive Trade (Shop Assistants) :								
Males .....	£4.3.1.	—	£1.3.1. <sup>4</sup>	£1.3.1. <sup>4</sup>	—	—	—	—
Females .....	£2.3.10.	—	—	—	—	—	—	—
Engineering-General (Hourly rates prescribed) .....	£6 to £6.12.0.	£5 to £6.12.0.	13/3 to £2.2.9.	12/6 to £3	£4.4.0. to £5. <sup>5</sup>	£3 to £5.15.0.	£1.4.0.	18/- to £1.10.0.
Engineering-Motor Trade...	£6 to £6.13. 6.	£4.16.0. to £6.8.0.	14/- to £3.5.0.	12/6 to £3	£2 to £4.16.0.	£1.16.0. to £4.16.0.	£1	18/- to £1.10.0.
Furniture Manufacture (Hourly rates are prescribed) .....	£5.17.6. to £6.18.0.	£5.8.0. to £6.	£1.5.0. to £2.10.0.	16/2 to £1.10.0.	£1.12.6. to £5	£1.13.0. to £3	£1.4.0.	£1.4.0. and £1.10.0.
Leather industry	(See footnote 6)							
Printing industry	£5.19.0. to £9.4.9.	£5.1.0. to £8.18.0.	£1.6.0. to £4.9.3.	15/- to £4.3.6.	£1.10.0. to £6.1.0.	£1.7.6. to £4.18.9.	—	—
	(and see footnote 7).							
Sweetmaking ..	£6	£6	£1 to £2.16.0.	£1 to £2.16.0.	£3	£3	£1.2.0. to £1.10.0.	£1.2.0. to £1.10.0.
Tailoring :								
Males .....	£3.15.0. to £8.	£3	£1 to £5.10.0.	5/- to £2.10.0.	£3 to £3.2.6.	—	£1.10.0.	—
Females .....		£2	£1 to £2.15.0.	15/- to £1.12.6.		—		—
Textile industry	£1.10.0.	£1.10.0.	£1 and £1.4.0. <sup>6</sup>	£1 and £1.4.0. <sup>6</sup>	£1.10.0.	£1.10.0.	£1	£1

<sup>1</sup> Main inland industrial areas (principally Witwatersrand).<sup>2</sup> Coastal towns.<sup>3</sup> The prescribed rate applies to all the principal towns.<sup>4</sup> Applicable to all employees with less than 5 years' experience.<sup>5</sup> Operatives.<sup>6</sup> The rates prescribed vary from £1.10.0. 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>7</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>8</sup> Six months' learnership.

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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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.

*France.* — The Government states that the Convention is not applied in the French overseas possessions, owing to local conditions. At the present moment, however, a series of measures is being drafted for the purpose of extending social legislation to the colonies. The question of the application of the Convention is therefore deferred until this wide scheme of adaptation of social legislation to the colonies is put on foot, account being taken of local contingencies.

*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-

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); *Zanzibar* (Decree No. 1 of 1935) and *Malta* (Ordinance XVII of 1936). In *Kedah* and *Perlis* the Enactments Nos. 2 and 3 of 1345 have been supplemented by Enactments Nos. 19 and 10 of 1351 respectively, which relate to payment of fines for issuing less than a standard wage, and publication to the labourers of the standard rates of wages. See also "General observation" under *Convention No. 2 (Unemployment)*, point III.

*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.

*Spain.* — The Convention is only applied in the sovereign territory of *Morocco*. It has not been possible, owing to special local economic conditions, to apply the Convention in the colonies.

*Union of South Africa.* — The Government states that the Administration of the Mandated Territory of *South-West Africa* has been approached, but has replied that it is of the opinion that local conditions do not call for the application of the Convention; 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 §§ 38(c), 44 and 49, it is an offence punishable by a fine 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 nine 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 respective States maintain general inspection staffs, but Commonwealth awards are in general policed by the organisations at the instance of which the awards were made. 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 Government adds that contravention of awards of the Commonwealth Arbitration Court are rarely made the subject matter of prosecutions in the Court itself, but frequent prosecutions are taken in the State Courts of Federal jurisdiction. The Industrial Registrar has no records of such prosecutions. See also introductory note.

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 Ordinances, 1936 are adminis-



tered by the Attorney-General's Department. § 19 of Ordinance No. 12 of 1936 provides that where any organisation or person bound by any determination of the Industrial Board has committed any breach or non-observance of any term of the determination, a penalty not exceeding £20 may be imposed by any court of competent jurisdiction. Any private employee employed by any private employer may at any time within nine months from any payment by way of wages in accordance with any determination binding on such private employer becoming due to him, but not later, sue for and recover the same in any court of competent jurisdiction.

*Northern Territory of Australia.* — See introductory note.

*New South Wales.* — The duty of enforcing the terms of awards and industrial agreements has been entrusted to the Department of Labour and Industry. A staff of inspectors and legal officers are employed for this purpose. Under §67 of the Industrial Arbitration Act, inspectors are empowered to inspect any premises where employees are working in an industry to which an award applies. Awards fixing minimum wages are published in the "Gazette". § 68 (2) lays down that a copy of any award shall be exhibited and kept exhibited by every employer carrying on an industry to which it relates at the workshop or factory where he carries on his business so as to be legible by his employees. If an employer fails to do this he is liable to a penalty. Special courts, known as Industrial Magistrate's Courts, have been created to hear and determine alleged breaches of awards and industrial agreements. These Courts are also empowered to adjudicate on claims for wages and other matters arising out of industrial law. Prosecutions for breaches are taken by Ministerial direction in those cases falling within Departmental policy. The Secretary of the Industrial Union in the industry concerned is empowered by the Act to take proceedings in cases of breaches of awards. Under §50 of the Act, the penalty in case of infringement is a fine not exceeding £50. Under §49, an employee may recover wages due to him under an award within six months after such money has become due. During the year a particularly bad case of extensive breaches of building industry awards occurred. An investigation by a Departmental inspector revealed that an employer engaged in building operations in a country town had failed to pay twenty-five employees for overtime work in excess of the normal hours prescribed by the awards. Fourteen prosecutions were taken against the employer, resulting in the imposition of penalties totalling £157. 4. 0. During the period January to June 1936, 535 complaints of breaches of awards were submitted, 3,207 general inspections were made, and 249 prosecutions were instituted, resulting in 224 convictions. The total amount of wages paid to employees upon Departmental settlement was £5,399. The cases for recovery of wages numbered 428, the amount claimed was £17,362, and the amount recovered was £2,844.

*Queensland.* — The Industrial Conciliation and Arbitration Act of 1932-1936 provides for adequate supervision of the observance of awards and for suitable means of making the awards known to employers and workers. Under § 61, whoever commits a breach of an award or industrial agreement whether by contravention or non-observance of the same, shall be liable to a penalty for a first offence in the case of an employer or industrial union of not less than £1 nor more than £50, and in the case of an employee of not less than £1 nor more than £10; for a second or subsequent offence the penalties are £5 to £100 and £5 to £20 respectively. The Act also provides means for workers to recover underpayments withing 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.

*South Australia.* — The enforcement of the awards of the industrial courts and the Board of Industry is entrusted to the inspectors of factories. Under § 227(e), every inspector may require the production of, and inspect, examine and copy, all pay-sheets or books wherein an account is kept of the actual wages (whether by piece or not) paid to any employee whose wages are fixed by a Board. § 186 provides that the determination of a Board and the award of a Court shall be published by the Minister in the *Gazette*. Under § 217, every employer shall affix and keep affixed a copy of the determination of the Board or the award or Order of the Court for the time being in force, in such a manner as can be easily read by his employees. Under §§ 121 and 207, no employer in an industry in respect whereof prices or rates have been fixed by a Board shall directly or indirectly pay any of his employees employed in such industry at a lower price or rate than that so fixed and applicable to such employee. § 207 provides that every employee may, notwithstanding any agreement to the contrary, recover in a Court of competent jurisdiction any amount short paid; all proceedings shall be commenced within 12 months. The Government adds that particulars showing the arrears of wages and overtime recovered by the Department for payment to employees to satisfy the provisions of determinations and awards are set out in the appendices to the Annual Report of the Chief Inspector.

*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. The Act provides that a wages Board determination shall be published in the "Gazette" and affixed in some conspicuous place in establishments covered by the Act, so that it may be read by employers and employees. § 47 provides that any person affected by the determination of a Board who shall in any way whatsoever fail to comply with such determination shall, on conviction, be liable to a penalty not exceeding £20. An employee may claim payment of arrears of wages in respect of the period of three months immediately preceding the institution of the proceedings, and all proceedings for such claims shall be commenced within six months after the amount sought to be recovered became due and payable.

*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.

*Western Australia.* — The Government states that the Industrial Arbitration Act provides adequate powers in regard to enforcement.

*Bulgaria.* — § 70 of the Legislative Decree of 5 September 1936 provides that cases of non-observance or infringement of § 21 shall be reported for proceedings by the labour inspector, and that the Director of Labour or the person authorised by him shall punish the guilty parties by inflicting a fine of 5,000 leva or, in case of a second or further offence, of 10,000 leva. The report adds that all disputes with regard to non-payment of minimum wages are laid before the arbitration courts which are attached to every labour inspectorate.

*Canada.* — See introductory note.

*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 Chapter I of Part III of Book IV of the Labour Code and by Decree No. 1,160 of 3 December 1935 which consolidates in a single text the Decrees concerning the regulations and organisation of the General Labour In-

spectorate. 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 the Labour Code. 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, the China Merchants' Steam Navigation Company, and the Office of Management of the Mines and the Power Factories under the direct control of the Reconstruction Committee. § 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. See also introductory note.

*Colombia.* — See introductory note.

*France.* — ... See also introductory note.

*Great Britain.* — ... The report states that during the year ended 30 September 1936 the number of inspections made in Great Britain was 18,176. The number of workers whose wages were examined was 207,168 and the number of prosecutions undertaken was 21. The amount of arrears of wages collected by the Ministry of Labour for the same period was £24,113.4.5. In Northern Ireland during the same period the number of workers whose wages were examined was 12,951 and three prosecutions were undertaken. The amount of arrears of wages collected was £583.15.4.

*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 1935 Court proceedings were taken against three employers.

*Mexico.* — The Government states that the authorities responsible for the application of the relevant provisions are: the Conciliation and Arbitration Boards, the labour inspectors, the Solicitor's Office for the protection of labour, the Federal Labour Department, the Department for the Federal District, the municipal Presidents, the State governors, the Federal Supreme Court of Justice. Through the labour inspectors, the Mexican authorities supervise the observance by employers of their obligation to pay the minimum wages fixed by the boards with the approval of the Central Conciliation and Arbitration Boards. The minimum wage rates adopted are given adequate publicity in official publications. Under Mexican legislation, a worker has the right to claim from his employer the difference between the minimum wage and any lower wage paid to him. Under § 425 of the Federal Labour Act of 18 August 1931, as amended by the Decree of 6 October 1933, if the Central Conciliation and Arbitration Boards fail to issue decisions within the specified time limits, the Governors of the Federal States and Territories and the Head of the Department for the Federal District within their respective jurisdictions shall impose upon the members of the Boards the penalties laid down in § 665 for the special boards. The section in question provides that members of the special minimum wage boards who are held liable for offences shall be punished by a fine not exceeding 500 pesos.

*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.

*Spain.* — Inspection committees of the joint boards consisting of one employer

and one worker are responsible for supervising the carrying out of minimum wage agreements; the presidents of joint boards, if they are not satisfied with the Committee's administration, are empowered to appeal to the labour inspectors. See also introductory note.

*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 written. Four years in other cases.

The Report of the Department of Labour, to which the Government refers, states, on pages 48 and 54, that during the year 1934, 311 prosecutions were made for contraventions of the agreements published under the provisions of the Industrial Conciliation Act, and 273 convictions were obtained. During the same period, the arrear wages collected by the Department under the Industrial Conciliation Act amounted to £1,446.0.7. 109 prosecutions were made under the Wage Act and 90 convictions were obtained. The arrear wages collected by the Department under the Wage Act amounted to £7,305.13.7.

*Uruguay.* — With regard to homework, the enforcement of the Act of 23 January 1934 is entrusted, under the terms of its § 8, to the inspectors of the Pension Fund for Industry, Commerce and the Public Services, of the National Labour Institution and of the General Directorate of Direct Taxation. § 4 of the Act lays down that employers who give out work to be performed at home shall give notice to the National Labour Institution of the

places where the work is to be performed and the persons who are to perform it. The second paragraph of § 5 provides that the wage scales, together with a copy of the statutory provisions and regulations applicable to homework, shall be posted up in conspicuous places in the rooms where work is given out, received and paid for. § 7 of the Act lays down that contraventions of the provisions of the Act and the regulations issued thereunder shall be punished by fines of not less than 20 pesos nor more than 1,000 pesos, or an equivalent term of imprisonment. See also introductory note.

## V.

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

*Chile.* — The report states that cases of judgments applying the legislation relating to this Convention have been frequent in the past year. Copies of three of these judgments are transmitted with the report. Of these, two sentence employers to pay their employees the difference between the wages actually paid and the minimum rates fixed for the industry in question, and one sentences an employer to a fine for having omitted to pay the minimum wage fixed by the Minimum Wage Board.

*Mexico.* — The Government states that awards have been given on the application of the relevant principles of Mexican legislation.

*Spain.* — The Government stated in its report for the period 1 October 1934-30 September 1935 that sentences for recovery of wages in cases where the wages paid were below the legal minimum had been passed by industrial courts and joint boards. Several decisions concerning matters similar to those dealt with in the Convention might be found stated on page 1,672 of the "Spanish Social Policy Yearbook" mentioned above under ARTICLE 5. A summary of the judicial work of joint boards in the recovery of wages was attached to the report.

*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:

*Territory for the Seat of Government.* — No information.

*Northern Territory of Australia.* — No information.

*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.* — The Government states that the minimum wage-fixing machinery is operating smoothly and satisfactorily, organisations of both employers and employees being apparently satisfied with the existing legislation.

*South Australia.* — The Government states that provision for minimum wage-fixing machinery on the lines embodied in the Convention had been in force for many years in South Australia prior to the adoption of the Convention, and there was therefore no necessary for this State to pass legislation implementing the Convention.

*Tasmania.* — The Government states 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, which is forwarded with the report, and in the annual report of the Chief Inspector of Factories for the year 1935, which will be sent to the Office when available.

*Western Australia.* — No information.

*Bulgaria.* — The Government states that 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.

*Canada.* — See introductory note.

*Chile.* — See above under ARTICLE 5. The report for last year stated that the workers' organisations concerned had pointed out that Chilean legislation contained no machinery for fixing a wage sufficient to provide the necessities of life. The Government set up a committee to study and report 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 a result of this investigation, a Bill on the subject has been submitted to Congress.

*China.* — The Government states that no observations have been received from the organisations concerned. See also introductory note.

*Colombia.* — See introductory note.

*France.* — The report states that the labour inspection service instituted proceedings, during 1935, in 4 cases arising out of 7 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	2	5
§ 33 b	—	—
§ 33 c	2	2
§ 33 n	—	—
	4	7

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.

*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 the enforcement of the Ministerial Orders has proceeded without hindrance. No observations worth recording have been made by the employers' and workers' organisations, except a certain number which referred to the slowness of procedure in cases of infringement.

*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 Government submits the following information concerning the disputes dealt with by the Ministry of Corporations in 1935. Almost all of these disputes concerned the economic situation of the employed persons.

	Industry	Commerce	Agriculture	Liberal professions (including artists)	Finance and insurance	Total
Disputes considered	126	9	5	1	1	142
Disputes settled by agreement	87	5	3	—	—	95
Disputes settled without agreement	5	—	—	—	—	5
Disputes pending	34	4	2	1	1	42

No complaints have been made by the trade union organisations concerned with regard to the practical application of the Convention.

*Mexico.* — The Government states that the provisions of the Convention are applied, *ipso facto*, by the application of the sections of the Federal Act of 18 August 1931, as amended by the Decree of 6 October 1933, which relate to minimum wages.

*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.

*Spain.* — The Government stated in its report for the period 1 October 1934-30 September 1935 that no statistics were available concerning the enforcement of minimum wage-fixing by the labour inspectors. See also introductory note.

*Union of South Africa.* — The report of the Government refers to the Report of the Department of Labour for the year ended December, 1934, pages 42-54, 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 1934 there were 32 registered industrial councils, and that during the year ten new councils were established and seven were de-registered. The experience of the Department has been that industrial councils on a national basis are not successful in the absence of a high degree of organisation both of employers and employees, and that generally speaking local councils function with more success. The Report adds that the industrial recovery which manifested itself towards the end of 1933 was maintained throughout 1934, and that the decrease in the number of wage agreements recorded in 1933 was arrested in 1934; the number of industrial councils registered and agreements published was greater during the latter year. Fifty-five agreements were in operation during 1934, and 29 were still in force at the end of the year, at which date there were 3,800 employers and 42,124 employees (other than natives falling under Pass Laws) affected by industrial council agreements, 2 employers and 269 employees affected by conciliation

board agreements, and 4 employers and 10,056 employees affected by arbitration awards, making a total of 3,806 employers and 52,449 employees 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 13 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 1934, 19 determinations were in operation affecting approximately 14,284 employers and 72,285 employees. The Report adds that, in view of the fact that wage regulation has been in force for some ten years now, it is the policy of the Department to insist on strict observance of the provisions of existing determinations. The improved economic conditions in 1934 assisted the Department to secure more complete compliance, as employees were no longer subject to the same pressure to accept, in collusion with a certain type of employer, wages lower than those prescribed. The Government's report refers to the report of the Commission which was appointed to investigate and report on the effects of the legislation concerned; the report in question deals with various aspects of the administration and enforcement of the industrial laws of the Union.

*Uruguay.* — No information.

## 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 States Members where the Convention came into force before 1 July 1936 and which, in accordance with Article 22 of the International Labour Organisation, were called upon to submit reports for the period 1 October 1935-30 September 1936 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Australia . . . . .	9. 3.1931	24.10.1936
Belgium . . . . .	6. 6.1934	22.10.1936
Bulgaria . . . . .	4. 6.1935	23.11.1936
Chile . . . . .	31. 5.1933	4. 1.1937
China . . . . .	24. 6.1931	13. 2.1937
Czechoslovakia . . . . .	26. 3.1934	7. 1.1937
Estonia . . . . .	18. 1.1932	26.10.1936
Finland . . . . .	8. 8.1932	17.11.1936
France . . . . .	29. 7.1935	9. 1.1937
India . . . . .	7. 9.1931	16.12.1936
Irish Free State . . . . .	5. 7.1930	27.10.1936
Italy . . . . .	18. 7.1933	24. 2.1937
Japan . . . . .	16. 3.1931	4. 2.1937
Lithuania . . . . .	28. 9.1934	
Luxemburg . . . . .	1. 4.1931	8. 2.1937
Mexico . . . . .	12. 5.1934	8.12.1936

COUNTRIES	Date of registration of ratification	Reports received
Netherlands . . . . .	4. 1.1933	9.10.1936
Nicaragua . . . . .	12. 4.1934	
Norway . . . . .	1. 7.1932	4.12.1936
Poland . . . . .	18. 6.1932	28.11.1936
Portugal . . . . .	1. 3.1932	10.12.1936
Rumania . . . . .	7.12.1932	22. 3.1937
Spain . . . . .	29. 8.1932	30. 3.1937
Sweden . . . . .	11. 4.1932	23.11.1936
Switzerland . . . . .	8.11.1934	31.10.1936
Uruguay . . . . .	6. 6.1933	23.12.1936
Venezuela . . . . .	17.12.1932	11. 1.1937
Yugoslavia . . . . .	22. 4.1933	13.11.1936

The *Bulgarian* Government states in its report that the Convention has been submitted to the competent authorities with a view to drafting an Act or taking measures of another kind.

The *Chinese* Government states that an amended regulation concerning the marking of the weight on heavy packages transported by vessels was promulgated by the Executive Yuan on 10 December 1936.

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

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

The *Rumanian* Government states in its report that the Bill prepared by the Ministry of Labour in agreement with the Ministry of Communications giving legislative form to the provisions of the Convention has been passed by Parliament, and its text was published on 25 March 1937.

For the general information supplied by the *Spanish* Government, see under



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

The Government of Uruguay states in its report that the regulation issued on 22 January 1936 in application of the Act No. 5032 of 21 July 1914 concerning the prevention of industrial accidents implements the Convention; there are, however, still certain differences that should be removed. For instance, the Convention refers to packages of "thousand kilograms or over", whereas the legislation applies to those of over a thousand kilograms.

# 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. 2).

## 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).

## Bulgaria.

See introductory note.

## 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.

See also introductory note.

## 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, supplement to § 58.

Decree of the Minister of Public Works of 25 June 1936 implementing the Act of 18 December 1934.

## 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.

## France.

Act of 27 June 1935 inserting in the Second Book of the Labour Code special provisions concerning the marking of the weight on heavy packages transported by vessels. (L. S. 1935. Fr. 7.)

## 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 1,000 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).

*Mexico.*

Decree of 28 August 1936 amending the Customs Act.

*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).

*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. 20611 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. 21024 of 24 March 1932 to settle the procedure to be followed in cases of 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.

*Spain.*

Decree of 8 May 1933 to provide that every package or object of one thousand kilograms (one metric ton) or more gross weight consigned for transport by sea or inland waterway shall have had its weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel (L. S. 1933, Sp. 1).

*Sweden.*

Act of 11 March 1932 respecting the marking of the weight in certain cases on packages or objects to be transported by vessels (L. S. 1932, Swe. 1).

*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.

Cantonal measures (Grisons, St. Gall, Geneva, Valais) of an organising and administrative nature to implement the Federal Act of 28 March 1934 in their respective territories.

*Uruguay.*

Act No. 5032 concerning the prevention of industrial accidents.

Regulation of 22 January 1936 in application of the above Act.

*Venezuela.*

Labour Act of 15 July 1936 (L. S. 1936, Ven. 2).

*Yugoslavia.*

Order of the Minister of Communications of 12 January 1933 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.

*Bulgaria.* — See introductory note.

*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. See also introductory note.

*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 in cases where the ascertaining of the weight is found difficult the general practice is to allow the marking of an approximate weight. Provisions have been added to the transport Regulations of the Czechoslovak Railways by a supplement to § 58 requiring the consignor to mark on each object separately, on the outside its weight, if the gross weight is a thousand kilograms or more. The Order of 25 June 1936 of the Minister of Public Works refers to the landing places of Bratislava and Komarno on the Danube. The Government adds that the Czechoslovak legislator did not think it necessary to make a distinction between the different types of goods. The obligation to mark the weight applies to all kinds of goods, even to goods despatched in bulk, 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.

*France.* — § 2 of the Act of 21 June 1935 inserts in Part II of the Second Book of the Labour Code a new Chapter IVbis comprising § 80 a and § 80 b. § 80 a provides that the consignor of any package or object of one thousand kilograms or more gross weight for transport by sea or inland waterway shall cause the weight of the package or object to be plainly and durably marked upon it on the outside. In the absence of the consignor the above obligation shall be incumbent upon the person to whom the consignor has delegated the duty of consigning the package. § 80 b provides that, if necessary, public administrative regulations may be issued to prescribe the specific conditions with which the marks to be placed on packages in pursuance of the preceding article, must comply.

*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.

*Mexico.* — § 95 of the Decree of 28 August 1936 amending the Customs Act provides that a package of a thousand kilograms or more gross weight, to be loaded for transport, shall have its gross weight plainly and durably marked upon it on the outside. In exceptional cases where it is difficult to determine the exact weight, the customs authorities may allow the marking or printing of an approximate weight. The obligation in question shall be incumbent upon the person directly responsible to the Customs Office for the loading of the package.

*Netherlands.* — § 1 of the Act of 19 March 1932 to provide for the marking of the weight on heavy packages transported by seagoing vessels lays down that the consignor of any package or object of not less than one thousand kilograms gross weight shall see that the weight of the package or object is plainly and durably marked upon it on the outside before it is despatched, if he knows or has reasonable grounds for supposing that the package or object is to be transported for all or part of its transit by a seagoing vessel as specified in § 1 (1) of the Stevedores Act of 16 October 1914. In the cases specified by public administrative regulations the approximate weight may be marked instead of the exact weight. § 2 of the Act of 19 March 1932 to provide for the marking of the weight on heavy packages transported by vessels engaged in inland navigation, which are defined in § 1 of the Act, prescribes similar obligations for the consignor if he knows or has reasonable grounds for supposing that the package or object is to be transported for all or part of its transit by a vessel engaged in inland navigation. Under the terms of the Decrees of 1 December 1932, the nearest possible approximate weight may be marked instead of the exact weight in the following cases: (a) if the nature, composition or dimensions of the package or object should be such that it is difficult to ascertain the exact weight; (b) if the weight is liable to considerable variations owing to the influence of the weather (§ 1). In the cases mentioned above it shall be stated in the cargo documents relating to the package or object that the weight marked on it is approximate (§ 2).

*Norway.* — § 1 of the Act of 22 April 1932 provides that the shipper of any package or object of one thousand kilograms or more gross weight shall see that the gross weight in kilograms is plainly and durably marked upon it on the outside before it is loaded on a vessel. If the package or object is to be loaded in a foreign port, the duty of marking the weight shall rest upon the person in Norway who consigns it to a place in a foreign country. In exceptional cases where it is impossible to determine the

exact weight owing to special circumstances, the approximate weight shall be marked.

*Poland.* — § 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. 20611 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, or to any other packages or objects consigned from territories other than the mainland of Portugal or its adjacent islands.

*Rumania.* — Circular No. 11978/934, 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.

*Spain.* — § 1 of the Decree of 8 May 1933 lays down that any package or object of one thousand kilograms (one metric ton) or more gross weight consigned for transport by sea or inland waterway shall have had its weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel. § 2 prescribes that the consignor of the goods shall be bound to comply with the requirement laid down in § 1. § 3 provides that in cases where large stones are being loaded on ships or vessels at places where suitable appliances are not available, the consignor shall be authorised to mark the approximate weight.

*Sweden.* — § 1 of the Act of 11 March 1932 provides that any package or object of one thousand kilograms or more gross weight which is consigned to be loaded on a vessel for conveyance either in Sweden or abroad shall have its gross weight in kilograms marked upon it before being loaded or, if it is to be loaded in a foreign port, before it is despatched from Sweden. The weight shall be plainly and durably marked on the outside of the package or object. The duty of seeing that the weight is duly marked on a package or object shall lie with the shipper or, if loading is to take place in a foreign port, with the consignor.

*Switzerland.* — § 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. The report adds that on the recommendation of the federal authority the Government of Valais has modified the provisions of the Order of 18 July 1935, which provided for the marking of the weight by the consignor or by his representatives before the loading of the goods for transport, and has thus brought them into harmony with the provisions in § 2 (1) of the Federal Act. According to the amended provisions for goods transported by railway beyond the Swiss frontier outside the Canton, the marking of the weight may be made at the frontier station. § 1 (2)

of the Federal Act 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; or 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.* — § 150 of the regulation of 22 January 1936 in application of the Act of 21 July 1914 provides that any package or object of more than one thousand kilograms consigned within Uruguayan territory for transport by sea or inland waterway shall have its gross weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel. The marking of an approximate weight may be allowed in exceptional cases where it is difficult to determine the exact weight.

*Venezuela.* — The Government declares that § 83 of the Labour Act provides that work shall be done under conditions which permit of the normal physical development of the workers and salaried employees and afford workers and salaried employees sufficient protection against occupational accidents and diseases. § 84 provides that the employer shall be required to take such measures as may be necessary to ensure that the work shall be done under the conditions specified in § 83, in accordance with the provisions laid down in the regulations and within such time as shall be fixed by the competent labour inspector. § 87 provides that the regulation applying the Act shall specify how packages are to be marked and lay down all other rules concerning dangerous or unhealthy industries. The Government adds that the regulation is in preparation.

*Yugoslavia.* — The Order of the Minister of Communications of 12 January 1933 reproduces the full text of § 1 of the Convention; it authorises the marking of an approximate weight in exceptional cases where it is difficult to determine the exact weight and places the obligation of marking the weight on the consignor.

### III.

*Article 35 of the International Labour Organisation (Article 421 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace) is 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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* or 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.



*France.* — The Government states that no particular measures have been taken as regards the application of the Convention to colonies, possessions and protectorates which are not fully self-governing.

*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.

*Spain.* — The report states that the Decree of 8 May 1933 is applicable, without any modification, to all territory under the authority of the Spanish Government.

#### IV.

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

*Belgium.* — § 3 of the Royal Order of 31 December 1932 requires labour inspectors and labour inspection delegates, 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.

*Bulgaria.* — See introductory note.

*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 Chapter I of Part III of the Fourth Book of the Labour Code and Decree No. 1160 of December 1935, consolidating in a single text the Decrees concerning the organisation of the general Labour Inspectorate. 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. See also introductory note.

*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.



*France.* — The application of the Act of 27 June 1935, which inserts in the Second Book of the Labour Code special provisions concerning the marking of the weight of heavy articles transported by vessels, is entrusted to the labour inspection service, in the same way as the other provisions in the Second Book of the Labour Code relating to the safety of workers. § 3 of the Act of 27 June 1935 which is added to § 173 of the Second Book of the Labour Code provides that "consignors or their representatives who have contravened the provisions of § 80 *a* and of the public administrative regulations provided for in § 80 *b* of this Book shall be liable to the same penalties under the same conditions"; that is to say, they shall be prosecuted in the ordinary police court and punished by a fine of not less than 5 francs nor more than 15 francs. The fine shall be imposed as many times as there are separate offences established by the report, provided that the total amount of the fines shall not exceed 200 francs.

*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.

*Mexico.* — § 95 of the Decree of 28 August 1936 amending the Customs Act provides that supervisors, warehousemen, and inspectors who are responsible for the watch and examination of the distant

trade and extended coasting trade, shall insist that packages of one thousand kilograms or more gross weight be marked as indicated in the article and they shall refuse to let them pass if they do not fulfil this condition.

*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 guilder. § 4 provides that in addition to the officials specified under Nos. 1 and 3-6 of § 141 of the Penal Procedure Code, the officials of the national and communal police, the officials specified in § 17 (1) of the Stevedores Act and the officials specified in § 77 of the Labour Act, 1919, shall be responsible for the detection of the punishable actions specified in § 3. The report states that the two latter classes of official are respectively the port inspectors and the labour inspectors. § 5 of the Act lays down that the actions specified in the Act as punishable shall be deemed to be contraventions. The Act of 19 March 1932 to provide for the marking of the weight on heavy packages transported by vessels engaged in inland navigation lays down similar provisions for inland navigation.

*Norway.* — § 2 of the Act of 22 April 1932 provides that the responsibility for the supervision of the observance of the provisions of the Act shall rest with the inspection service established by the Act respecting the protection of workers in industrial undertakings. In this connection the relevant provisions of the latter Act shall apply, *mutatis mutandis*. Whenever any contravention of the provisions of the Act of 22 April 1932 comes to the notice of the police, shipping, harbour or customs authorities, they shall report it immediately to the nearest inspection authority. § 3 of the Act lays down that any shipper or consignor who is guilty of a contravention of the provisions of § 1 of the regulations issued by the Department in pursuance of the said section shall be liable to a fine.

*Poland.* — 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 autho-

rities 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 or forwarding agent concerned.

*Portugal.* — The customs authorities are responsible for the supervision of the execution of Decree No. 20611 of 11 December 1931.

*Rumania.* — Under the terms of the Circular No. 11978/934 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.

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

*Sweden.* — Supervision of the observance of the provisions concerning marking of the weight is exercised by the labour inspection officials, under the supreme supervision and direction of the Department of Labour and Social Welfare. The supervision takes place in conjunction with the inspection of work in ports. See also under VI.

*Switzerland.* — § 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. By a circular dated 16 October 1936, it has drawn the attention of the eight central Groups of the transport industry to the provisions of the law and has asked for the assistance of their members. 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. During the period covered by the present report, different Cantons spontaneously took steps to instruct persons interested on their obligations resulting from the Federal Act. The authorities of St. Gall, for instance, specially drew the attention of the manufacturers of machinery in the Canton who manufacture for exportation, and of the transport firms, to the provisions of the Act, while those of the Grisons addressed themselves more particularly to the railway authorities and the road transport undertakings. The Federal authorities pointed out, however, to the authorities of the Grisons that some supervision should also be maintained over heavy transports effected by the consignor himself without recourse to a forwarding agency or a road transport undertaking. Some Cantons have distributed notices to business and transport firms, railway stations and ports. The administrative report of the Federal Council for the year 1935 points out that the Cantons have now, in the main, succeeded in taking the necessary administrative measures for the application of this Act. Further, the management of the Federal Railways has given the order to the Goods Services, published in the official paper of the Railways dated 17 June 1936, to remind consignors, whose packages are to be or likely to be transported by sea or inland waterway, of the provisions of the Federal Act and to point out to them the consequences to which they will be subject if they do not conform to those provisions. The management of the Railways has refused, however, to accept responsibility for reporting cases of contravention. § 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. The Cantons shall be responsible for prosecution and judgment in respect of contraventions and shall communicate to the Federal authority, in accordance with the Decree of 17 December 1935 of the Federal Council, judgments, administrative decisions and orders issued under the Federal Act.

*Uruguay.* — The Government states that the application of the legislation on the subject of the Convention is entrusted to the National Labour Institute and to the services attached to it. § 150 of the regulations of 22 January 1936 provides that employers who contravene the provisions of the regulation shall be punished as prescribed in § 9 of Act No. 5032 of 21 July 1914 concerning the prevention

of industrial accidents — i.e., they shall be fixed 50 pesos for each contravention.

*Venezuela.* — Under Chapter VII of the Labour Act the authorities responsible for seeing that the Act is applied are: a National Labour Office with headquarters at Caracas and with jurisdiction over the whole territory of the Republic (this Office is placed under a director and is provided with the necessary staff to ensure satisfactory operation); labour inspectors with jurisdiction in given areas of the Republic and who are responsible for seeing that the Act is strictly applied in their respective areas; and such special commissioners as may be appointed by the inspectors. § 214 provides that in the event of any contravention of the provisions concerning health and industrial safety, the employer shall be notified that he must set the matter right without delay. If he does not comply with this request within such time as shall be fixed, he shall be liable to a fine of 100 to 1,000 bolivars. The Government adds that the regulations for the application of these provisions are in preparation.

*Yugoslavia.* — The maritime directorate of the Ministry of Communications addressed on 31 January 1936 a circular containing the Order of 12 January 1936 to the administrations of the first-class ports, viz. Sušok, Sibenik, Split, Dubrovnik and Kotor, requesting them to communicate the contents of the circular to all subordinate departments, to the transport firms and their respective departments. The Chambers of Commerce, of industry and of artisans of Zagreb, Split, Dubrovnik and Podgorica were informed directly. The said circular makes the administrations of the above-mentioned ports responsible for the proper application of the provisions of the Convention.

## 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 cases where marking is impracticable, and of marking approximate weight in other cases, has been of much assistance in rendering the provisions workable. There has, however, been some objection from shipowners to any responsibility as to the marking being placed on them. They state that they have no reasonable means of checking the weight marked, and that trade would be disrupted if they declined to accept for shipment goods not accompanied by reliable evidence of weight. It has been felt, however, that the Convention can only be effectively applied by placing the obligation on the shipowner, his master or agent. To meet the objections raised, in some degree, the consignor of the goods has been joined in the liability. Two breaches of the Regulations came under notice during the year, when a firm in Brisbane shipped to Fremantle one package marked 1 ton 6 cwt. but actually weighing 2 tons 13 cwt., and another marked 2 tons, but actually weighing 2 tons 17 cwt. It was ascertained in relation to the first case that a shipping clerk in the employ of the shippers concerned had incorrectly grouped on the bill of lading certain articles comprising the consignment. So far as the second mentioned case is concerned, it would appear that a label which had been placed on the package before delivery to the wharf to indicate its weight had become detached. The shippers were unable however to offer any explanation as to how the package came to be marked "2 tons". As they immediately introduced a system whereby the makers of the machines in which they are interested are now required to stencil the weight of the machine on the case in which it is packed, proceedings for a breach of the Regulations were not instituted against them. The Government adds that the fact that only these two cases of incorrect marking of packages were brought to notice would suggest that the Regulations on the matter are being satisfactorily observed; 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.

*Bulgaria.* — See introductory note.

*Chile.* — The reports of the labour officials in charge of the maritime session of the inspection service in the ports state that all the heavy packages transported by vessels both Chilean and foreign have their gross weight marked visibly upon them. The Government adds that neither the employers' nor the workers' organisations concerned have submitted observations concerning the practical enforcement of the provisions of the Convention or of those of the legislation which guarantee the application of the Convention.

*China.* — The Government states that with regard to the practical application of the Convention, no observations have been received from the organisations of employers or workers concerned. See also introductory note.

*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, or 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.

*France.* — The Government states that no difficulties as regards enforcing the provisions in question have arisen. No observations were received from the organisations of employers or workers, during the period covered by the report, concerning the practical fulfilment of the provisions of the Convention or on the application of the Act implementing the Convention.

*India.* — The Government states that the Convention has been satisfactorily applied in India and no cases of contravention of the provisions of the Convention were brought to its notice. No observa-

tions 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 during the period covered by the present report no infringement of the Carriage by Sea (Heavy Articles) Act of 1934 has been brought to the notice of the Department. The Government adds that 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.

*Mexico.* — No information.

*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 to the consignors. The district chiefs of labour inspectorate have therefore been requested to pay special attention in applying the provisions of the Convention. One hundred and seventy-eight inspections have been carried out on sea-going vessels and seventy-six on vessels engaged in inland navigation. In 90 and 24 cases respectively the weight was not marked on heavy packages. In one of these cases a consignor who loaded on a vessel engaged in inland navigation a locomotive engine weighing 3,900 kilograms was fined 25 fl. 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. From the total number of inspections noted above, 65 cases were reported where the weight was not marked on tree trunks and beams, although the heaviest trunks weighed 13,000 kilograms. The fact was brought to light that in the ports of loading, loading and unloading machines which were not at all suitable for lifting such heavy weights had been used to load these beams and trunks on to the vessel. The Government is unaware of any observations from employers' or workers' organisations.

*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 the notice of the competent authorities. Nor have any observations been received from the organisations of employers or workers concerned.

*Portugal.* — Decree No. 21024 of 24 March 1932 lays down that where a breach of the provisions of Decree No. 20611 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.

*Spain.* — See under *Convention No. 1 (Hours of work, industry)*, 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 period covered by the present report three cases concerning the application of the Act, in which the intervention of the Labour Inspectorate was necessary, were brought to the notice of the Department of Labour and Social Welfare. In two of these cases the goods were transported between two localities within the State; the Labour Inspectors addressed the consignors concerned and admonished them to observe strictly the provisions of the Act. In the third case, the package was shipped in the Netherlands and unloaded in Sweden. The customs authorities reported the matter to the Labour Inspectorate. The Department of Labour and Social Welfare requested the Ministry of Foreign Affairs to report the matter to the competent authorities in the Netherlands. 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 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.* — The report states that the Federal Act in question has only recently come into force and that it is not yet possible (1 October 1936) to give detailed information on its application. No penal sentence for infringement of the Federal Act has as yet been reported to the Federal authorities. The Federal authorities add that in reply to their Circular of 16 October 1935—see above, under point IV—the Federation of Transport Firms, in its letter of 21 October 1935, makes certain reservations as regards the applicability of the Act and the responsibility imposed by it on transport firms. The Federation points out that the verification of the weight often cannot be made without difficulty and without increase of cost, as for instance in the case of machinery transported in covered wagons, sealed by the customs and railway authorities.

*Uruguay.* — The Government adds that no reports are available on the practical application of the provisions of the Convention. No observations from employers' or workers' organisations have been received by it.

*Venezuela.* — The Government states that until the Labour Act of 16 July 1936 came into force Venezuelan legislation did not contain any provisions designed to ensure the application of this Convention. The new Labour Act lays down the necessary principles, and the Federal Government is preparing, in accordance with the provisions of the Convention, the corresponding regulations, which will shortly be promulgated. As soon as the regulations have been drafted and brought into force the labour inspectors will see that they are strictly applied.

*Yugoslavia.* — No information.

## 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 States Members for which the Convention was in force before 1 July 1936 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 1935-30 September 1936 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Irish Free State . .	5. 7. 1930	2. 1. 1937
Luxemburg . . . .	1. 4. 1931	8. 2. 1937
Nicaragua . . . .	12. 4. 1934	
Spain <sup>1</sup> . . . . .	29. 8. 1932	30. 3. 1937

The Convention was subjected to a partial revision by the International Labour Conference at its Sixteenth Session, and the revised draft Convention was adopted by the Conference on 27 April 1932.

\* \* \*

The *Irish Free State* Government, by letter dated 2 January 1937, 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 ratification 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

<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.

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 possibilities of adapting the system in operation in the Free State to the requirements of Article 9 (1) and (3) of the Convention are still being explored."

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

For the general information supplied by the *Spanish* Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

## FOURTEENTH SESSION (GENEVA, 1930).

## 29. Convention concerning forced or compulsory labour.

Article 28 of the Convention provides that "it shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General. Thereafter, this Convention shall come into force for any Member twelve months after the date on which the ratification has been registered".

The Convention came into force on 1 May 1932. The following table shows the States Members for which the Convention was in force before 1 July 1936 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 1935-30 September 1936 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Australia . . . . .	2. 1. 1932	5.12.1936 9.11.1936 21.11.1936 28.12.1936
Bulgaria . . . . .	22. 9. 1932	23.11.1936
Chile . . . . .	31. 5. 1933	4. 1. 1937
Denmark . . . . .	11. 2. 1932	15. 1. 1937
Great Britain . . .	3. 6. 1931	10.12.1936
Irish Free State . .	2. 3. 1931	19.10.1936
Italy . . . . .	18. 6. 1934	24. 2. 1937
Japan . . . . .	21.11.1932	4. 2. 1937
Liberia . . . . .	1. 5. 1931	
Mexico . . . . .	12. 5. 1934	6.11.1936
Netherlands . . . .	31. 3. 1933	10.11.1936
Nicaragua . . . . .	12. 4. 1934	
Norway . . . . .	1. 7. 1932	4.12.1936
Spain . . . . .	29. 8. 1932	30. 3. 1937
Sweden . . . . .	22.12.1931	15.11.1936
Yugoslavia . . . . .	4. 3. 1933	13.11.1936

## I.

*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 storing 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 compul.



sory 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.

During the period under review the following additional legislation was enacted to give effect to the Convention:

- (a) The Gold Coast Colony Labour Regulations, No. B 38 of 1935.
- (b) The Ashanti Labour Regulations, No. B 44 of 1935.
- (c) The Northern Territories Labour Regulations, No. B 45 of 1935.
- (d) The Gold Coast Colony Labour Regulations, No. 29 of 1936.
- (e) The Administration (Ashanti) (Roads Repeal) Rules, No. 17 of 1936.
- (f) The Ashanti Labour Regulations, No. 28 of 1936.
- (g) The Administration (Northern Territories) (Roads Repeal) Rules, No. 16 of 1936.
- (h) The Northern Territories Labour Regulations, No. 27 of 1936.

*Note.* — (a) (b) and (c) regulate compulsory labour employed on minor communal services; (d) governs the employment of compulsory labour on the maintenance of roads under the Roads Ordinance in the Gold Coast Colony; (e) and (g) revoke the Rules for the maintenance of roads in Ashanti and the Northern Territories; (f) and (h) regulate the exaction of forced labour in Ashanti and the Northern Territories. Certain bye-laws of purely local effect made by Chiefs under the Native Jurisdiction Ordinance of the Gold Coast Colony having reference to the maintenance of roads, which are incompatible with the provisions of the Convention, are also being revoked. Those made by the Ajumaku State have already been repealed by Bye-laws No. 8 and No. 9 of 1936.

#### *Kenya.*

Penal Code, § 243.

Native Authority Ordinance (Cap. 129), as amended by the revised edition of the Laws (Operation) Ordinance, 1926.

Native Authority (Amendment) Ordinance, 1928.

Native Authority (Amendment) Ordinance, 1930.

Native Authority (Amendment) Ordinance, 1931.

Compulsory Labour (Regulation) Ordinance, 1932 (came into force 31 December 1933).

Native Affairs Department Circulars, Nos. 33/24, 9/25, 21/28, 30/28, 44/29, 1/31, 9/31, 28/31, 16/32.

Government Notices, Nos. 406 of 1926, 595 of 1928, 657 and 756 of 1933.

*Nigeria.*

Forced Labour Ordinance, 1933.

Regulations with regard to the Forced Labour of Persons as Carriers, issued under § 7 of the above Ordinance.

Regulations (No. 3 of 1934) made under §§ 13 and 16 of the above Ordinance.

Regulations (No. 13 of 1934) made under § 16 of the above Ordinance, amended by Regulations No. 21 of 1936.

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 moneys 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).

*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, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

## II.

*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.

*If advantage has been taken of the provisions of Article 35 of the Constitution of the International Labour Organisation (Article 421 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace), and the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of making the subsequent declaration referred to in the second paragraph of the above Article of the Convention.*

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 Convention was rendered operative in the Kingdom, Possessions and Colonies by Act No. 274 of 29 January 1934 and applied to the Colonies without exception of any territory by Royal Decree of No. 917 of 18 April 1935.

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 report of the Government of *Liberia* has not yet been received.

The Government of *Mexico* states in its report that a sufficient reply is given to all and each of the questions concerning the application of the Convention by the special safeguard established in the Mexican Constitution, Article 5, which runs as follows: "No person is compelled to render personal services without fair remuneration and without his full consent, unless the work is imposed by the judicial authority, in which case it is subject to the provisions of Article 123, heads I and II". Heads I and II of Article 123 prescribe 8 hours as a

limit for the working day, and 7 hours as a limit for night work. The above-mentioned constitutional principles are strictly observed throughout the Republic under the supervision of the administrative and judicial authorities.

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 the agreement reached with the independent Governments in the Native States of *Java* has in the meantime led to the establishment of self-government ordinances, which have repealed all the regulations hitherto in force and issued new regulations in complete agreement with the requirements of the Geneva Convention. The Government has also supplied the texts of several Ordinances in *Java* and the *Outer Provinces*. These consist of an Order of 17 December 1934 for the State of *Soerakarta (Java)*, an Order of 22 November 1927 for the autonomous territory of *Kotawaringin (Borneo)*, Regulations of 10 June 1933 for the autonomous territories of *Poso*, *Todjo*, *Lore* and *Oena-Oena (Celebes)*, and an Order of 28 January 1936 for the State of *Mangkoenagoro (Java)*. These laws define in detail the services which may be required as *heerendiensten*, the persons liable and the maximum duration. It is to be noted that the *Mangkoenagoro* Order provides for the complete abolition of forced or compulsory labour as defined by the Convention.

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

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 (*Me-lilla*, *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 general information supplied by the Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

For the fifth year in succession, a voluntary report upon the measures taken to give effect to the provisions of the Convention was received from the Govern-

ment of the *Anglo-Egyptian Sudan*, on 11 November 1936.

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.

### III.

*Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied, and furnish in particular information for each of the territories concerned on the matters indicated below under various Articles.*

#### ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

With a view to this complete suppression, recourse to forced or compulsory labour may be had, during the transitional period, for public purposes only and as an exceptional measure, subject to the conditions and guarantees herein-after provided.

At the expiration of a period of five years after the coming into force of this Convention, and when the Governing Body of the International Labour Office prepares the report provided for in Article 31 below, the said Governing Body shall consider the possibility of the suppression of forced or compulsory labour in all its forms without a further transitional period and the desirability of placing this question on the Agenda of the Conference.

*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 now regulated by Regulations No. B. 38, B. 44 and B. 45 of 1935. The minor annual services prescribed by these regulations include the maintenance of native buildings used for communal purposes, including markets, but excluding juju houses and places of worship; sanitary measures, the maintenance and clearing of the roads and paths in a town or village, and footpaths and bridle paths leading from the town or village to neighbouring farms belonging to the inhabitants of the town or village and to the nearest water supplies and neighbouring villages; repairing town or village

fences; the digging and construction of wells; the clearing of open spaces and playgrounds in a town or village; the clearing and maintenance of fire traces; the clearing of local creeks affording access to and outlet from a town or village. The above list applies to the *Gold Coast Colony* and *Ashanti*. In the case of the *Northern Territories* the cultivation and tending of communal seed farms and the collection of produce from such farms should be added to the list. The labour may only be exacted from able-bodied males who are of an apparent age of not less than 18 and not more than 45 years. It may not be exacted from more than 25 per cent of such males of a town or village at the same time, and no person may be called upon to work for more than twenty days in any one year. The length of the working day is not to exceed what is customary in the neighbourhood, and no person may be required to render labour beyond the limits of the land occupied by the inhabitants of his own town or village.

*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. Sanction was given to employ labour in the Sokoto and Benue Provinces under the provisions of Regulations No. 23 of 1935 concerning the exaction and employment of labour for preventing the spread of sleeping sickness. In the Sokoto Province this labour was employed in the Illo Independent District, in the Kaoje District of Gwandu Emirate and in the Kwanji, Shanga and Gungawa Districts of the Yauri Emirate. In these Districts 2,290 men were employed on one occasion and 830 men on a second occasion. In no case did the period of employment exceed the maximum period of six weeks provided for under the Regulations. In the Benue Province no labour has actually been employed. Sanction was also given to employ labour in the Katsina and Bauchi Provinces under the provisions of Regulations No. 13 of 1934 concerning the exactment

and employment of labour for dealing with invasions of locusts. In the Katsina Province 14,960 men were employed in thirteen Districts of Katsina Emirate and 33 men in two Districts of Daura Emirate. The period of employment varied from one to eight days. In the Bauchi Province 50 men were employed for three days in one District of Bauchi Emirate. (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 or 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. Generally these services are carried out by age grades and in certain of the Southern Provinces it is common for a person to excuse himself from his share of the work by payment of a small fee to the other members of the grade. No instance has been reported of these fees being exacted by compulsion. Regulations No. 3 of 1934 have been amended by Regulations No. 21 of 1936, which provide for the exaction and employment of labour for the purpose of planting and tending communal fuel plantations in certain areas of the Tiv Division of the Benue Province; no labour has yet been exacted.

*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.

*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, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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 metropolitan country and the highest central authority of each colony, in accordance with the terms of this Article of the Convention.

*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, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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.

*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. In continuation of the report for the period October 1934 to September 1935 the report for the present year explains that as the state of the Treasury still prevents the direct purchase of the so-called "*particuliere landerijen*" (private estates), and it is nevertheless of importance to remove so far as possible the objections to such



private ownership, which include forced labour, a plan—as has already been reported—was put forward in 1935 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 was 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 purchases through the company is considered to lie in the fact that, pending the recovery of all the State domains, it makes it possible to see that the estates bought are humanely managed and to attempt gradually to reduce the dues and services required of the persons on the estates. The establishment of this limited company—the “*Javasche Particuliere Landerijen Maatschappij*”—has in the meantime taken place (the memorandum of association was approved by a Resolution of 20 January 1936, No. 28, published in the *Javasche Courant* of 21 February 1936, No. 15, Appendix No. 22). It may further be mentioned that this limited company has already (in April 1936) embarked on the purchase of the complex of private estates situated in the Tangerang plain, known as Kedawoeng West and Kampong Melajoe. The report adds that as it has been impossible to complete the re-purchase of the private estates the reservation contained in the instrument of ratification of the Convention must remain unaffected. (See under ARTICLE 26.)

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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.

*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, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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 Ordinances 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.

*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, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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.

*Kenya.* — ...

*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. See also under ARTICLE 22.

*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.

*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, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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 déléation of this power to the local authorities is permissible in any case whatever.

*Netherlands (Netherlands Indies).* — Responsibility for any decision to have recourse to forced or compulsory labour lies with the head of the provincial Govern-

ment (*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, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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.

*Netherlands (Netherlands Indies).* — See under ARTICLE 10.

*Sudan (Voluntary Report).* — . . . See also under ARTICLE 10.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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. As regards the maintenance of roads in the Gold Coast Colony and the Southern Section of Togoland under British Mandate, the employment of compulsory labour under the Roads Ordinance is now regulated by Regulations No. 29 of 1936. Such labour is fully paid and is employed under proper conditions. The Colony Regulations No. B 38 of 1935, which follow the Nigeria model, restrict the maintenance of roads (regarded as a minor communal service) to roads *within* a town or village. Previous to the making of these Regulations, the maintenance of local roads connecting towns and villages was considered to be a minor communal service. Now, however, such roads have to be maintained by paid labour. In the transition period and as a temporary expedient, it has occasionally been necessary to employ compulsory labour under the Roads Ordinance, as provided in Part III of the Labour Ordinance, No. 21 of 1935, on this work. The Gold Coast Government, however, does not contemplate the use of the Roads Ordinance except in emergencies or when voluntary labour cannot be obtained. In Ashanti the Road Maintenance Rules made by the Chief Commissioner were revoked by Rules No. 17 of 1936. In the Northern Territories the Road Maintenance Rules made by the Chief Commissioner were revoked by Rules No. 16 of 1936. Compulsory labour is no longer employed in Ashanti and the Northern Territories (including the Northern Section of Togoland under British Mandate) for the maintenance of roads.

*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.* — . . . Every effort continues to be made to reduce the number of men who liquidate their tax liabilities by labour instead of cash, and Government is able to report a further reduction in this respect for the period under

review. The following figures are of interest : 1933-1934 : 59,316, 1934-1935 : 41,609, 1935-1936 : 31,605. It will be seen that during the last three years there has been a steady diminution in the number of those who paid their taxes by labour. This state of affairs is due to a further improvement in the economic condition of the Territory which has, during the last year, enjoyed a considerable measure of prosperity. A contributory factor is the smooth working of the Native Tax Ordinance of 1934, which is better suited to local conditions than the Ordinance which it repealed.

*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 is in operation throughout the Protectorate with the exception of the Karamoja District of the Eastern Province. In Buganda Province a new system was introduced, as an experiment, whereby every person liable to *luwalo* was given an opportunity to commute; any person who had not the means to do so being offered work as a paid labourer by the Native Government in order to earn money with which to pay the commutation fee. As a result of the success of this experiment, a law is under consideration by the Buganda Native Government under which the *luwalo* obligation will cease to be a labour obligation, and will become a tax.

*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 of 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.

*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. 13093).

*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 for the year October 1934-September 1935 added that, in accordance with the spirit of the Convention, progress was made 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 might be satisfied with the wages paid by the road overseer, and the herds left untouched ; while the report for the period October 1935-September 1936 states that in certain districts where the natives formerly had no opportunity of earning money except by working on roads, the Government has encouraged cotton cultivation, the cutting of firewood and burning of charcoal and so enabled many to pay their taxes in cash.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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). Under the respective Regulations (Nos. 27, 28 and 29 of 1936), the proportion of the resident able-bodied males who may be taken at any one time from any town or village may not exceed 25 per cent. (Northern Territories), 25 per cent. (Ashanti) and 50 per cent. (Gold Coast Colony) of such males.

*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 moneys 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.

*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, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

## 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.* — See under ARTICLES 18 and 19.

*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.

*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, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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. See also under ARTICLES 18 and 19.

*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.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### ARTICLE 14.

With the exception of the forced or compulsory labour provided for in Article 10 of this Convention, forced or compulsory labour of all kinds shall be remunerated in cash at rates not less than those prevailing for similar kinds of work either in the district in which the labour is employed or in the district from which the labour is recruited, whichever may be the higher.

In the case of labour to which recourse is had by chiefs in the exercise of their administrative functions, payment of wages in accordance with the provisions of the preceding paragraph shall be introduced as soon as possible.

The wages shall be paid to each worker individually and not to his tribal chief or to any other authority.

For the purpose of payment of wages the days spent in travelling to and from the place of work shall be counted as working days.

Nothing in this Article shall prevent ordinary rations being given as part of wages, such rations to be at least equivalent in value to the money payment they are taken to represent, but deductions from wages shall not be made either for the payment of taxes or for special food, clothing or accommodation supplied to a worker for the purpose of maintaining him in a fit condition to carry on his work under the special conditions of any employment, or for the supply of tools.

*Please state in particular what steps have been taken towards the introduction of payment of wages in accordance with the second paragraph of this Article.*

*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.* — Regulations No. 29 of 1936 (Gold Coast Colony), No. 28 of 1936 (Ashanti) and No. 27 of 1936 (Northern Territories) provide in § 4 in each case that "every person shall be remunerated in respect of any labour performed by him in normal working hours at the local rates prevailing."

*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.

*Netherlands (Netherlands Indies).* — This does not apply.

*Sudan (Voluntary Report).* — ... The Government reports that the payment of wages to each worker individually is impracticable in most areas of the southern Sudan, but the system is being introduced gradually in areas where geographical and administrative conditions permit. In all areas a system of "checking" is in force and there is little chance of abuses remaining undiscovered.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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.

*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, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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.

*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, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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 Ge-

neva Convention of 10-28 June 1930, the rules laid down in that Convention shall be observed.

*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, State, Japan, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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 compulsory portage is imposed under No. 116 of the Native Regulations, the period being limited, except in cases of great emergency, to 21 days, and the

carriers are paid and fed. Animal and motor transport are at present used only to a very limited extent. Prisoners are used in place of impressed carriers as far 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 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.

*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, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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 remains 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 compulsory cultivation is provided for under Section 110 of the Native Regulations 1931. In practice, however, it is confined to food plants, and almost exclusively to coconuts. Compulsory cultivation is only authorised as a method of protection against famine or a deficiency of food supplies, and always under the condition that the food or produce remains the property of the individual producing it.

*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.

*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, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

## 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.

*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, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

## 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.

*Netherlands (Netherlands Indies).* — Persons liable to “*heerendiensten*” are never employed in mines.

*Bulgaria, Chile, Denmark, Irish Free State, Japan, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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. Port Moresby, Samarai (Eastern Division), and the stations Daru (Western Division), Cape Nelson (North-Eastern Division), Buna (Northern Division), Kairuku (Central Division), Abau (Eastern Division), Misima (South-Eastern Division), and the Gailala Police Camp, report no cases of compulsion. From Kerema (Gulf Division) 22 convictions for refusing to carry are reported by the Resident Magistrate. The Patrol Officer reports

that carriers almost invariably present themselves when required ; but it was necessary to send police to collect 20 carriers at Vailala West, and 6 at Kivori. From Rigo (Central Division) 14 prosecutions are reported. From Woodlark Island (South-Eastern Division) the Assistant Resident Magistrate reports that in 30 cases he had to threaten compulsion. From the Trobriands the Assistant Resident Magistrate reports that the natives generally are eager to carry in order to get tobacco ; but there were seven convictions. From Baniara (North-Eastern Division) five cases of compulsion are reported. From Mapamoiwa police camp (d'Entrecasts-aux Group) nineteen convictions are reported. In Kokoda there were two prosecutions but no other cases of compulsion were reported. In Ioma no cases of compulsion or prosecution occurred. It is to be noted that, when carriers present themselves in response to a call, it may be either (i) because they want money to buy tobacco (as in the Trobriands) or to pay their tax, or for some other purpose ; or (ii) because they are afraid of going to gaol.

*Great Britain.* — The situation is summarised below.

*Gold Coast.* — No compulsory labour, other than for minor communal services, was employed in the Gold Coast (including Togoland under British Mandate) during the period under review. See also under ARTICLE 10.

*Kenya.* — During the period under review the number of men employed on portage was 2,698, representing a total of 5,502 man-days of labour. The number of men shows a reduction of 729 over the previous year, although the number of man-days was increased by 647. The reduction in the former indicates that the policy of gradually abolishing porter transport is being carried out, while the increase in the latter is accounted for by the use of porters on three exceptionally long journeys undertaken in the less developed areas of the Colony.

*Nigeria.* — No forced or compulsory labour has been exacted by chiefs or by the administration for transport or other purposes, nor has any such labour been exacted as tax or for the execution of public works.

*North Borneo.* — The report supplies the following statistical information :

	East Coast Residency	West Coast Residency	Whole State
Total number of persons compulsorily employed as carriers	1,330	10,005	11,335
Average number of days each person employed	7.08	2.11	2.69
Normal working hours	6 to 8	8 to 8	8 to 8
Rate of daily remuneration	30 cents	30-35 cents	30-35 cents
How paid	By cash through Government Officers	By cash through Government Officers	By cash through Government Officers
Deaths	Nil	Nil	Nil
Sickness	Nil	Nil	Nil

NOTE. — The former Sandakan and Tawau Residencies have been amalgamated into one Residency (the East Coast Residency) and the former Interior Residency has been absorbed into the West Coast Residency.

*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.* — (a) *Road Maintenance.* Unpaid labour was abolished on 31 December 1935. During the period 1 October to 31 December 1935, when such labour was still unpaid, 35,525 men were employed in the Northern Province over 287 miles of road. In the Southern Province the number so employed amounted to 79,924 over 531 miles of road. This labour was employed on maintenance work only. Since 1 January 1936, all labour has been paid and was voluntary, and no difficulty was experienced in recruiting the

required numbers. (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 1935 to 30 September 1936.

	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 ....	—	3,299	97	60	8	1,489	25	—	4,978
Total number of man-days worked .....	—	9,296	1,427	110	16	2,702	175	—	13,726
Convictions: fines ....	—	—	—	1	—	—	—	—	1
„ : imprisonment ..	—	—	—	—	—	—	—	—	—
(b) <i>Others:</i>									
Number employed ....	—	—	186	—	—	—	—	—	186
Total number of man-days worked .....	—	—	1,516	—	—	—	—	—	1,516
Convictions .....	—	—	—	—	—	—	—	—	—
<b>B. Labour requisitioned on behalf of Native Authorities.</b>									
(a) <i>Porters:</i>									
Number employed ....	81	—	—	261	—	—	64	—	325
Total number of man-days worked .....	42	—	—	372	—	—	176	—	548
Convictions: fines ....	—	—	—	26	—	—	14	—	40
(b) <i>Others:</i>									
Number employed ....	—	—	—	76	—	—	—	—	76
Total number of man-days worked .....	—	—	—	1,455	—	—	—	—	1,455
Convictions: fines ....	—	—	—	17	—	—	—	—	17
<b>C. Labour exacted in lieu of payment of tax.</b>									
Number employed ....	3,264	5,159	380	4,237	2,393	3,737	1,388	11,047	31,605
Total number of man-days worked .....	126,720	162,086	12,650	145,046	104,177	131,101	52,270	306,852	1,040,902
Convictions: fines ....	—	—	—	—	—	—	—	1	1
„ : imprisonment ..	47	103	—	26	44	86	33	75	414

*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.	36,453	149,915	66,415	87,194
2. Labour called out under ARTICLE 18 for transport	1,789	3,869	9,789	4,811
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 to 8 hours per day with one hour's interval.	7 a.m. to 4 p.m. with one hour's break at mid-day. Transport according to distance from camp to camp.	7 a.m. to 4 p.m. with one hour's break at mid-day. Transport not more than 5 hours.	Task work or 7 a.m. to 4.30 p.m. with one hour's break at mid-day. Transport porters. Maximum of 5 hours. No portage between 11 a.m. and 3 p.m.
7. Payment.	1. above 40 cents per day, or Sh. 10/0 per month. Transport, paid on arrival at camp, 40 cents a day or 4 cents a mile.	1. above, unpaid. Transport, paid on arrival at camp, 4 to 5 cents a mile.	1. above, unpaid. Transport, 3 to 4 cents per mile. Maximum payment of 30 cents.	1. above, unpaid. Transport, 10 cents per hour up to 4 hours. Through porters 30-36 cents a day.

*Notes :*

(a) The variations in figures as between Provinces are due largely in the case of head 1. to the varied ability of individuals in the different districts to pay the commutation fee ; and in the case of head 2. to the extent to which the nature of the country and number and condition of roads permit 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 portage, from his own area to the next camp, from which he returns home.

(c) Head 5. Sick men are not called out for employment and those becoming sick during their employment are usually either discharged or, in cases in which the place of employment is within reach of a hospital or dispensary, sent to one of the latter for treatment.

(d) Payments in all cases are made direct to the men performing the work.

*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.

*Netherlands (Netherlands Indies).* — The Government supplies the following statistical information regarding the em-

ployment of "*heerendiensten*" during the year 1935. It adds that the requisitioning of "*heerendiensten*" (compulsory labour for general public services) in the Outer Provinces gave rise to no particular difficulties or complaints during the year under review. In none of the Provinces was full use made of the statutory maximum number of days of compulsory labour that may be required under this head, and in several cases the figure was well below the maximum.

Province	Number of persons liable to performance of "heerendiensten"	Number of persons effecting commutation	Number of workers	Number of persons liable who did not perform "heerendiensten" or effect commutation	Number of days of "heerendiensten"				Amount of commutation money  Fl.
					Which may be required		Actually required		
					Per worker	Total	Total	Per worker	
<i>Territories of the Outer Provinces under Direct Government Control</i>									
Lampung Districts	55,092	22,953	23,673	8,466	24	568,152	544,240	22	201,292.-
Palembang	171,977	121,969	35,897	14,111	24	861,528	506,209	14	728,911.-
Djambi	40,154	19,942	15,532	4,680	24	372,768	364,481	23	209,621.-
Sumatra, East Coast	2,401	1,076	1,325	—	24	31,800	29,778	22	2,816.-
Benkoelen	54,905	2,433	45,700	6,772	30	1,371,000	1,192,038	26	16,001.-
Sumatra, West Coast	267,825	17,987	193,288	56,550	24	4,638,912	3,548,944	18	84,584.-
Tapanoeli	140,471	14,833	117,086	8,552	25	2,927,150	2,757,290	23	78,144.-
Atjeh and dependencies	26,989	1,979	22,630	2,380	15	339,450	334,826	15	5,939.-
Borneo, South and East Districts	156,336	44,529	87,905	23,902	20	1,758,100	1,222,472	14	324,985.-
Manado	25,144	325	20,807	4,012	28	582,596	568,750	26	2,415.-
Celebes and dependencies	159,453	1,517	157,936	—	25	3,948,400	2,307,034	15	6,094.-
Moluccas (Amboina)	64,526	53	64,412	61	24	1,545,888	1,126,687	17	198.-
Timor and dependencies	716	—	570	46	18	12,050	11,659	17	—
Bali and Lambok	281,299	24,702	253,243	3,354	25	6,331,075	4,718,807	19	74,104.-
Total	1,447,288	274,298	1,040,104	132,886	15/30	25,288,879	19,233,215	19	1,735,104.-
<i>Self-Governing Native States</i>									
Sumatra, East Coast	158,150	90,185	46,124	21,841	8-24	1,025,512	973,594	19	339,120.-
Atjeh and dependencies	136,904	14,675	95,801	26,428	15	1,437,015	1,432,934	15	44,026.-
Riouw and dependencies	24,529	18,719	2,058	3,752	3-4 <sup>1</sup>	6,357	4,939	2	18,717.-
Borneo, South and East Districts	37,629	1,392	29,032	7,205	20	580,640	385,663	13	7,223.-
Manado	108,977	1,323	97,959	9,695	24-28	2,676,973	2,330,113	24	10,197.-
Celebes and dependencies	366,129	20,721	345,408	—	30	10,362,240	7,670,860	22	113,557.-
Moluccas (Ternate District)	63,822	586	60,288	2,948	30	1,808,640	1,116,502	19	2,998.-
Timor and dependencies	332,382	6,941	294,065	31,376	32	9,410,080	5,173,440	20	21,292.-
Borneo, West District	107,268	6,149	57,896	43,223	20	1,157,920	115,792	2	3,626.-
Total	1,355,790	160,691	1,028,631	146,468	8/32	28,465,377	19,203,837	15	560,756.-

<sup>1</sup> Temporarily low figure, owing to the provision of money from the proceeds of the special export duty on Native rubber for reducing the burden of "heerendiensten".

*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, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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.

*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, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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.

*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, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

#### 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.

*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, Mexico, Norway, Spain, Sweden, Yugoslavia.* — See under II.

### 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.

*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.* — In *Southern Rhodesia*, no forced labour is permitted and no illegal exactions have been reported during the year. The following comments are taken from certain of the reports submitted by the British Government.

*Nigeria.* — 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.* — 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. See also 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.

*Mexico.* — See under II.

*Netherlands (Netherlands Indies).* — See under III.

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.*

*Australia.* — . . .

*New Guinea.* — During the period under review it was found necessary to prosecute ten natives for neglecting to carry out the instructions of a District Officer to tend their crops. They were convicted and each was sentenced to imprisonment for one week.

*Papua.* — See under ARTICLE 22.

*Sudan (Voluntary Report).* — There were five investigations and one conviction under the provisions of the Sudan Penal Code.

The remaining reports supplied do not mention any such decisions.

### 30. Convention concerning the regulation of hours of work in commerce and offices.

Article 14 of the Convention provides that "it shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General. Thereafter, this Convention shall come into force for any Member twelve months after the date on which the ratification has been registered".

The Convention came into force on 29 August 1933. The following table shows the States Members for which the Convention was in force before 1 July 1936 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 1935-30 September 1936 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Bulgaria. . . . .	22. 6. 1932	23. 11. 1936
Mexico . . . . .	12. 5. 1934	6. 11. 1936
Nicaragua . . . . .	12. 4. 1934	
Spain . . . . .	29. 8. 1932	30. 3. 1937
Uruguay . . . . .	6. 6. 1933	23. 12. 1936

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

For the general information supplied by the *Spanish* Government, see under *Convention No. 1 (Hours of work, 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 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.

Act of 28 January 1922 concerning civil servants, (§ 27) with subsequent amendments.

*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.

*Spain.*

Act of 4 July 1918 respecting the daily hours of work in commercial undertakings (B.B., 1918, Vol. XIII, p. 30).

Regulations issued in pursuance of the above Act.

Decree of 1 July 1931 to fix the maximum statutory daily hours of work at eight hours (L. S. 1931, Sp. 9).

*Uruguay.*

Act No. 5350 of 17 November 1915 concerning the 8-hour day for workers and employees (B.B. 1916, vol. XV, p. 29).

Decree of 15 May 1935 issuing administrative regulations in application of the Act.

Act No. 8797 of 22 October 1931 concerning the compulsory weekly half holiday (L. S. 1931, Uruguay 1).

Decree of 26 June 1935 issuing administrative regulations in application of the Act.

Legislative Decree No. 9347 of 13 April 1934 concerning the uniform closing of establishments in certain circumstances.

Decree of 23 May 1934 issuing administrative regulations in application of the Act.

## 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 estab-

lishments ; (11) insurance companies and limited liability companies ; (12) consumers' and other co-operative associations ; (13) banks and similar undertakings. The Act concerning Civil Servants apply to State 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 : the only distinction that is made in practice is that between public employees and workers in private undertakings. Public employees are subject to administrative regulations, which so far as hours of work are concerned do not depart from the basic principles of the Act. Public employees are taken to include those in postal and telegraph services. On the other hand, those in telephone services, which are in the hands of private undertakings, are excluded. Mexican legislation does not establish the line of division between industrial and agricultural undertakings and the rest. The classification contained in the Act settles the question for each particular case. The report adds that no direct use has been made of the exemptions allowed under paragraph 3 of this Article, but that the Mexican Labour Act contains in § 69 provisions that define the cases as exemptions allowed in paragraphs 3 and 2 (a) and 2 (b). § 69 of the Act lays down that the provisions relating to maximum daily hours of work shall not apply to persons engaged in domestic service but shall apply to domestic servants employed in hotels, inns, hospitals and other similar commercial establishments.

*Spain.* — The Act of 4 July 1918 applies to all persons employed in commercial undertakings, and the Decree of 1 July 1931 to occupations and paid work of all kinds carried on under the direction and supervision of another on account of the State, a province or a municipality, either directly or by direct labour or under a concession or contract, or on account of a private undertaking. The report adds that in Spain legislation concerning statutory daily hours of work does not apply to the postal and telegraph services, since persons employed in such services are

covered by the general laws and regulations applying to public officials.

*Uruguay.* — The Act of 17 November 1915 applies to workers, employees and assistants employed in industrial and commercial establishments and on railways and tramways, to riverside carriers and in general to all persons engaged in work of the same kind as that of workers and employees specified above. As regards the exemptions provided in paragraph 3 (a) of this Article of the Convention § 9 of the Decree of 15 May 1935 exempts boys working in their parents' undertakings on condition that they do not work in a permanent manner nor are remunerated. As regards the exemptions in paragraph 3 (c) §§ 9 and 10 of the Decree provide exemptions in favour of a director or manager of an undertaking and workers and employees working as partners in the undertaking. For further details on these exemptions see under *Convention No. 1 (Hours of work, industry)*, ARTICLE 2 (a). The Act of 22 October 1931 applies to persons employed in undertakings mentioned in paragraphs 1, 2 (b), 2 (c) and 3 of this Article of the Convention. The report adds that the demarcation between industry and commerce is made, so far as the application of the Act of 22 October 1931 is concerned, according to the principal work done by the employees and workers, and who in turn are classified according to this work.

#### ARTICLE 2.

For the purpose of this Convention the term "hours of work" means the time during which the persons employed are at the disposal of the employer; it does not include rest periods during which the persons employed are not at the disposal of the employer.

*Bulgaria.* — § 2 of the Order of 2 July 1934 defines as "hours of work" the time during which the workers and employees are bound to be in the establishments where they work. Under § 3, this period does not include regular interruptions of work such as rest periods given for lunch and dinner or other rest periods prescribed by the work regulations of the undertaking, during which the wage-earners are free to leave the establishment where they work and may use their time as they wish. § 27 of the Act concerning civil servants fixes an eight-hour working day in State undertakings.

*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.

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

*Uruguay.* — The Act of 17 November 1915 provides that the actual hours of work shall not exceed eight hours a day.

#### 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 the 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.

*Spain.* — The Decree of 1 July 1931 fixes the maximum daily hours of work at eight hours.

*Uruguay.* — The Act of 17 November 1915 provides that the actual hours of work shall not exceed 8 hours a day (§ 1). The Act of 22 October 1931 lays down that the hours of work in the week shall be reduced to 44 hours, in commercial establishments of all kinds and their dependencies (§ 1).

#### 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.

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

*Uruguay.* — The Decree of 15 May 1935 containing regulations in application of the Act of 17 November 1915 lays down in § 14 that the hours of work in commercial establishments shall not exceed 8 hours a day.

#### 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.

*Spain.* — The Decree of 1 July 1931 lays down that, in cases similar to those covered by this Article of the Convention, the time lost may be made up, provided that the weekly hours of work do not exceed fifty hours. The report adds that the necessary authorisation is given by the joint boards, and, where these do not exist, the matter is settled by collective agreement.

*Uruguay.* — § 12 of the Decree of 15 May 1935 provides that in cases where special circumstances do not allow stoppage of work after 8 hours the workers and employees may continue to work on condition that the hours of work for a period of six days shall not exceed 48 hours or 44 hours in the case of employees enjoying a weekly half-holiday. In such cases, the National Labour Institute, and its services in the metropolitan city, and the inspection services in the other departments shall be informed of the reasons for the extension of the hours of work and the maximum number of uninterrupted hours that the workers and employees must work. The inspectors shall verify, as far as possible, the validity of the reasons. § 13 (k) provides a similar exemption in case of *force majeure*.

#### ARTICLE 6.

In exceptional cases where the circumstances in which the work has to be carried on make the provisions of Articles 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 distributed 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.

*Spain.* — The report states that no regulations have been issued as provided by this Article.

*Uruguay.* — Uruguayan legislation does not allow hours of work to be distributed over a period longer than a week, even in cases of *force majeure*.

#### 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. There are only exceptions for women and children in the Act and in the Regulations on dangerous and unhealthy work. Cases of intermittent work, continuous work, and preparatory and complementary work are settled in accordance with the general principles of Mexican legislation: day work between 6 a.m. and 8 p.m.; night work between 8 p.m. and 6 a.m.; the length of the working day in the case of day work 8 hours, in that of night work 7 hours, in that of mixed day and night work 7½ hours; for overtime, double pay; in cases of continuous work provision to be made for the compulsory weekly rest, the day being fixed by agreement between employer and worker.

*Spain.* — The report states that similar provisions are contained in the Act concerning the daily hours of work in commercial undertakings, the Regulations issued under that Act, and the Decree to fix the maximum statutory daily hours of work. Reference may also be made, for each province, to the special labour regulations of the joint boards, which will be found in the "Spanish Social Policy Yearbook".

*Uruguay.* — 1 (a), (b) and (c). Uruguayan legislation does not permit such exemptions. 2 (a), (b) and (c). The Decree of 15 May 1935 provides temporary exemptions in cases where special circumstances do not allow an interruption of work (§ 12), in case of *force majeure* or where for technical reasons the work cannot be interrupted (§ 13 (k) and (l)) and in the case of industries using perishable raw materials (§ 13 (q)). Commercial firms, banks and offices of industrial establishments may exceed the daily limit of 8 hours when they draw up their balance-sheets and

when they do work of an exceptional nature, provided that the employees receive a compensatory rest in such a way that the total number of hours worked during the week shall not exceed 44 hours. 3. The report does not refer to this point. 4. The national legislation does not contain any provisions of this kind. See under ARTICLE 11 (2) (c).

#### 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 states that the regulations provided for in Articles 6 and 7 are being drafted after consultation with the employers' and workers' organisations concerned. 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 Article 7 of the Convention, it has already been stated that they do not as yet exist in Mexico.

*Spain.* — Spanish legislation provides for the consultation of employers' and workers' organisations.

*Uruguay.* — The report states that no collective agreements exist, and that as a general rule the views of employers' and workers' organisations are heard before regulations are issued.

#### 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 states that the provisions of this Article of the Convention have not till now been applied.

*Mexico.* — The report states that occasion to suspend the existing legal



provisions referred to in the report has not arisen.

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

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

#### 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 states that the regulation in force in Bulgaria does not affect any custom, law or agreement whereby shorter hours are worked than those provided by the said regulation.

*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.

*Spain.* — § 3 of the Decree of 1 July 1931 contains a provision similar to that of this Article of the Convention.

*Uruguay.* — The report states that the legislation of Uruguay is far more comprehensive than the Convention and has not been amended.

#### ARTICLE 11.

For the effective enforcement of the provisions of this Convention :

(1) The necessary measures shall be taken to ensure adequate inspection ;

(2) Every employer shall be required :

(a) to notify, by the posting of notices in conspicuous positions in the establishment or other suitable place, or by such method as may be approved by the competent authority, the times at which hours of work begin and end, and, where work is carried on by shifts, the times at which each shift begins and ends ;

(b) to notify in the same way the rest periods granted to the persons employed which, in accordance with Article 2, are not included in the hours of works ;

(c) to keep a record in the form prescribed by the competent authority of all additional hours of work performed in pursuance of paragraph 2 of Article 7 and of the payments made in respect thereof.

(3) It shall be made an offence to employ any person outside the times fixed in accordance with paragraph 2 (a) or during the periods fixed in accordance with paragraph 2 (b) of this Article.

*Please state what measures have been adopted with a view to ensuring adequate inspection for the effective enforcement of the provisions of the Convention.*

*Please attach specimen copies of the notices and forms specified in this Article.*

*Bulgaria.* — § 17 of the Order of July 1934 lays down that cases of infringement shall be reported by the labour inspectors. The report states that in virtue of this Order each employer (a) shall notify, by the posting of notices in conspicuous positions in the establishment, 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) shall notify in the same way the rest periods granted to the persons employed which are not included in the hours of work.

*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. § 102 of the Act provides that the works regulations, which shall be posted in a place accessible to the workers, shall specify among other things, the hours of arrival and departure of the workers, the meal-times and rest periods during the day, and the place and time at which the daily hours of work are to begin and end. 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.

*Spain.* — § 16 of the Decree of 1 July 1931 provides for the posting-up of timetables of hours of work and breaks in accordance with this Article of the Convention. No official specimen forms exist.

*Uruguay.* — 1, 2 (a) and 2 (b), and 3. The Control registers kept by the National Institute of Labour fulfil the requirements laid down in the above-mentioned paragraphs of this Article. 2 (c). The workbooks and records of intermittent work are used for this purpose. The only point that is not recorded is the amount of the payment made, because no such payments are required under the legislation, all compensation being given in the form of time off. See also under *Convention No. 1 (Hours of work, industry)*, ARTICLE 8.

#### ARTICLE 12.

Each Member which ratifies this Convention shall take the necessary measures in the form of penalties to ensure that the provisions of the Convention are enforced.

*Bulgaria.* — § 18 of the Order of 2 July 1934 provides that cases of infringement

relating to the hours of work of workers, employees and owners of undertakings shall be punished in accordance with § 30 of the Health and Safety of Workers' Act.

*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.

*Spain.* — §§ 18-20 of the Decree of 1 July 1931 prescribe penalties to be inflicted in case of breaches of the law.

*Uruguay.* — § 1 of the Act of 17 November 1915 and § 30 of the Decree of 15 May 1935 contain the necessary measures of control and penalties for the enforcement of the provisions of the Convention.

### III.

*Article 35 of the Constitution of the International Labour Organisation (Article 421 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace) is 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 the same Article.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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 which apply to Spain also cover Moroccan cities under Spanish sovereignty. In the Spanish Protectorate of Morocco, hours of work are regulated by the Dahir of 7 September 1931.

### 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 Federal Labour Department, the Department for the Federal District, the Federal and local conciliation and arbitration boards, the Federal and local inspectors, and the municipal presidents are responsible for the administration of labour legislation. The labour inspectors carry out their duties under the supervision of the authorities and in accordance with sections 402-406 of the Labour Act they make periodical inspections in order to ascertain that it is observed and to correct any irregularities or omissions that they note during their inspection. Penalties for contravention of the Federal Labour Act are explicitly defined in the Eleventh Part of the Act. Further, to assist the workers in protecting their interests Chapter VIII of the Eighth Part of the Act has established, under the Labour Department, a solicitor's office for the protection of labour.

*Spain.* — The authorities responsible for seeing that the law regarding maximum hours of work is observed are the factory inspectors, so far as legislative provisions apply, and the sub-committees of the joint boards, so far as hours of work are fixed by special labour regulations.

*Uruguay.* — See under Convention No. 1 (Hours of work, industry) point V. The report adds that the Decree of 23 April 1923 facilitates the control of the application of the legal hours of work in commerce by the fact that it establishes a uniform time-schedule in commerce. Further, the Decree of 23 May 1934 authorises the appointment of honorary inspectors to supervise the application of the Decree as well as the time-schedule.

### 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.* — The total number of workers protected by the legislation is about 45,000. The number of cases of infringement reported is 348. No observations have been received from employers' or workers' organisations on the practical application of the Convention or on the legislation implementing the Convention.

*Mexico.* — The report states that no statistics are available, and that no observations have been made by employers' or workers' organisations.

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

*Uruguay.* — As regards inspections and cases of infringement see under *Convention No. 1 (Hours of work, industries)* point VII. Figures given therein, refer to commerce and industry. The number of employees and workers in commerce covered by the legislation is 31,000. No observations have been received on the application of the Convention or on the legislation complementing it.

## 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 States Members for which the Convention was in force before 1 July 1936 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 1935-30 September 1936 or for part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Great Britain . . .	10. 1. 1935	28. 12. 1936
Italy . . . . .	30. 10. 1933	24. 2. 1937
Mexico . . . . .	12. 5. 1934	6. 11. 1936
Spain . . . . .	20. 7. 1934	
Uruguay . . . . .	6. 6. 1933	23. 12. 1936

The Government of *Italy* stated in its report for the period 1 October 1934-30 September 1935 that Regulations to consolidate and supplement the provisions and Orders relating to the obligations prescribed by the Convention were under consideration and that in the methods of enforcement of these Regulations account would be taken of the reciprocal agreements mentioned in ARTICLE 18 of the Convention. The report for this year does not state whether the Regulations have been passed.

In its report the Government of *Mexico* states that in the absence of legislation and in view of the fact that Article 133 of the Constitution of the Republic regards as a constitutional act any duly ratified

treaty, the Convention is directly applied under the supervision of the Ministry of Communications, which has communicated to its subordinate departments the text of the said Convention for due observance. The Ministry of Communications proposes to incorporate the provisions of the Convention in the amendments now under consideration to the Act on public means of communication and the relevant regulations. The Decree of 2-31 July 1935, which implements the Convention, reproduces this text.

The report of the *Spanish* Government, which was due this year for the first time, has not been received. See, however, the general information supplied by the Government, which appears under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Uruguay* states in its report that in general the legislation of Uruguay is not in accordance with the Convention, which is more complete and wider in scope. It adds that although the legislation fully achieves the aims of the Convention in the narrow field of maritime activities, there is no reason why the text of the Convention should not be used as a basis for new regulations on the subject. The Government refers to § 150 of the Decree of 22 January 1936.

## 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.*

*Great Britain.*

Factory and Workshop Act of 12 August 1901.  
Explosives Act of 14 June 1875.  
Petroleum (Consolidation) Act of 3 August 1928.  
The Docks Regulations of 6 March 1925 (in Northern Ireland 1926) (L. S. 1925 G. B. 1).  
The Docks Regulations of 5 March 1934 (in Northern Ireland also 1934) (L. S. 1934. G. B. 1).  
The Northern Ireland Code is, save for certain slight differences in the administrative machinery, the same as the Code in Great Britain.  
Model Bye-laws made under the Explosives Act, 1875, and the Petroleum (Consolidation) Act 1928.

*Italy.*

Royal Decree No. 1319 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.

*Mexico.*

Decree of 2-31 July 1935 implementing the Convention. (*Diario Oficial*, No. 39, 14 August 1935)  
See also introductory note.

*Uruguay.*

Act No. 5032 of 21 July 1914 concerning the prevention of accidents.  
Decree of 22 January 1936 in application of the above Act (Chap. XVIII, § 150).

## 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.

*Great Britain.* — The Preamble to the Docks Regulations of 5 March 1934 states that the Regulations apply to persons employed in the processes of loading, unloading, moving and handling goods in, on, or at any dock, wharf or quay,

and the processes of loading, unloading and coaling any ship in any dock, harbour or canal.

*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.

*Mexico.* — See introductory note.

*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).

*Great Britain.* — This Article is applied by §§ 1(a), 1(b), 3, 35(a) and 35(b) of the Docks Regulations of 1934, the text of which is practically identical with that of the Convention ; but the provisions in the Docks Regulations relating to the lighting of the approach over a dock, wharf or quay do not apply to the towing path of a canal or canalised river ; and the provisions concerning the maintenance of a clear passage to the means of access do not apply to a wharf or quay on a shallow canal (the Regulations define a shallow canal as any of the parts of a canal, canalised river, non-tidal river, or inland navigation which have no means of access to tidal waters except through a lock not exceeding 90 feet in length, which are not in frequent use for the

processes, and at which the depth of water within 15 feet of the edge does not ordinarily exceed 5 feet). Further, the above-mentioned articles of the Regulations do not contain the exemption provided in paragraph 5 of the Convention relating to the measurement requirements of fences laid down in 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. 3095 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.).

*Mexico.* — See introductory note.

*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.*

*Great Britain.* — This Article is applied by §§ 9(a), 9(b), 10 and 47 of the Docks Regulations of 1934, which practically reproduce the terms of the Convention. However, as regards paragraph 3 of this Article of the Convention, the Regulations do not provide that the appliances constituting the means of access shall not be inclined at too steep an angle. The above-mentioned Articles of the Regulations do not contain the exemption provided for in paragraph 3 concerning the appliances in use at the date of the ratification of the Convention. On the other hand, § 9 of the Regulation exempts from its application any sailing vessel not exceeding 250 tons net registered tonnage, and any steam vessel not exceeding 150 tons gross registered tonnage, if the conditions are such that it is possible without undue risk to pass to and from the ship without the aid of any special appliances.

*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.

*Mexico.* — See introductory note.

*Uruguay.* — § 150(b) of the Decree of 22 January 1936 lays down that when a ship or vessel is lying at anchor, no one

shall pass to or from the ship or vessel except by the accommodation ladder or the "pilot ladder", all other means of access being forbidden. (See also 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.*

*Great Britain.* — § 44 of the Docks Regulations of 1934 provides that vessels used for transport as contemplated in this Article shall be in charge of a competent person, shall not be overcrowded, and shall be properly equipped for safe navigation and maintained in good condition.

*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.

*Mexico.* — See introductory note.

*Uruguay.* — § 150(a) of the Decree of 22 January 1936 lays down that vessels used for the transport of workers shall fulfil the necessary conditions of security and stability and they shall not carry more persons than prescribed by the maritime authorities. (See also 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.*

*Great Britain.* — Provisions similar to these of this Article are contained in § 11 (1, 2 and 3) and § 47 of the Docks Regulations of 1934, with the exception of those in paragraph 5 of the Article (ladder to be used in the hold of a vessel which is not decked). The report points out in this connection that it is provided in the Preamble to the Regulations that a group of the Regulations relating to means of access shall not apply to a barge or lighter. Advantage is taken of the exemption provided for in the Convention relating to the replacement of other means of access where, owing to the construction of the ship, the provision of a ladder would not be reasonably practicable, but not of the exemption provided for in paragraph 7 of this Article in respect of ships existing at the date of ratification.

*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 (*tarozi*) 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 install them under the supervision of the dock labour offices.

*Mexico.* — See introductory note.

*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.*

*Great Britain.* — § 37(a) of the Regulations of 1934 contains a provision similar to that of paragraph 1 of this Article respecting hatchways. It is provided that this provision shall not apply to any vessel during meal times or other short interruptions of work during the period of employment, and to vessels not exceeding 200 tons net registered tonnage which have only one hatchway.

*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.

*Mexico.* — See introductory note.

*Uruguay.* — § 150(j) of the Decree of 22 January 1936 provides that in cases where the coamings of the hatchways are less than 60 cm. in height, they shall

be extended by strong fences. (See also 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.

*Great Britain.* — § 12 of the Regulations of 1934 provides that when the processes are being carried on, the places in the hold and on the decks where the work is being carried on, the means of access to the ship, and all parts of the ship to which persons employed may be required to proceed in the course of their employment shall be efficiently lighted, due regard being had to the safety of the ship and the cargo, of all persons employed, and of the navigation of other vessels, and to the duly approved Bye-laws or Regulations of any authority having power by Statute to make Bye-laws or Regulations subject to approval by some other authority.

*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.

*Mexico.* — See introductory note.

*Uruguay.* — § 150(k) of the Decree of 22 January 1936 provides that when work is done at night, the places of work shall be efficiently lighted. (See also 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.

*Great Britain.* — §§ 13, 14, 15, 16, and 37(b) of the Regulations of 1934 practically reproduce the provisions of this Article.

*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.

*Mexico.* — See introductory note.

*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).*

*Great Britain.* — §§ 18 (a) and (b), 19 (a), (b), (c), and (d), 20 (a) and (d),

21, 22, 23, 24, 25, 26, 27, 29, 30, 31 and 51 of the Regulations of 1934 contain provisions more or less identical with those of this Article. The report adds the following observations: 1. The British system for the carrying out of the test and the issue of certificates is for the work to be done by private firms, the legal responsibility for the proper carrying out of the tests resting upon the owner of the machinery or plant and the standard being maintained by inspection by Government officials and by the power exercisable by the Chief Inspector of Factories (Regulation No. 21) to declare unacceptable the certificate of any person who is, in his opinion, not technically qualified, to statutory tests, etc. 2. Lifting machinery is defined in the Preamble to the Regulations as meaning cranes, winches, hoists, derrick booms, derrick and mast bands, goosenecks, eyebolts, and all other permanent attachments to the derricks, masts and decks used in hoisting or lowering in connection with the processes. The standards to be observed in testing are laid down in paragraphs (a) and (b) of the schedule to the Regulations. 3 and 4. The provisions of British law (§ 19(b) of the Regulations of 1934) requiring the annealing of chains and similar gear apply indifferently to ship and shore gear. The gear brought within the requirements is defined as follows: "All chains other than bridle-chains attached to derricks or masts, and all rings, hooks, shackles or swivels used in hoisting or lowering." No other treatment has yet been prescribed as a substitute for annealing. Conditional exemption has been provided as contemplated in paragraph 3(a) of this Article in § 19(b) of the Regulations of 1934 for certain classes of gear. A model of the certificate of exemption which is given by the Inspector to the chief of the factory has been received by the Office.

*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.

*Mexico.* — See introductory note.

*Uruguay.* — § 150(f) lays down that loading and unloading machines and gear shall not be used unless they have been previously examined to see that they are in good condition and safe. (See also 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.

*Great Britain.* — § 34 of the Regulations lays down that no person under 16 years of age, and no person who is not sufficiently competent and reliable, shall be employed as driver of a crane or winch, whether driven by mechanical power or otherwise, or to give signals to a driver, or to attend to cargo falls on winch ends or winch bodies.

*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.

*Mexico.* — See introductory note.

*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.*

*Great Britain.* — §§ 29, 32, 33, 36, 39, 41, 42, and 43 of the Regulations of 1934 contain provisions similar and in terms often identical, to those of this Article. The obligation to employ a signaller during the operation of a winch does not, however, apply under § 43 of the Regulations to the following 2 cases: (1) it shall not apply to the loading and unloading of a barge, lighter or similar vessel if the driver of the winch has a clear and unrestricted view of those parts of the hold where work is being carried on (2) it shall not apply to a case where the Chief Inspector is of opinion that, owing to the nature of the winch or other appliance in use or by reason of any special arrangements, such a requirement is not necessary. The report points out that, under § 33 of the Regulations the overloading of lifting machinery is not permitted except to the extent and subject to such conditions as may be approved by the engineer in charge or other competent person and it is further provided that the consent of the owner or his responsible agent must be obtained on each occasion and a record of the overload be kept.

*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.

*Mexico.* — See introductory note.

*Uruguay.* — § 150(h) prohibits the abandonment of loading and unloading machines or gear when a load is left suspended. § 150, paragraph (1), provides that where the operations necessitate the construction of stages, such stages shall be sufficiently long and broad and they shall be fenced laterally. § 150, paragraph (9), provides that lifting machinery shall not be overloaded. (See also 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.*

*Great Britain.* — The report states that the Explosives Act of 14 June 1875 and the Petroleum (Consolidation) Act of 3 August 1928 require harbour authorities to make bye-laws as to the loading and unloading of gunpowder and petroleum spirit respectively and that the latter Act may be extended by Order in Council to other substances. It has been so extended to carbide of calcine. Copies of model bye-laws under these Acts were forwarded to the Office. The report adds that, in addition, dock and harbour authorities have power, under § 83 of the Harbour, Docks and Piers Clauses Act 1847, to make bye-laws for regulating, *inter alia*, "the shipping, unshipping, landing . . . removing of all goods within the limits of the harbour"; and some authorities have further powers under Acts of Parliament applying to the particular undertaking. These powers have been widely used.

*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).

*Mexico.* — See introductory note.

*Uruguay.* — § 150 (n) of the Decree of 22 January 1936 provides that for workers

employed in stowing caustic soda, the use of high boots and gloves is obligatory. (See also 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.

*Great Britain.* — § 7 of the Regulations of 1934 lays down that there shall be provided for use at every dock, wharf or quay at which the total number of persons employed at any time exceeds fifty, a suitably constructed ambulance carriage maintained in good condition, unless arrangements have been made for obtaining such a carriage when required from a hospital or other place situate not more than two miles from the dock, wharf or quay and in telephonic communication therewith. §§ 4 and 5, providing for the installation of a sufficient number of first-aid boxes in places of work, lay down merely that these boxes shall be marked plainly with a white cross on a red ground. An Order of 25 September 1934 prescribes the minimum number of boxes. § 6 of the Regulations provides that the boxes shall be placed under the charge of a responsible person who shall always be readily available during the working hours and who shall, if the total number of persons employed at any time exceeds fifty, be a person trained in first aid. § 8 provides that notices shall be exhibited in prominent positions stating *inter alia* the position of each first-aid box, the position of stretchers and the position of the ambulance carriage. § 2 specifies the appliances for the rescue of persons from drowning which have to be installed and maintained in good condition.

*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.).

*Mexico.* — See introductory note.

*Uruguay.* — § 150 (l) of the Decree of 22 January 1936 provides that employers shall have in places of work first-aid materials which conform to the prescriptions of the National Labour Institute and its subordinate services. (See also 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.

*Great Britain.* — §§ 45 and 46 of the Regulations of 1934 contain provisions similar to those of this Article.

*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 organisations concerned, and by the Royal Corps of Civil Engineers, the Italian Register, etc.

*Mexico.* — See introductory note.

*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.*

*Great Britain.* — The report points out that in the British Regulations advantage has been taken of this Article as follows: (a) It is provided in the Preamble to the Regulations that Part I alone of the Regulations, namely, certain obligations as to safety of approach, first aid, etc.,

shall apply to the unloading of fish from a vessel employed in the catching of fish. (b) The requirements in Regulation 3 with respect to the lighting of approaches are not applied to the towing path of a canal or canalised river. (c) The requirement in Regulation 7 that a suitably constructed ambulance carriage shall be maintained where such a carriage is not available within two miles is not applied to docks, wharves or quays where the number of persons employed at any one time does not exceed 50. (d) It is provided in the Preamble to the Regulations that a group of the Regulations, those relating to means of access to and the covering of holds, shall not apply to a barge or lighter. (e) The requirements of Article 35 of the Regulations concerning the provision of clear passages are not applied to wharves or quays on a shallow canal. (f) Vessels not exceeding 200 tons net tonnage which have only one hatchway are under Regulation 37(a) exempted from the application of that Regulation. (g) The requirement in Regulation 43 concerning the employment of signalling is not applied to the loading or unloading of barges, lighters or other similar vessels, if the driver of the crane has a clear and unrestricted view of those parts of the hold where work is being carried on.

*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.

*Mexico.* — See introductory note.

*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.

*Great Britain.* — The report states that advantage is taken of this Article in regard only to the provisions in Regulations 18 (a), 19 (c), 20 (a) and 22 (a) relating to the testing and examining of machinery, chains or other gear taken into use or wire rope purchased before 1 June 1934, the date upon which the Regulations came into force. Such gear, which is progressively passing out of use, remains subject to the parallel provisions in the Docks Regulations, 1925, viz. Regulations 18, 19, 20 and 46.

*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.

*Mexico.* — See introductory note.

*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.*

*Great Britain.* — The report states that with a view to expediting reciprocity the question of setting up uniform standards in respect of testing, examination and annealing, and of certificates and records relating thereto, was explored at two conferences held under the auspices of H.M. Government in July 1932 and July 1935 respectively, and at the second conference, which completed the work of the first, conclusions were reached on these matters. The Office is in possession of copies of the report to these conferences. H.M. Government have not yet entered into a reciprocity arrangement with any other ratifying Government on the basis of the Convention.

*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.

*Mexico.* — See introductory note.

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

## III.

*Article 35 of the Constitution of the International Labour Organisation (Article 421 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace) is 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

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

*Great Britain.* — Legislation applying the provisions of the Convention has been adopted in the following dependencies: *Gold Coast* (Order No. 13 of 1936; the regulations under § 2 of this Order are in process of preparation). *Tonga* (Article No. 10 of 1936). See also "General observation" under Convention No. 2 (*Unemployment*), point III.

*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.*

*Great Britain.* — (1) and (2). The report states that the main body of the provisions of the Convention are comprised in the docks regulations which have force as regulations under the Factory and Workshop Acts. In the Preamble to the Regulations there are set out in detail under the heading "Duties" the various persons upon whom the responsibility for carrying out the requirements is placed, and these persons are liable on conviction to the penalties laid down in the Factory and Workshop Act 1901. The inspection of premises for the purposes of the regulations is carried out by the officers of the Factory Department under the administration in Great Britain of the Home Office and in Northern Ireland of the Ministry of Labour. In the case of matters within the scope of Article 12 of the Convention, express provision is made in the bye-laws allocating in a similar way the responsibility for carrying out the requirements of the bye-laws and specific penalties are provided in petroleum and explosives legislation for infringements. These bye-laws are enforced by the harbour authorities, who are fully seized of their responsibilities in the matter. (3) A placard edition of the regulations has been prepared and a copy of this placard is to be kept affixed in conspicuous places at the docks, etc., to which the Regulations apply. A copy of the placard was forwarded to the Office.

*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.

*Mexico.* — See introductory note.

*Uruguay.* — The report does not refer to this question.

## V.

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

The reports supplied do not mention any such decisions.

## VI.

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

*Great Britain.* — The report states that the provisions of the Convention which have been embodied into the established industrial law of the United Kingdom are satisfactorily observed although serious irregularities are reported from time to time and a number of prosecutions are necessary. Inspectors refer to an increasing interest in safety among dock workers, and safety committees have been set up by a number of dock authorities and associations of shipowners. There are no separate statistics available of the number of persons engaged upon the loading or unloading of ships or as to the number of accidents to such persons. The number of accidents involving three days' absence from work reported during 1935 as occurring at docks, wharves and quays was 6,435, of which 76 were fatal. In Northern Ireland the figure was 167. The causes of these accidents are analysed in the following table: *Great Britain*: Machinery moved by mechanical power 949; Transport whether moved by mechanical power or not 246; Electricity 5; Molten metal and other hot or corrosive substances 11; Machinery not moved by mechanical power 35; Use of hand tools 284; Struck by falling body 1,402; Persons falling 1,089; Stepping on or striking against objects 315; Handling goods, etc. 1,838; Other causes 261. The causes of fatal accidents are given as follows: Lifting machinery moved by mechanical power 30; Railways (locomotives and rolling stock) 6; Handling of goods 3; Struck by falling body 4; Persons falling 29; Other causes 4; *Northern Ireland*: Machinery moved by mechanical power 1; Lifting machinery 22; Explosion 1; Struck by falling body 36; Persons falling 37; Striking objects 4; Handling goods 14; Other causes 52.

*Italy.* — The Government states in its report that no complaints or observations

have been submitted by the trade union organisations concerned.

*Mexico.* — The report states that the application of the Convention has not given rise to any controversy and that the employers' and workers' organisations did not make any observation on this question.

*Uruguay.* — The report does not refer to this question.

### 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 States Members for which the Convention was in force before 1 July 1936 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 1935-30 September 1936 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium. . . . .	6. 6.1934	22.10.1936
Netherlands . . .	12. 7.1935	9.10.1936
Spain. . . . .	22. 6.1934	30. 3.1937
Uruguay . . . . .	6. 6.1933	23.12.1936

For the general information supplied by the *Spanish* Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The report of the Government of *Uruguay* states that there is no legislation concerning the special position of young persons in non-industrial employment. The employment of young persons in this type of work raises problems that are quite different from those involved in the employment of young persons in industry. The activities in question involve the employment of young persons before or after school hours and thus subject them to an additional strain that is dangerous for their physical and moral well-being. § 241 of the Child Welfare Code provides that boys under the age



of 16 and girls under the age of 18 shall not be employed as professional actors in public performances given in theatres or places of amusement of any kind. This prohibition applies also to any type of work in theatres or places of amusement, including the sale of articles by persons below the age limits mentioned. The legislation also prohibits persons under those ages from taking part in acrobatic, contortionist, or dangerous performances in circuses, variety theatres or cabarets, unless their parents are also professional acrobats. § 243 provides that persons under the age of 21 shall not work in cabarets or variety theatres. No person under the age of 16 and no unmarried woman under the age of 18 shall engage in any occupation carried on in public streets or public places on pain of being arrested and treated as waifs and strays. The report adds that the above-mentioned provisions are the only ones in the legislation of Uruguay dealing with the problem in question and that it would therefore be desirable to introduce in the national legislation the provisions of the Convention, adapting them to the special requirement, of the country and using them as a basis for dealing more fully and more completely with this question.

## I.

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

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

### 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).

### Netherlands.

Labour Act of 1919 (codified text: L. S. 1930, Neth. 2) amended by the Act of 9 May 1935 (L. S. 1935, Neth. 2).

Decree of 25 September 1933 concerning employment of women and young persons (L. S. 1933, Neth. 4).

### 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).

### Uruguay.

See introductory note.

## 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.

*Netherlands.* — The Labour Act of 1919 applies in general to operations of all kinds in any undertaking (§ 1). The report adds that in this way a large part of the field of application of the Convention had already been covered by a regulation as contemplated by the Convention. However, as a result of the Convention, the Act was amended so as to extend its application to children who work outside an establishment, as, for instance, a domestic servant. The Act of 9 May 1935 thus adds to § 1 of the Act of 1919 a new paragraph 4 which runs as follows: "for the purposes of this Act 'work' (*arbeid*) shall also mean operations of all kinds done outside an establishment by a child under the age of 14 years and who is still bound to attend school with the exception of domestic work performed in the family where the child is brought up and where the work is in the interests of the child".

*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 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 subparagraph of paragraph (1) of this Article.

*Uruguay.* — See introductory note.

## 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.

*Netherlands.* — § 9 of the Act of 1919 provides that a child who is under the age of fourteen years or who is still bound to attend school shall not perform any work, nor perform any operations which are not deemed to be work, merely in pursuance of the provisions of § 1, paragraph 1 (c), of the Act, which relate to work by the head or the manager of the undertaking or his wife.

*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

<sup>(1)</sup> For the scope of this Act, see under *Convention No. 1 (Hours of work, industry)*, ARTICLE 1.

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.

*Uruguay.* — See introductory note.

### 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.

*Netherlands.* — The legislation in the Netherlands does not provide any exceptions of this kind.

*Spain.* — The report does not refer specifically to this question. See under ARTICLE 2.

*Uruguay.* — See introductory note.

### 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.

*Netherlands.* — The legislation in the Netherlands does not provide any exceptions of this kind.

*Spain.* — The report does not refer specifically to this question. See under ARTICLE 2.

*Uruguay.* — See introductory note.

### 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.

*Netherlands.* — The report states that since 1891 the legislation in the Netherlands contained provisions prohibiting persons above the age limit fixed for admission to work from certain occupations. These provisions, which are operative in factories and workshops and outside such establishments, have been finally promulgated by the Royal Decree of 25 September 1933. § 1 of this Decree provides that a young person or woman (14 to 18 years) shall not perform work consisting in the lifting, pulling, pushing, carrying or moving in any other way of loads, if the said work either obviously or in the opinion of the district chief labour inspector: (a) demands too great an exertion on his or her strength, (b) is dangerous to his or her health for any other reason. § 2 provides that a young person shall not perform work consisting in dangerous performances or participation in performances which give rise to danger. § 3 prohibits young persons under 16 years of age from performing work as engineer or fireman for power machinery and steam boilers.

*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.

*Uruguay.* — See introductory note.

#### 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.

*Netherlands.* — § 74 (5) of the Act of 1919 as amended by the Act of 9 May 1935 lays down that every person exercising paternal authority or guardianship over a child under 14 years of age or still liable to compulsory school attendance as well as the head of a family where a child to whom the above conditions are applicable is brought up, shall be bound, on receipt of a warning in writing from the district chief labour inspector, to ensure that the child performs no operations which are not deemed to be work merely in pursuance of the provisions of § 1, paragraph 1 (c).

*Spain.* — The report does not refer to this question.

*Uruguay.* — See introductory note.

#### 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.

*Netherlands.* — (a) and (c). There are no exceptions within the meaning of ARTICLES 3 and 4 of the Convention. (b) The Decree of 25 September 1933 gives a list of the forms of employment covered by paragraph (b) of this Article of the Convention.

*Spain.* — The report does not refer to this question.

*Uruguay.* — See introductory note.

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 35 of the Constitution of the International Labour Organisation (Article 421 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace) is 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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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*.

*Netherlands.* — In the *Netherland Indies* the application of the Convention has for the moment been suspended owing to the financial circumstances which prevent the proper supervision of its application. In *Surinam* and *Curaçao* children are not employed in non-industrial work.

*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.

*Netherlands.* — The legal provisions ensuring the application of the Con-

vention have been incorporated in the Labour Act of 1919 and their observance is secured by the supervision of the officials of the Labour Inspection Service, the communal police, the State police and the constabulary.

*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.

*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.*

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.

*Netherlands.* — Under § 83 of the Labour Code, warning was given in 36 cases of contravention by parents or guardians against the prohibition of children from work. The report adds that the information supplied under Convention No. 5 relates for the most part to this Convention (infringements concerning the delivery of goods and other occupations) (see under Convention No. 5 (*Minimum age, industry*) point VI). No observations have been received from employers' and workers' organisations with regard to the application of the Convention or of the national legislation which implements it.

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

*Uruguay.* — See introductory note.

## EIGHTEENTH SESSION (GENEVA, 1934).

**42. Convention concerning workmen's compensation for occupational diseases (revised).**

Article 4 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 17 June 1936. The following table shows the States Members for which the Convention was in force before 1 July 1936 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 1935—30 September 1936 or for part of that period:

COUNTRIES	Date of registration of ratification	Report received
Hungary . . . . .	17. 6.1935	2. 3.1937
Norway . . . . .	21. 5.1935	4.12.1936

## 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.*

*Hungary.*

Act No. XXII of 1935 incorporating the Convention in Hungarian legislation.

Act No. XXI of 1927 respecting compulsory accident and sickness insurance (L. S. 1927, Hung. 1) amended by Decrees No. 9090 of 29 December 1931 (L. S. 1931, Hung. 5), No. 9600 of 1932 (L. S. 1932, Hung. 4), No. 6000 of 1933 (L. S. 1933, Hung. 4.), and No. 6500 of 1935 (L. S. 1935, Hung. 2.).

Decree No. 1600 of 30 December 1936 respecting the list of occupational diseases for which compensation is payable as for industrial accidents (L. S. 1936, Hung. 5).

Decree No. 74,302 of 19 August respecting the occupational diseases of workers insured with the National Agricultural Workers' Fund supplemented by Decree No. 88,888 of 20 December 1930.

*Norway.*

Act of 24 June 1931 respecting the accident insurance of industrial employees, etc. (L. S. 1931, Nov. 3).

Royal Decree of 7 December 1928 laying down that certain specified occupational diseases should be deemed to be equivalent to accidents.

Royal Decree of 11 January 1935 respecting occupational diseases.

## 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, the rate of compensation for such diseases, and the modifications and adaptations thought expedient in applying the legislation in regard to compensation for industrial accidents to the said diseases.

*Hungary.* — (I). For the general principles of the system of compensation for industrial accidents see under *Convention No. 17 (Workmen's Compensation for Accidents)*. (II). In case of accidents the insured person is entitled (1) to sickness benefit (50 per cent. of his wages) for 20 successive weeks, the first four weeks' benefit being paid by the sickness insurance fund; (2) to a 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 his full pension; (3) to a pension at the end of the treatment involving incapacity for work, which in the event of total incapacity is equivalent to  $66\frac{2}{3}$  per cent. of his wages (full pension) and in the event of partial incapacity to a portion of this 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. If the insured person is disabled and his condition makes constant help and attention necessary he receives a pension which exceeds the full pension but must not, however, exceed the total of his average earnings (disability pension). In case of death resulting from an industrial accident the dependants of the deceased are entitled (1) to funeral benefit, (2) to an annual pension payable from the date of the death. The widow's annual pension (or in some circumstances the widower's) amounts to 20 per cent. of the basic wage of the deceased person. Legitimate, recognised or adopted children up to the completion of their sixteenth year receive an annual pension amounting to 15 per cent. of the basic wage of the deceased person, and if they have lost father or mother or are subsequently orphaned of the other parent a pension amounting to 30 per cent. Parents and grandparents dependent upon the insured person receive an annual pension of 20 per cent. The total of the pensions paid to the dependants may not exceed  $66\frac{2}{3}$  per cent. of the basic wages of the deceased person. If the total exceeds this proportion the amount of the pensions paid to the widow or widower and the children must be proportionately reduced. For the purpose of calculating the compensation, earnings are taken into account only up to a maximum of 3,600 pengös a year. Earnings

cannot in any case be less than 300 pengös a year. (III). Under § 70 of the Act, No. XXI, of 1927, compensation equivalent to that paid in case of accident is due to an insured person or his dependants if, in an undertaking subject to compulsory accident insurance, or in the course of, or as a result of, employment carried out on behalf of such an undertaking, he contracts a disease (occupational disease) to which such employment renders him peculiarly liable and involves incapacity for work or reduction in capacity for work or the death of the insured person. The Council of Ministers issues by Decree the list of undertakings covered by § 70 and the occupational diseases corresponding to each undertaking. The compulsory notification of an occupational disease to the National Social Insurance Institute is made by the doctor who finds that the patient shows symptoms of such a disease. On the strength of this notification the National Social Insurance Institute pays compensation. A person suffering from an occupational disease may himself claim compensation from the Institute in the absence of official proceedings in connection therewith. 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 12 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.

*Norway.* — (i). The Act of 24 June 1931 respecting the accident insurance of industrial employees applies to all workers and employees in the undertakings mentioned in § 1 of the Act. The insurance is compulsory irrespective of the period of employment and is subject to the conditions specified in § 2 of the Act. The obligation for insurance is incumbent on the employer. In case of accident the insured person is entitled to free medical treatment, to medical benefit and if necessary to disability pension. In case of death resulting from an industrial accident the dependants of the deceased are entitled to an annual pension. The insurance which is guaranteed by the State is directed by the State Insurance Institution. (ii). In case of death due to an accident, the widow or widower receives 20% of the annual earnings of the deceased but this pension ceases if the widow remarries, when a lump sum, equal to three years' pension payments,

is paid. Each child under the age of fifteen receives 15% of the annual earnings subject to a maximum of 30% for all the children. Each orphan receives 20% subject to a maximum of 50%. If the pensions of the widow (or widower) and the children do not reach the amount of the total pension, the parents or grandparents share the remainder up to a maximum of 20% of the annual earnings. The sum of 50 kroner is paid for funeral expenses. In the case of incapacity all injuries are assessed according to the reduction of the earning capacity. Incapacity remaining when an injury is cured is deemed to be permanent and in the case of permanent incapacity the pension amounts to 60% of the annual earnings. In the case of temporary incapacity the compensation amounts to 60% of the daily earnings. For the first ten days all incapacity is deemed to be total; after this period compensation amounts to 60% of the reduction in the daily earnings. (iii). § 10 of the Act of 24 June 1931 lays down that "certain occupational diseases respecting which the Crown shall issue more detailed regulations shall be deemed to be equivalent to accidents". The report states that compensation for occupational diseases is payable without modifications under the same rules as for compensation in the case of industrial accidents.

## 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, industries or processes placed opposite in the said Schedule, and result from occupation in an undertaking covered by the said national legislation.

## SCHEDULE.

### *List of diseases and toxic substances.*

Poisoning by lead, its alloys or compounds and their sequelae.

### *List of corresponding trades, industries or processes.*

Handling of ore containing lead, including fine shot in zinc factories.

Casting of old zinc and lead in ingots.

Manufacture of articles made of cast lead or of lead alloys.

Employment in the polygraphic industries.

Manufacture of lead compounds.

Manufacture and repair of electric accumulators.

Preparation and use of enamels containing lead.

Polishing by means of lead files or putty powder with a lead content.

All painting operations involving the preparation and manipulation of coating substances, cements or colouring substances containing lead pigments.

Poisoning by mercury, its amalgams and compounds and their sequelae.

Anthrax infection.

Silicosis with or without pulmonary tuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death.

Phosphorus poisoning by phosphorus or its compounds, and its sequelae.

Arsenic poisoning by arsenic or its compounds, and its sequelae.

Poisoning by benzene or its homologues, their nitro- and amido-derivatives, and its sequelae.

Poisoning by the halogen derivatives of hydrocarbons of the aliphatic series.

Pathological manifestations due to:

- (a) radium and other radio-active substances;
- (b) X-rays.

Primary epitheliomatous cancer of the skin.

Handling of mercury ore.

Manufacture of mercury compounds.

Manufacture of measuring and laboratory apparatus.

Preparation of raw material for the hat-making industry.

Hot gilding.

Use of mercury pumps in the manufacture of incandescent lamps.

Manufacture of fulminate of mercury primers.

Work in connection with animals infected with anthrax.

Handling of animal carcasses or parts of such carcasses including hides, hoofs and horns.

Loading and unloading or transport or merchandise.

Industries or processes recognised by national law or regulations as involving exposure to the risk of silicosis.

Any process involving the production, liberation or utilisation of phosphorus or its compounds.

Any process involving the production, liberation or utilisation of arsenic or its compounds.

Any process involving the production, liberation or utilisation of benzene or its homologues, of their nitro- and amido-derivatives.

Any process involving the production, liberation or utilisation of halogen derivatives of hydrocarbons of the aliphatic series designated by national laws or regulations.

Any process involving exposure to the action of radium, radio-active substances, or X-rays.

Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products or residues of these substances.

*Hungary.* — The diseases and poisonings enumerated in this Article of the Convention are considered as occupational diseases giving rise to compensation in conformity with Decree No. 7600 of 30 December 1936. The Decree reproduces the Schedule contained in the Convention and adds to it the following industries and processes known to involve the risk of silicosis:



"Any activity concerning the extraction and transformation of sandstone which involves exposure to the effects of silicic dust; polishing and grinding metals with the aid of artificial and natural silicotic grind-stones; and manufacture of porcelain and pottery with sand-stone which involves exposure to the effects of silicic dust. The report points out that of the occupational diseases enumerated in this Article of the Convention, anthrax infection and toxic poisons caused by different chemical substances are declared to be occupational diseases by the Decree No. 88,888 of 1930 in the case of persons insured by the National Agricultural Workers' Fund.

*Norway.* — The Royal Decrees of 7 December 1928 and 11 January 1935 define the occupational diseases which are deemed to be equivalent to accidents. The list given by the two decrees is identical with that contained in this Article of the Convention.

### III.

*Article 35 of the Constitution of the International Labour Organisation (Article 421 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace) is 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 or possessions, the action taken for the application of the Conventions.*

*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.*

*Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.*

*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.*

*Hungary.* — See under Convention No. 17 (*Workmen's Compensation for Accidents*), point IV.

*Norway.* — The State Insurance Office and the local bodies which operate under the supervision of the Department of Social Affairs are together responsible for the enforcement of the relevant legislation.

### 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, information concerning the trades, industries or processes carried on in your country which give rise to the diseases or poisonings mentioned in the Schedule, with an indication of the extent to which they are carried on, the number of workers employed in the trades, industries or processes concerned, and the number of cases of such diseases or poisonings 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.*

*Hungary.* — The report states that in 1935, 74 cases of lead poisoning, 2 cases

of mercury poisoning and 6 cases of anthrax were notified to the National Social Insurance Institute. In the same year 15 cases of anthrax and 12 cases of toxic poisoning caused by different chemical substances were compensated by the National Agricultural Fund. No observations have been received from employers' or workers' organisations with regard to the practical application of the Convention.

*Norway.* — The report states that during the years 1929-1933, the following

cases of occupational diseases were compensated: Lead poisoning: 88; Mercury poisoning: 1; Phosphorus poisoning: 1; Anthrax: 1; Poisoning caused by benzene: 12. The total cost involved in compensating the above cases of occupational disease was 448,035 Kroner. No figures are yet available as regards other occupational diseases; however, a number of cases of silicosis were notified last year. No observations have been received from workers' or employers' organisations as regards the practical application of the Convention.

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# INTERNATIONAL LABOUR CONFERENCE

TWENTY-THIRD SESSION

GENEVA, 1937

## 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)

(15 MARCH 1937)



INTERNATIONAL LABOUR OFFICE

GENEVA, 1937

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C.1937.(XIII).RDA.

The following States became Members of the Organisation on the dates shown : Albania, Bulgaria, Finland, Luxemburg, 1920 ; Estonia, Latvia, Lithuania, 1921 ; Hungary, 1922 ; Ethiopia, Irish Free State, 1923 ; Dominican Republic, 1924 ; Mexico, 1931 ; Iraq, Turkey, 1932 ; Afghanistan, United States of America, Ecuador, U.S.S.R., 1934 ; Egypt, 1936.

# FIRST SESSION (Closing date, 27 January 1920). 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 intima- tion that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
<b>Argentina.</b> 30- 11- 33. <b>Austria</b> <sup>(1)</sup> . 12- 6- 24. <b>Belgium.</b> 6- 9- 26. <b>Bulgaria.</b> 14- 2- 22. <b>Canada.</b> 21- 3- 35. <b>Chile.</b> 15- 9- 25. <b>Colombia.</b> 20- 6- 33. <b>Cuba.</b> 20- 9- 34. <b>Czechoslo- vakia.</b> 24- 8- 21. <b>Dominican Republic.</b> 4- 2- 33. <b>France</b> <sup>(2)</sup> . 2- 6- 27. <b>Greece.</b> 19- 11- 20. <b>India.</b> 14- 7- 21. <b>Italy</b> <sup>(3)</sup> . 6- 10- 24. <b>Latvia</b> <sup>(4)</sup> . 15- 8- 25. <b>Lithuania.</b> 19- 6- 31. <b>Luxemburg.</b> 16- 4- 28. <b>Nicaragua.</b> 12- 4- 34. <b>Portugal.</b> 3- 7- 28. <b>Rumania.</b> 13- 6- 21. <b>Spain</b> <sup>(5)</sup> . 22- 2- 29. <b>Uruguay.</b> 6- 6- 33.	<b>Rejection :</b> <b>Sweden.</b> 15- 6- 21. <b>Switzerland.</b> 3- 2- 22. <i>Other decisions (adjournment, etc.) :</i> <b>Finland.</b> 1922. <b>Great Britain.</b> 27- 5- 21. <b>Hungary.</b> 4- 3- 25. <b>Japan.</b> 11- 10- 22. <b>Norway.</b> 27- 6- 27. <b>Siam.</b> 1933. <b>Venezuela.</b> 11- 7- 25.	<b>Denmark</b> <sup>(6)</sup> . 1926. <b>Estonia</b> <sup>(6)</sup> . 26- 9- 24. <b>Paraguay.</b> 24- 5- 26. <b>* Peru.</b> 6- 3- 36. <b>Poland</b> <sup>(6)</sup> . 26- 7- 21.	<b>Albania.</b> 1931. <b>Irish Free State.</b> 30- 4- 25. <b>Nether- lands.</b> 21- 7- 21.		<b>Australia.</b> 29- 9- 21. <b>Brazil.</b> 4- 3- 32. <b>New Zealand.</b> 11- 11- 20. <b>South Africa.</b> 1921. <b>*U.S.S.R.</b> 1937. <b>Yugoslavia.</b> 26- 4- 26.	<b>Bolivia.</b> <b>China.</b> <b>Ecuador.</b> <b>Haiti.</b> <b>Iraq.</b> <b>Mexico.</b> <b>Panama.</b> <b>Salvador.</b> <b>Turkey.</b>	<b>Afgha- nistan.</b> <b>United States of America.</b> <b>Egypt.</b> <b>Ethiopia.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Liberia.</b>

## 2. Unemployment. — (Date of first coming into force : 14 July 1921.)

<b>Argentina.</b> 30- 11- 33. <b>Austria.</b> 12- 6- 24. <b>Belgium.</b> 25- 8- 30. <b>Bulgaria.</b> 14- 2- 22. <b>Chile.</b> 31- 5- 33. <b>Colombia.</b> 20- 6- 33. <b>Denmark.</b> 13- 10- 21. <b>Estonia.</b> 20- 12- 22. <b>Finland.</b> 19- 10- 21. <b>France.</b> 25- 8- 25. <b>Germany</b> <sup>(7)</sup> . 6- 6- 25. <b>Great Britain.</b> 14- 7- 21. <b>Greece.</b> 19- 11- 20. <b>Hungary.</b> 1- 3- 28. <b>India.</b> 14- 7- 21. <b>Irish Free State.</b> 4- 9- 25. <b>Italy.</b> 10- 4- 23. <b>Japan.</b> 23- 11- 22. <b>Luxemburg.</b> 16- 4- 28. <b>Netherlands.</b> 6- 2- 32. <b>Nicaragua.</b> 12- 4- 34. <b>Norway.</b> 23- 11- 21. <b>Poland.</b> 21- 6- 24. <b>Rumania.</b> 13- 6- 21. <b>South Africa.</b> 20- 2- 24. <b>Spain.</b> 4- 7- 23. <b>Sweden.</b> 27- 9- 21. <b>Switzerland.</b> 9- 10- 22. <b>Uruguay.</b> 6- 6- 33. <b>Yugoslavia.</b> 1- 4- 27.	<i>Other decisions (adjournment, etc.) :</i> <b>Canada</b> <sup>(8)</sup> . 15- 11- 20. <b>Siam.</b> 1922. <b>Venezuela.</b> 11- 7- 25.	<b>Cuba.</b> 11- 6- 23. <b>Czechoslo- vakia.</b> 22- 12- 20. <b>Latvia.</b> 8- 4- 35. <b>Lithuania</b> <sup>(6)</sup> . Aug. 1922. <b>Paraguay.</b> 24- 5- 26. <b>* Peru.</b> 6- 3- 36.	<b>Albania.</b> 1931.	<b>Australia.</b> 29- 9- 21. <b>Brazil.</b> 4- 3- 32. <b>New Zealand.</b> 11- 11- 20. <b>Portugal.</b> 9- 12- 26. <b>*U.S.S.R.</b> 1937.	<b>Bolivia.</b> <b>China.</b> <b>Dominican Republic.</b> <b>Ecuador.</b> <b>Haiti.</b> <b>Iraq.</b> <b>Mexico.</b> <b>Panama.</b> <b>Salvador.</b> <b>Turkey.</b>	<b>Afgha- nistan.</b> <b>United States of America.</b> <b>Egypt.</b> <b>Ethiopia.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Liberia.</b>
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<sup>(1)</sup> Conditionally upon ratification by Belgium, Czechoslovakia, France, Germany, Great Britain, Hungary, Italy, Poland, Switzerland and Yugoslavia.

<sup>(2)</sup> Conditionally upon ratification by Germany and Great Britain.

<sup>(3)</sup> Conditionally upon ratification by Belgium, France, Germany, Great Britain and Switzerland.

<sup>(4)</sup> Conditionally upon ratification by three of the eight States "of chief industrial importance" (Art. 7, § 3, of the Constitution).

<sup>(5)</sup> Came into force unconditionally on 1 October 1931.

<sup>(6)</sup> Proposal lapsed.

<sup>(7)</sup> The notice of the withdrawal of Germany from the International Labour Organisation expired on 21 October 1935.

<sup>(8)</sup> Canada is shown in this column at the request of the Canadian Government. The Convention was found to be within provincial jurisdiction and was brought before the respective provincial authorities by the central Government.



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445664 (13)

C. 1937 (XXIII), RDA.

FIRST SESSION (Closing date, 27 January 1920) (*contd.*).

## Conventions.

\* = Information received since last Report.

**3. Childbirth.** — (Date of first coming into force : 13 June 1921.)

(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 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>Argentina.</b> 30- 11- 33. <b>Brazil.</b> 26- 4- 34. <b>Bulgaria.</b> 14- 2- 22. <b>Chile.</b> 15- 9- 25. <b>Colombia.</b> 20- 6- 33. <b>Cuba.</b> 6- 8- 28. <b>Germany</b> <sup>(1)</sup> . 31- 10- 27. <b>Greece.</b> 19- 11- 20. <b>Hungary.</b> 19- 4- 28. <b>Latvia.</b> 3- 6- 26. <b>Luxemburg.</b> 16- 4- 28. <b>Nicaragua.</b> 12- 4- 34. <b>Rumania.</b> 13- 6- 21. <b>Spain.</b> 4- 7- 23. <b>Uruguay.</b> 6- 6- 33. <b>Yugoslavia.</b> 1- 4- 27.	<b>Approval :</b> <b>Italy.</b> 18- 4- 22.  <b>Rejection :</b> <b>Great Britain.</b> 1921. <b>Switzerland.</b> 3- 2- 22.  <i>Other decisions</i> <i>(adjournment,</i> <i>etc.) :</i> <b>Canada</b> <sup>(2)</sup> . 15- 11- 20. <b>China.</b> 19- 1- 34. <b>Estonia.</b> 22- 10- 31. <b>Finland.</b> 1922. <b>Japan.</b> 11- 10- 22. <b>Norway.</b> 27- 6- 27. <b>Siam.</b> 1922. <b>Sweden.</b> 15- 6- 21. <b>Venezuela.</b> 11- 7- 25.	<b>Belgium</b> <sup>(3)</sup> . 16- 3- 21. <b>Czecho-</b> <b>slovakia.</b> 22- 12- 20. <b>Denmark</b> <sup>(3)</sup> . 1925. <b>France</b> <sup>(3)</sup> . 4- 11- 30. <b>Lithuania</b> <sup>(3)</sup> . Aug. 1922. <b>Paraguay.</b> 24- 5- 26. * <b>Peru.</b> 6- 3- 36.	<b>Albania.</b> 1931. <b>Austria</b> <sup>(3)</sup> . 1927. <b>Irish Free</b> <b>State.</b> 30- 4- 25. <b>Nether-</b> <b>lands</b> <sup>(4)</sup> . 21- 7- 21.	<b>Poland.</b> 25- 8- 31.	<b>Australia.</b> 29- 9- 21. <b>New</b> <b>Zealand.</b> 11- 11- 20. <b>Portugal.</b> 9- 12- 26. <b>South</b> <b>Africa.</b> 1921. * <b>U.S.S.R.</b> 1937.	<b>Bolivia.</b> <b>Dominican</b> <b>Republic.</b> <b>Ecuador.</b> <b>Haiti.</b> <b>India.</b> <b>Iraq.</b> <b>Mexico.</b> <b>Panama.</b> <b>Salvador.</b> <b>Turkey.</b>	<b>Afgha-</b> <b>nistan.</b> <b>United</b> <b>States of</b> <b>America.</b> <b>Egypt.</b> <b>Ethiopia.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Liberia.</b>

**4. Night Work (Women).** — (Date of first coming into force : 13 June 1921.)

<b>Albania.</b> 17- 3- 32. <b>Argentina.</b> 30- 11- 33. <b>Austria.</b> 12- 6- 24. <b>Belgium.</b> 12- 7- 24. <b>Brazil.</b> 26- 4- 34. <b>Bulgaria.</b> 14- 2- 22. <b>Chile.</b> 8- 10- 31. <b>Colombia.</b> 20- 6- 33. <b>Cuba.</b> 6- 8- 28. <b>Czechoslo-</b> <b>vakia.</b> 24- 8- 21. <b>Estonia</b> <sup>(5)</sup> . 20- 12- 22. <b>France.</b> 14- 5- 25. <b>Great</b> <b>Britain.</b> <sup>(6)</sup> 14- 7- 21. <b>Greece</b> <sup>(7)</sup> . 19- 11- 20. <b>Hungary.</b> <sup>(8)</sup> 19- 4- 28. <b>India.</b> 14- 7- 21. <b>Irish Free</b> <b>State.</b> <sup>(9)</sup> 4- 9- 25. <b>Italy.</b> 10- 4- 23. <b>Lithuania.</b> 19- 6- 31. <b>Luxemburg.</b> 16- 4- 28. <b>Netherlands.</b> 4- 9- 22. <b>Nicaragua.</b> 12- 4- 34. <b>Portugal.</b> 10- 5- 32. <b>Rumania.</b> 13- 6- 21. <b>South</b> <b>Africa</b> <sup>(10)</sup> . 1- 11- 21. <b>Spain.</b> 29- 9- 32. <b>Switzerland</b> <sup>(11)</sup> . 9- 10- 22. <b>Uruguay.</b> 6- 6- 33. <b>Venezuela.</b> 7- 3- 33. <b>Yugoslavia.</b> 1- 4- 27.	<i>Other decisions</i> <i>(adjournment,</i> <i>etc.) :</i> <b>Canada</b> <sup>(2)</sup> . 15- 11- 20. <b>China.</b> 19- 1- 34. <b>Finland.</b> 1922. <b>Japan.</b> 11- 10- 22. <b>Norway.</b> 27- 6- 27. <b>Siam.</b> 1922. <b>Sweden.</b> 15- 6- 21.	<b>Denmark</b> <sup>(3)</sup> . 1925. <b>Latvia.</b> 6- 5- 24. <b>Paraguay.</b> 24- 5- 26. * <b>Peru.</b> 6- 3- 36.	<b>Poland</b> <sup>(3)</sup> . 26- 7- 21.	<b>Australia.</b> 29- 9- 21. <b>New</b> <b>Zealand.</b> 11- 11- 20. * <b>U.S.S.R.</b> 1937.	<b>Bolivia.</b> <b>Dominican</b> <b>Republic.</b> <b>Ecuador.</b> <b>Haiti.</b> <b>Iraq.</b> <b>Mexico.</b> <b>Panama.</b> <b>Salvador.</b> <b>Turkey.</b>	<b>Afgha-</b> <b>nistan.</b> <b>United</b> <b>States of</b> <b>America.</b> <b>Egypt.</b> <b>Ethiopia.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Liberia.</b>
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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 28 January 1936 in consequence of the ratification of Convention No. 41 ; see page 23.<sup>(6)</sup> Ratification denounced on 25 January 1937 in consequence of the ratification of Convention No. 41 ; see page 23.<sup>(7)</sup> Ratification denounced on 30 June 1936 in consequence of the ratification of Convention No. 41 ; see page 23.<sup>(8)</sup> Ratification denounced on 18 December 1936 in consequence of the ratification of Convention No. 41 ; see page 23.<sup>(9)</sup> Ratification denounced on 15 March 1937 in consequence of the ratification of Convention No. 41 ; see page 23.<sup>(10)</sup> Ratification denounced on 25 October 1935 in consequence of the ratification of Convention No. 41 ; see page 23.<sup>(11)</sup> Ratification denounced on 4 June 1936 in consequence of the ratification of Convention No. 41 ; see page 23.



FIRST SESSION (Closing date, 27 January 1920) (*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 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.		
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 (1). 15- 11- 20. Hungary. 4- 3- 25. India (2). 1921. Siam. 1922. Sweden. 15- 6- 21. Venezuela. 11- 7- 25.	Lithuania. March 1934. * Norway. 4- 3- 37. Paraguay. 24- 5- 26. * Peru. 6- 3- 36.	France. 10- 1- 29.		Australia. 29- 9- 21. New Zealand. 11- 11- 20. Portugal. 9- 12- 26. South Africa. 1921. *U.S.S.R. 1937.	Bolivia. China. Ecuador. *Guatemala. Haiti. Iraq. Mexico. Panama. Salvador. Turkey.	Afgha- nistan. United States of America. Egypt. Ethiopia. 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 (1). 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. * Peru. 6- 3- 36.		Australia. 29- 9- 21. New Zealand. 11- 11- 20. South Africa. 1921. *U.S.S.R. 1937.	Bolivia. China. Dominican Republic. Ecuador. Haiti. Iraq. Mexico. Panama. Salvador. Turkey.	Afgha- nistan. United States of America. Egypt. Ethiopia. Guatemala. Honduras. Iran. Liberia.
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(1) See note (8) on page 3.

(2) Approved with reservations : see *Final Record of 1921 Session of Conference*, p. 1043.

## SECOND SESSION (Closing date, 10 July 1920).

## Conventions.

\* = Information received since last Report.

## 7. Minimum Age (Sea). — (Date of first coming into force : 27 September 1921.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially commu- nicated any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Argentina. 30- 11- 33. Australia. 28- 6- 35. Belgium. 4- 2- 25. Bulgaria. 16- 3- 23. * Brazil. 8- 6- 36. Canada. 31- 3- 26. Chile. 18- 10- 35. * China. 2- 12- 36. 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>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. * Peru. 6- 3- 36.	Albania. 1931. France. 10- 1- 29.	Austria <sup>(4)</sup> . 1927.	New Zealand. 1923. Portugal. 9- 12- 26. * U.S.S.R. 1937.	Czecho- slovakia. Ecuador. Haiti. Iraq. Mexico. Panama. South Africa. Turkey.	Afgha- nistan. United States of America. Bolivia. Egypt. 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. * Norway. 21- 7- 36. 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> * China. 2- 10- 36. Japan. 11- 10- 22. Siam. 1922. Switzerland <sup>(3)</sup> . 3- 2- 22. Venezuela. 11- 7- 25.	* Brazil. 1936. * Denmark. 1937. Lithuania <sup>(4)</sup> . Aug. 1922.	Albania. 1931.	Austria <sup>(4)</sup> . 1927.	New Zealand. 1923. Portugal. 9- 12- 26. * U.S.S.R. 1937.	Czecho- slovakia. Dominican Republic. Ecuador. Haiti. Iraq. Mexico. Panama. Peru. South Africa. Turkey.	Afgha- nistan. United States of America. Bolivia. Egypt. 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 (Closing date, 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.	Approval: Netherlands <sup>(2)</sup> . 13- 1- 23.  Rejection: Hungary. 4- 3- 25. India. 27- 9- 21.  Other decisions (adjournments, etc.): Canada <sup>(3)</sup> . 28- 5- 21. * China. 2- 10- 36. Great Britain. 8- 11- 21. Siam. 1922. Switzerland. <sup>(4)</sup> . 3- 2- 22. Venezuela. 11- 7- 25.	* Brazil. 1936. * Denmark. 1937. Lithuania <sup>(5)</sup> . Aug. 1922.	Albania. 1931. Irish Free State. 30- 4- 25.	Austria <sup>(5)</sup> . 1927.	New Zealand. 1923. Portugal. 9- 12- 26. *U.S.S.R. 1937.	Czecho- slovakia. Dominican Republic. Ecuador. Haiti. Iraq. Mexico. Panama. Peru. South Africa. Turkey.	Afgha- nistan. United States of America. Bolivia. Egypt. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Salvador.

## THIRD SESSION (Closing date, 19 November 1921).

## Conventions.

\* = Information received since last Report.

## 10. Minimum Age (Agriculture). — (Date of first coming into force: 31 August 1923.)

*Argentina. 26- 5- 36. 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.	Approval: Colombia. 23- 11- 31. Netherlands <sup>(2)</sup> . 31- 5- 29.  Rejection: Great Britain. 6- 2- 25. India. 1923.  Other decisions (adjournment, etc.): 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. * Peru. 6- 3- 36.	Albania. 1931. France. 10- 1- 29.	Australia. 13- 6- 24. Brazil. 4- 3- 32. Lithuania. New Zealand 1923. Portugal. 9- 12- 26. South Africa. 1923. Yugoslavia. 26- 4- 26. *U.S.S.R. 1937.	China. Ecuador. Haiti. Iraq. Mexico. Panama. Turkey.	Afgha- nistan. United States of America. Bolivia. Egypt. 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> Canada is shown in this column at the request of the Canadian Govern-  
ment. 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 (Closing date, 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 "compet- ent 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. 26- 5- 36. 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 (1). 6- 6- 25. Great Britain. 6- 8- 23. India. 11- 5- 23. Irish Free State. 17- 6- 24. Italy. 8- 9- 24. Latvia. 9- 9- 24. Luxemburg. 16- 4- 28. Nether- lands. 20- 8- 26. Nicaragua. 12- 4- 34. Norway. 11- 6- 29. Poland. 21- 6- 24. Rumania. 10- 11- 30. Spain. 29- 8- 32. Sweden. 27- 11- 23. Uruguay. 6- 6- 33. Yugoslavia. 30- 9- 29.	<i>Other decisions (adjournment, etc.) :</i> Canada (2). 29- 6- 22. Hungary. 4- 3- 25. Japan. 27- 6- 23. Siam. 1922. Switzerland. 21- 6- 24. Venezuela. 11- 7- 25.	Brazil. 1935. Greece (3). 1- 6- 27. * Peru. 6- 3- 36.	Albania. 1931.		Australia. 13- 6- 24. Lithuania. New Zealand 1923. Portugal. 9- 12- 26. South Africa. 1923. *U.S.S.R. 1937.	Dominican Republic. Ecuador. Haiti. Iraq. Mexico. Panama. Turkey.	Afgha- nistan. United States of America. Bolivia. Egypt. Ethiopia. Guatemala Honduras. Iran. Liberia. Paraguay. Salvador.

**12. Workmen's Compensation (Agriculture).** — (Date of first coming into force : 26 February 1923.)

*Argentina. 26- 5- 36. 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 (1). 6- 6- 25. Great Britain. 6- 8- 23. Irish Free State. 17- 6- 24. Italy. 1- 9- 30. Latvia. 29- 11- 29. Luxemburg. 16- 4- 28. Netherlands. 20- 8- 26. Nicaragua. 12- 4- 34. Poland. 21- 6- 24. Spain. 1- 10- 31. Sweden. 27- 11- 23. Uruguay. 6- 6- 33.	<i>Approval :</i> Hungary. 5- 3- 25.  <i>Rejection :</i> Finland. 4- 7- 29.  <i>Other decisions (adjournment, etc.) :</i> Canada (2). 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 (3). 1- 6- 27. * Peru. 6- 3- 36.	Albania. 1931. Austria (3). 1927.	Australia. 13- 6- 24. Lithuania. New Zealand 1923. Portugal. 9- 12- 26. South Africa. 1923. Yugoslavia. 26- 4- 26. *U.S.S.R. 1937.	China. Czechoslo- vakia. Dominican Republic. Ecuador. Haiti. Iraq. Mexico. Panama. Turkey.	Afgha- nistan. United States of America. Bolivia. Egypt. Ethiopia Guatemala Honduras Iran. Liberia. Paraguay. Salvador.
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(1) See note (7) on page 3.  
(2) See note (8) on page 3.

(3) Proposal lapsed.

## THIRD SESSION (Closing date, 19 November 1921) (contd.).

## Conventions.

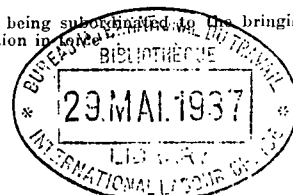
\* = Information received since last Report.

13. White Lead (Painting). — (Date of first coming into force : 31<sup>st</sup> August 1923.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compet- ent 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. 26- 5- 36. Austria. 12- 6- 24. Belgium. 19- 7- 26. Bulgaria. 6- 3- 25. Chile. 15- 9- 25. Colombia. 20- 6- 33. Cuba. 7- 7- 28. Czecho- slovakia. 31- 8- 23. Estonia. 8- 9- 22. Finland. 5- 4- 29. France. 19- 2- 26. Greece. 22- 12- 26. Hungary <sup>(1)</sup> . 4- 1- 28. Latvia. 9- 9- 24. Luxemburg. 16- 4- 28. Nicaragua. 12- 4- 34. Norway. 11- 6- 29. Poland. 21- 6- 24. Rumania. 4- 12- 25. Spain. 20- 6- 24. Sweden. 27- 11- 23. Uruguay. 6- 6- 33. Venezuela. 28- 4- 33. Yugoslavia. 30- 9- 29.	<i>Approval :</i> Italy. 20- 3- 24. Netherlands <sup>(2)</sup> . 10- 6- 26.  <i>Rejection :</i> India. 1924.  <i>Other decisions (adjournment, etc.) :</i> Canada <sup>(3)</sup> . 29- 6- 22. * China. 8- 1- 37 Great Britain. 9- 5- 23. Japan. 27- 6- 28. Siam. 1922. Switzerland. 17- 12- 29.	Denmark <sup>(4)</sup> . 3- 12- 24. * Peru. 6- 3- 36.	Albania. 1931. Irish Free State. 30- 4- 25.		Australia. 13- 6- 24. Brazil. 4- 3- 32. Lithuania. 1923. New Zealand. 9- 12- 26. Portugal. 1937. South Africa. 1923. *U.S.S.R. 1937.	Dominican Republic. 1923. Ecuador. 1923. Haiti. 1923. Iraq. 1923. Mexico. 1923. Panama. 1923. Turkey. 1923.	Afgha- nistan. 1923. United States of America. 1923. Bolivia. 1923. Egypt. 1923. Ethiopia. 1923. Guatemala. 1923. Honduras. 1923. Liberia. 1923. Paraguay. 1923. Salvador. 1923.

## 14. Weekly Rest (Industry). — (Date of first coming into force : 19 June 1923.)

*Argentina. 26- 5- 36. 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> Cuba <sup>(5)</sup> . 16- 5- 28. Hungary. 4- 3- 25. Nether- lands <sup>(2)</sup> . 10- 6- 26.  <i>Rejection :</i> Great Britain. 9- 5- 23.  <i>Other decisions (adjournment, etc.) :</i> Japan. 27-6-23. Siam. 1922. Venezuela. 11- 7- 25.	* Norway. 4- 3- 37 * Peru. 6- 3- 36.	Albania. 1931. Austria <sup>(4)</sup> . 10- 9- 23.		Australia. 13- 6- 24. Brazil. 4- 3- 32. New Zealand. 1923. South Africa. 1923. *U.S.S.R. 1937.	Dominican Republic. 1923. Ecuador. 1923. Haiti. 1923. Iraq. 1923. Mexico. 1923. Panama. 1923. Turkey. 1923.	Afgha- nistan. 1923. United States of America. 1923. Bolivia. 1923. Egypt. 1923. Ethiopia. 1923. Guatemala. 1923. Honduras. 1923. Iran. 1923. Liberia. 1923. Paraguay. 1923. Salvador. 1923.
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<sup>(1)</sup> Conditionally upon ratification by France, Germany and Great Britain.<sup>(2)</sup> Act reserving to the Crown the right to ratify the Convention.<sup>(3)</sup> See note (8) on page 3.<sup>(4)</sup> Proposal lapsed.<sup>(5)</sup> Conditionally upon "application being submitted to the bringing into conformity of the national legislation in force."

THIRD SESSION (Closing date, 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 "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.		
* Argentina. 26- 5- 36. Australia. 28- 6- 35. Belgium. 19- 7- 26. Bulgaria. 6- 3- 25. Canada. 31- 3- 26. Chile. 18- 10- 35. * China. 2- 12- 36. 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>Other decisions (adjournment, etc.):</i> Siam. 1922. Switzerland <sup>(2)</sup> . 21- 6- 24. Venezuela. 11- 7- 25.	Brazil. 1935. * Peru. 6- 3- 36.	Albania. 1931. Austria <sup>(3)</sup> . 10- 9- 23.		Lithuania. 1923. New Zealand. 1923. Portugal. 9- 12- 26. South Africa. 1923. * U.S.S.R. 1937.	Czechoslovakia. 1923. Dominican Republic. 1923. Ecuador. 1923. Haiti. 1923. Iraq. 1923. Mexico. 1923. Panama. 1923. Turkey. 1923.	Afghanistan. 1923. United States of America. 1923. Bolivia. 1923. Egypt. 1923. Ethiopia. 1923. Guatemala. 1923. Honduras. 1923. Iran. 1923. Liberia. 1923. Paraguay. 1923. Salvador. 1923.

**16. Medical Examination of Young Persons (Sea).** — (Date of first coming into force : 20 November 1922.)

* Argentina. 26- 5- 36. Australia. 28- 6- 35. Belgium. 19- 7- 26. * Brazil. 8- 6- 36. Bulgaria. 6- 3- 25. Canada. 31- 3- 26. Chile. 18- 10- 35. * China. 2- 12- 36. 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>Other decisions (adjournment, etc.):</i> Norway. 27- 6- 27. Siam. 1922. Switzerland <sup>(2)</sup> . 21- 6- 24. Venezuela. 11- 7- 25.	* Denmark. 1937. * Peru. 6- 3- 36.	Albania. 1931. Austria <sup>(3)</sup> . 10- 9- 23.	Lithuania. 1923. New Zealand. 1923. Portugal. 9- 12- 26. South Africa. 1923. * U.S.S.R. 1937.	Czechoslovakia. 1923. Dominican Republic. 1923. Ecuador. 1923. Haiti. 1923. Iraq. 1923. Mexico. 1923. Panama. 1923. Turkey. 1923.	Afghanistan. 1923. United States of America. 1923. Bolivia. 1923. Egypt. 1923. Ethiopia. 1923. Guatemala. 1923. Honduras. 1923. Iran. 1923. Liberia. 1923. Paraguay. 1923. Salvador. 1923.
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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 (Closing date, 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 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. 21- 8- 36. 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>Approval:</i> * Poland. 15- 1- 37. <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. 1937. * Peru. 6- 3- 36. Rumania. 1933.	Albania. 1931.		Australia. 14- 1- 26. Brazil. 4- 3- 32. Denmark. 1925. India. 1926. Irish Free State. 28- 5- 26. Lithuania. New Zealand 1927. Siam. 1927. South Africa. 1926. *U.S.S.R. 1937.	Argentina. Bolivia. China. Czechoslovakia. Dominican Republic. Ecuador. Haiti. Iraq. Panama. Salvador. Turkey.	Afghanistan. United States of America. Egypt. 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(2). 18- 9- 28. Great Britain(3). 6- 10- 26. Hungary. 19- 4- 28. India. 30- 9- 27. Irish Free State. (4) 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. (5) 15- 10- 29. Switzerland. 16- 11- 27. Uruguay. 6- 6- 33. Yugoslavia. 1- 4- 27.	<i>Approval:</i> * Poland. 15- 1- 37. <i>Other decisions (adjournment, etc.):</i> Canada (1). 11- 3- 27. Estonia. 14- 10- 30. Venezuela. 4- 6- 26.	Greece (6). 9- 5- 27. * Peru. 6- 3- 36. Rumania. 1933.	Albania. 1931.	Australia. 14- 1- 26. Brazil. 4- 3- 32. Lithuania. New Zealand 1927. Siam. 1927. South Africa. 1925. *U.S.S.R. 1937.	Argentina. China. Dominican Republic. Ecuador. Haiti. Iraq. Mexico. Panama. Turkey.	Afghanistan. United States of America. Bolivia. Egypt. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Salvador.
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(1) See note (8) on page 3.

(2) See note (7) on page 3.

(3) Ratification denounced on 29 April 1936 in consequence of the ratification of Convention No. 42; see page 23.

(4) Ratification denounced on 15 March 1937, in consequence of the ratification of Convention No. 42; see page 23.

(5) Ratification denounced on 24 February 1937, in consequence of the ratification of Convention No. 42; see page 23.

(6) Proposal lapsed.

SEVENTH SESSION (Closing date, 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- 29. Germany <sup>(1)</sup> . 18- 9- 28. Great Britain. 6- 10- 26. * Greece. 30- 5- 36. Hungary. 19- 4- 28. India. 30- 9- 27. Irish Free State. 5- 7- 30. Italy. 15- 3- 28. Japan. 8- 10- 28. Latvia. 29- 5- 28. Lithuania. 28- 9- 34. Luxemburg. 16- 4- 28. Mexico. 12- 5- 34. Netherlands. 13- 9- 27. Nicaragua. 12- 4- 34. Norway. 11- 6- 29. Poland. 28- 2- 28. Portugal. 27- 3- 29. South Africa. 30- 3- 26. Spain. 22- 2- 29. Sweden. 8- 9- 26. Switzerland. 1- 2- 29. Uruguay. 6- 6- 33. Yugoslavia. 1- 4- 27.	<i>Other decisions (adjournment, etc.) :</i> Canada <sup>(2)</sup> . 11- 3- 27. Venezuela. 4- 6- 26.	* Peru. 6- 3- 36. Rumania. 1933.	Albania. 1931.		Australia. 14- 1- 26. Brazil. 4- 3- 32. New Zea- land. 1927. Siam. 1927. *U.S.S.R. 1937.	Argentina. Dominican Republic. Ecuador. Haiti. Iraq. Panama. Turkey.	Afgha- nistan. United States of America. Bolivia. Egypt. 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. * Irish Free State. 15- 3- 37. 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. <sup>(3)</sup> 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. Lithuania. New Zealand 1927. Siam. 1927. South Africa. 1926. Yugoslavia. 26- 4- 26. *U.S.S.R. 1937.	Argentina. Belgium. China. Dominican Republic. Ecuador. Haiti. Iraq. Mexico. Panama. Peru. Turkey.	Afgha- nistan. United States of America. Bolivia. Egypt. 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 (Closing date, 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 intima- tion that they have submitted the Convention to the "compet- ent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Albania. 17- 3- 32. Australia. 18- 4- 31. Austria. 29- 12- 27. Belgium. 15- 2- 28. Bulgaria. 29- 11- 29. Colombia. 20- 6- 33. Czechoslovakia. 25- 5- 28. Finland. 5- 4- 29. France (1). 13- 1- 32. Great Britain (2). 16- 9- 27. Hungary. 3- 2- 31. India. 14- 1- 28. Irish Free State. 5- 7- 30. Japan. 8- 10- 28. Luxemburg. 16- 4- 28. Netherlands. 13- 9- 27. Nicaragua. 12- 4- 34. Sweden (3). 15- 10- 29. Uruguay. 6- 6- 33.	<i>Approval :</i> Cuba (4). 16- 5- 28.  <i>Rejection :</i> Yugoslavia. Aug. 1930.  <i>Other decisions</i> (adjournment, etc.) : Canada (5). 1928. * China. 2- 10- 36. Estonia. 14- 10- 30. Norway. 27- 6- 27. Rumania. 27- 3- 29. Switzerland. 29- 9- 27.	Latvia. 24- 5- 27. Spain. 25- 3- 32.		Poland. 21- 2- 31.	Brazil. 4- 3- 32. Denmark. 8- 10- 26. Italy. 1929. Lithuania. New Zealand. 5- 12- 27. Portugal. 6- 4- 27. Siam. 1927. South Africa. 31- 1- 27. *U.S.S.R. 1937. Venezuela. 1927.	Argentina. Chile. Dominican Republic. Ecuador. Greece. Haiti. Iraq. Mexico. Panama. Peru. Turkey.	Afghanistan. United States of America. Bolivia. Egypt. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Salvador.

## NINTH SESSION (Closing date, 24 June 1926).

## Conventions.

\* = Information received since last Report.

## 22. Seamen's Articles of Agreement. — (Date of first coming into force : 4 April 1928.)

Australia. 1- 4- 35. Belgium. 3- 10- 27. Bulgaria. 29- 11- 29. Chile. 18- 10- 35. * China. 2- 12- 36. Colombia. 20- 6- 33. Cuba. 7- 7- 28. Estonia. 10- 5- 29. France. 4- 4- 28. Germany (6). 20- 9- 30. Great Britain. 14- 6- 29. India. 31- 10- 32. Irish Free State. 5- 7- 30. Italy. 10- 10- 29. Luxemburg. 16- 4- 28. Mexico. 12- 5- 34. Nicaragua. 12- 4- 34. Poland. 8- 8- 31. Spain. 23- 2- 31. Uruguay. 6- 6- 33. Yugoslavia. 30- 9- 29.	<i>Approval :</i> Canada. 19- 2- 35. Finland. 20- 4- 28. Netherlands (7). 2- 7- 28.  <i>Other decisions</i> (adjournment, etc.) : Hungary. 16- 11- 28. Japan. 4- 7- 28. Norway. 27- 6- 27. Rumania. 27- 3- 29. Sweden. 7- 5- 27. Switzerland (8). 29- 9- 27.	Denmark (9). 3- 11- 26. Latvia. 24- 5- 27.	Albania. 1931. Austria (9). 1927.	Brazil. 4- 3- 32. Lithuania. New Zealand. 5- 12- 27. Portugal. 6- 4- 27. Siam. 1927. South Africa. 31- 1- 27. *U.S.S.R. 1937. Venezuela. 1927.	Argentina. Czechoslovakia. Dominican Republic. Ecuador. Greece. Haiti. Iraq. Panama. Peru. Turkey.	Afghanistan. United States of America. Bolivia. Egypt. 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 the Convention.

(8) Considered to be without object for Switzerland.

(9) Proposal lapsed.

NINTH SESSION (Closing date, 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 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.		
Belgium. 3- 10- 27. Bulgaria. 29- 11- 20. * China. 2- 12- 30. 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 (adjournment, 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>(6)</sup> . 1927.		Australia. 2- 3- 27. Lithuania. New Zealand. 5- 12- 27. Portugal. 6- 4- 27. Siam. 1927. South Africa. 31- 1- 27. *U.S.S.R. 1937. Venezuela. 1927.	Argentina. Chile. Czecho- slovakia. Dominican Republic. Ecuador. Greece. Haiti. Iraq. Panama. Peru. Turkey.	Afgha- nistan. United States of America. Bolivia. Egypt. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Salvador.

## TENTH SESSION (Closing date, 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 (adjournment, etc.) :</i> Estonia. 14- 10- 30. Finland. 7- 2- 30. Japan. 19- 3- 30. Norway. 11- 5- 29. Sweden. 4- 5- 28. Switzerland. 18- 6- 29.	Cuba. 19- 12- 27. * Peru. 6- 3- 36.	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. *U.S.S.R. 1937.	Argentina. Belgium. Bolivia. China. Dominican Republic. Ecuador. Greece. Haiti. Iraq. Mexico. Panama. Salvador. Turkey. Venezuela.	Afgha- nistan. United States of America. Egypt. 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 (Closing date, 16 June 1927) (*contd.*).

## Conventions.

\* = Information received since last Report.

**25. Sickness Insurance (Agriculture).** — (Date of first coming into force: 15 July 1928.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Austria. 19- 2- 29. Bulgaria. 1- 11- 30. Chile. 8- 10- 31. 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- 10- 27. * Peru. 6- 3- 36.	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. *U.S.S.R. 1937.	Argentina. Belgium. China. Dominican Republic. Ecuador. Greece. Haiti. Iraq. Mexico. Panama. Salvador. Turkey. Venezuela.	Afghanistan. United States of America. Bolivia. Egypt. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay.

## ELEVENTH SESSION (Closing date, 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. * Netherlands. 10- 11- 36. Nicaragua. 12- 4- 34. Norway. 7- 7- 33. South Africa. 28- 12- 32. Spain. 8- 4- 30. Uruguay. 6- 6- 33.	<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. 9- 2- 37. Czechoslovakia. 28- 11- 29. * Greece. 1937	Albania. 1931.	Austria <sup>(2)</sup> . June 1929. Poland. 25- 8- 31.	Brazil. 4- 3- 32. Denmark. Nov. 1928. Lithuania. 1928. Luxemburg. 12- 12- 29. New Zealand. 7- 11- 29. Portugal. 29- 11- 28. Siam. 1929. *U.S.S.R. 1937.	* Afghanistan. Argentina. Bolivia. Dominican Republic. Ecuador. Haiti. Iraq. Latvia. Panama. Peru. Turkey. Venezuela.	United States of America. Egypt. Ethiopia. Guatemala. Honduras. Iran. Liberia. Paraguay. Salvador.
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<sup>(1)</sup> See note (7) on page 3.<sup>(2)</sup> Proposal lapsed.

## TWELFTH SESSION (Closing date, 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 "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Australia. 9- 3- 31. 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. * Greece. 30- 5- 36. 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.	<i>Approval :</i> Canada. 19- 2- 35. Hungary. 18- 5- 32.  <i>Other decisions            (adjournment,            etc.) :</i> 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. *U.S.S.R. 1937.	Argentina. Colombia. Dominican Republic. Ecuador. Guatemala. Haiti. Iraq. Panama. Peru. Turkey.	Afgha- nistan. United States of America. Bolivia. Egypt. 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 (Closing date, 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.		
<b>Australia.</b> 2- 1- 32. <b>Bulgaria.</b> 22- 9- 32. <b>Chile.</b> 31- 5- 33. <b>Denmark.</b> 11- 2- 32. <b>Finland.</b> 13- 1- 36. <b>Great Britain.</b> 3- 6- 31. <b>Irish Free State.</b> 2- 3- 31. <b>Italy.</b> 18- 6- 34. <b>Japan.</b> 21- 11- 32. <b>Liberia.</b> 1- 5- 31. <b>Mexico.</b> 12- 5- 34. <b>Netherlands.</b> 31- 3- 33. <b>Nicaragua.</b> 12- 4- 34. <b>Norway.</b> 1- 7- 32. <b>Spain.</b> 29- 8- 32. <b>Sweden.</b> 22- 12- 31. <b>Yugoslavia.</b> 4- 3- 33.	<b>Approval :</b> <b>Uruguay.</b> 5- 4- 33.  <b>Rejection :</b> <b>India.</b> 5- 10- 31.  <b>Other decisions (adjournments, etc.) :</b> <b>Canada</b> <sup>(1)</sup> . 18- 4- 31. <b>* China.</b> 5- 3- 37. <b>Estonia.</b> 3- 11- 31. <b>Switzerland.</b> 18- 6- 31.	<b>* Belgium.</b> 9- 2- 37. <b>France.</b> 10- 3- 36. <b>Latvia.</b> 8- 4- 35. <b>Luxemburg.</b> 15- 12- 31. <b>Rumania.</b> 1933.	<b>Albania.</b> 1931. <b>Austria.</b> 1931.	<b>Hungary.</b> 1933.	<b>Brazil.</b> 4- 3- 32. <b>Cuba.</b> 23- 2- 31. <b>Lithuania.</b> 1930. <b>New Zealand.</b> 22- 7- 31. <b>Portugal.</b> 6- 1- 31. <b>Siam.</b> 1931. <b>South Africa.</b> 14- 4- 31. <b>*U.S.S.R.</b> 1937.	<b>Argentina.</b> <b>Bolivia.</b> <b>Colombia.</b> <b>Dominican Republic.</b> <b>Ecuador.</b> <b>Greece.</b> <b>Iraq.</b> <b>Poland.</b> <b>Peru.</b> <b>Turkey.</b>	<b>Afghan-istan.</b> <b>United States of America.</b> <b>Czechoslovakia.</b> <b>Egypt.</b> <b>Ethiopia.</b> <b>Guatemala.</b> <b>Haiti.</b> <b>Honduras.</b> <b>Iran.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Salvador.</b> <b>Venezuela.</b>

**30. Hours of Work (Commerce and Offices).** — (Date of first coming into force : 29 August 1933.)

<b>Austria</b> <sup>(1)</sup> . 16- 2- 33. <b>Bulgaria.</b> 22- 6- 32. <b>Chile.</b> 18- 10- 35. <b>Cuba.</b> 24- 2- 36. <b>Finland.</b> 13- 1- 36. <b>Mexico.</b> 12- 5- 34. <b>Nicaragua.</b> 12- 4- 34. <b>Spain.</b> 29- 8- 32. <b>Uruguay.</b> 6- 6- 33.	<b>Rejection :</b> <b>Great Britain.</b> 13- 7- 31. <b>India.</b> 3- 10- 31. <b>Yugoslavia.</b> 30- 12- 31.  <b>Other decisions (adjournments, etc.) :</b> <b>Canada</b> <sup>(1)</sup> . 18- 4- 31. <b>Estonia.</b> 10- 12- 31. <b>Japan.</b> 12- 10- 32. <b>Norway.</b> 6- 3- 31. <b>Siam.</b> 1933. <b>Sweden.</b> 13- 3- 31. <b>Switzerland.</b> 18- 6- 31.	<b>Luxemburg.</b> 15- 12- 31. <b>Poland.</b> 25- 8- 31. <b>* Peru.</b> 6- 3- 36. <b>Rumania.</b> 1933.	<b>Albania.</b> 1931.	<b>Hungary.</b> 1933.	<b>Australia.</b> 21- 4- 31. <b>Brazil.</b> 4- 3- 32. <b>Denmark.</b> 1931. <b>France.</b> 16- 9- 32. <b>Irish Free State.</b> 17- 12- 30. <b>Italy.</b> 1- 4- 31. <b>Lithuania.</b> 1930. <b>Nether-lands.</b> 23- 10- 31. <b>New Zealand.</b> 22- 7- 31. <b>Portugal.</b> 6- 1- 31. <b>South Africa.</b> 2- 10- 30. <b>*U.S.S.R.</b> 1937.	<b>Argentina.</b> <b>Belgium.</b> <b>China.</b> <b>Colombia.</b> <b>Czechoslovakia.</b> <b>Dominican Republic.</b> <b>Ecuador.</b> <b>*Greece.</b> <b>Iraq.</b> <b>Latvia.</b> <b>Turkey.</b>	<b>Afghan-istan.</b> <b>United States of America.</b> <b>Bolivia.</b> <b>Egypt.</b> <b>Ethiopia.</b> <b>Guatemala.</b> <b>Haiti.</b> <b>Honduras.</b> <b>Iran.</b> <b>Liberia.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Salvador.</b> <b>Venezuela.</b>
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<sup>(1)</sup> See note (8) on page 3.<sup>(\*)</sup> Conditionally upon ratification by Germany.

## FIFTEENTH SESSION (Closing date, 18 June 1931).

## Convention.

\* = Information received since last Report.

## 31. Hours of Work (Coal Mines).

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compet- ent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Spain. 29- 8- 32.	<i>Approval :</i> Finland. <sup>(1)</sup> 1935.  <i>Rejection :</i> Siam. 1931.  <i>Other decisions</i> (adjournment, etc.): 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 Zea- land. 11- 11- 31. Portugal. 1931. South Africa. 1932. *U.S.S.R. 1937. Yugo- slavia. 10- 5- 32.	Argentina. Chile. China. Colombia. Czechoslo- vakia. Ecuador. Iraq. Mexico. Nicaragua. Peru. Turkey. Venezuela.	Afgha- nistan. United States of America. Belgium. Bolivia. Bulgaria. Dominican Republic. Egypt. Ethiopia. Greece. Guatemala. Haiti. Honduras. Iran. Liberia. Panama. Paraguay. Salvador. Uruguay.

## SIXTEENTH SESSION (Closing date, 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>	Latvia. 11- 10- 33.	Norway. 1933.	Hungary. Feb. 1936.	Albania. 1932.	Belgium. 1932.	Afgha- nistan.
China. 30- 11- 35.	Canada. 19- 2- 35.		Rumania. 1933.		Australia. 31- 8- 32.	Bolivia. 1932.	United
Great Britain. 10- 1- 35.	Finland. 1935.				Brazil. 17- 6- 32.	Colombia. 1932.	States of
Italy. 30- 10- 33.	Sweden. 9- 2- 33.				Cuba. 1935.	Greece. 1932.	America.
Mexico. 12- 5- 34.					Denmark. 8- 10- 32.	Guatemala. 1932.	Argentina.
Spain. 28- 7- 34.	<i>Other decisions</i> (adjournment, etc.):				Estonia. 26- 10- 33.	India. 1932.	Austria.
Uruguay. 6- 6- 33.	Japan. 20- 12- 33.				France. 8- 3- 34.	Iraq. 1932.	Bulgaria.
	Siam. 1933.				Irish Free State. 28- 7- 32.	Luxem- burg. 1932.	Czechoslo- vakia.
	Switzerland <sup>(2)</sup> . 16- 6- 33.				Lithuania. 1932.	Panama. 1932.	Dominican
					Netherlands. 14- 10- 33.	Peru. 1932.	Republic.
					New Zealand. 7- 10- 32.	Poland. 1932.	Egypt.
					Portugal. 11- 7- 33.	Turkey. 1932.	Ethiopia.
					South Africa. 7- 12- 32.	Venezuela. 1932.	Haiti.
					*U.S.S.R. 1937.		Honduras.
					Yugoslavia. 16- 1- 34.		Iran.
							Liberia.
							Nicaragua.
							Paraguay.
							Salvador.

<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 (Closing date, 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 intim- ation that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Austria. 26- 2- 36. Belgium. 6- 6- 34. Cuba. 24- 2- 36. Netherlands. 12- 7- 35. Spain. 22- 6- 34. Uruguay. 6- 6- 33.	<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. * Poland. 15- 1- 37. Siam. 1933. Sweden. 9- 2- 33. Switzerland. 16- 6- 33.	* Brazil. 1936. Latvia. 11- 10- 33. Rumania. 1933.	France. 8- 3- 34. Norway. 1933.	Hungary. Feb. 1936.	Albania. 1932. Australia. 31- 8- 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. *U.S.S.R. 1937. Yugoslavia. 16- 1- 34.	Colombia. Ecuador. *Greece. Guatemala. Iraq. Luxemburg. Mexico. Panama. Peru. Turkey. Venezuela.	Afghanistan. United States of America. Argentina. Bolivia. Bulgaria. Chile. Czechoslovakia. Dominican Republic. Egypt. Ethiopia. Haiti. Honduras. Iran. Liberia. Nicaragua. Paraguay. Salvador.

## SEVENTEENTH SESSION (Closing date, 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>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. *U.R.S.S. 1937. *Yugoslavia. 31- 12- 36.	Belgium. Bulgaria. China. Colombia. *Czechoslovakia. Ecuador. Greece. Hungary. Poland. Peru. Turkey. Venezuela.	Afghanistan. United States of America. Argentina. Bolivia. Dominican Republic. Egypt. 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 (Closing date, 30 June 1933) (*contd.*)

## Conventions.

\* = Information received since last Report.

**35. Old-Age Insurance (Industry, etc.).** (Date of first coming into force : 18 July 1937.)

(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 com- municated any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Chile. 18- 10- 35. * Great Britain. 18- 7- 36.	<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> * Finland. 19- 2- 35. Japan. 12- 6- 35. Siam. 1934. Sweden. 8- 6- 34.	* Peru. 6- 3- 36. Spain. 18- 12- 34.	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. *U.S.S.R. 1937. *Yugoslavia. 31- 12- 36.	Belgium. Bolivia. Bulgaria. China. Colombia. Ecuador. *Greece. Luxemburg. *Mexico. Poland. Turkey. Venezuela.	Afghanistan. United States of America. Argentina. Czechoslovakia. Dominican Republic. Egypt. Ethiopia. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Nicaragua. Panama. Paraguay. Salvador. Uruguay.

**36. Old-Age Insurance (Agriculture).** (Date of first coming into force : 18 July 1937.)

Chile. 18- 10- 35. * Great Britain. 18- 7- 36.	<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> * Finland. 19- 2- 35. Japan. 12- 6- 35. Siam. 1934. Sweden. 8- 6- 34.	* Peru. 6- 3- 36. Spain. 18- 12- 34.	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. *U.S.S.R. 1937. *Yugoslavia. 31- 12- 36.	Belgium. Bolivia. Bulgaria. China. Colombia. Ecuador. *Greece. Luxemburg. *Mexico. Poland. Turkey. Venezuela.	Afghanistan. United States of America. Argentina. Czechoslovakia. Dominican Republic. Egypt. Ethiopia. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. 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 (Closing date, 30 June 1933) (*contd.*)

## Conventions.

\* = Information received since last Report.

**37. Invalidity Insurance (Industry, etc.).** (Date of first coming into force : 18 July 1937.)

(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.		
Chile. 18- 10- 35. * Great Britain. 18- 7- 36.	<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> * Finland. 19- 2- 35 Japan. 12- 6- 35. Siam. 1934. Sweden. 8- 6- 34.	* Peru. 6- 3- 36. Spain. 18- 12- 34.	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. *U.S.S.R. 1937. *Yugoslavia. 31- 12- 36.	Belgium. Oct. 1933. Bolivia. 4- 7- 34. Bulgaria. 24- 2- 36. China. 1935. Colombia. 5- 4- 34. Ecuador. 10- 4- 35. *Greece. 8- 3- 34. Luxemburg. 6- 2- 34. *Mexico. 22- 12- 34. Poland. 12- 9- 33. Turkey. 19- 4- 34. Venezuela. 17- 10- 33.	Afghanistan. United States of America. Argentina. Czechoslovakia. Dominican Republic. Egypt. Ethiopia. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Nicaragua. Panama. Paraguay. Salvador. Uruguay.

**38. Invalidity Insurance (Agriculture).** (Date of first coming into force : 18 July 1937.)

Chile. 18- 10- 35. * Great Britain. 18- 7- 36.	<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> * Finland. 19- 2- 35 Japan. 12- 6- 35. Siam. 1934. Sweden. 8- 6- 34.	* Peru. 6- 3- 36. Spain. 18- 12- 34.	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. *U.S.S.R. 1937. *Yugoslavia. 31- 12- 36.	Belgium. Oct. 1933. Bolivia. 4- 7- 34. Bulgaria. 24- 2- 36. China. 1935. Colombia. 5- 4- 34. Ecuador. 10- 4- 35. *Greece. 8- 3- 34. Luxemburg. 6- 2- 34. *Mexico. 22- 12- 34. Poland. 12- 9- 33. Turkey. 19- 4- 34. Venezuela. 17- 10- 33.	Afghanistan. United States of America. Argentina. Czechoslovakia. Dominican Republic. Egypt. Ethiopia. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. 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 (Closing date, 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.		
* Great Britain. 18- 7- 36.	<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> * Finland. 19- 2- 35 Japan. 12- 6- 35. Siam. 1934. Sweden. 8- 6- 34.	* Peru. 6- 3- 36. Spain. 18- 12- 34.	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. *U.S.S.R. 1937. *Yugoslavia. 31- 12- 36.	Belgium. Bolivia. Bulgaria. Chile. China. Colombia. Ecuador. *Greece. *Mexico. Poland. Turkey. Venezuela.	Afgha- nistan. United States of America. Argentina. Czechoslo- vakia. Dominican Republic Egypt. Ethiopia. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxem- burg. Nicaragua. Panama. Paraguay. Salvador. Uruguay.

## 40. Survivors' Insurance (Agriculture).

* Great Britain. 18- 7- 36.	<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> * Finland. 19- 2- 35 Japan. 12- 6- 35. Siam. 1934. Sweden. 8- 6- 34.	* Peru. 6- 3- 36. Spain. 18- 12- 34.	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. *U.S.S.R. 1937. *Yugoslavia. 31- 12- 36.	Belgium. Bolivia. Bulgaria. Chile. China. Colombia. Ecuador. *Greece. *Mexico. Poland. Turkey. Venezuela.	Afgha- nistan. United States of America. Argentina. Czechoslo- vakia. Dominican Republic. Egypt. Ethiopia. Guatemala. Haiti. Honduras. Iran. Iraq. Liberia. Luxem- burg. 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 (Closing date, 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 "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.		
* Brazil. 8- 6- 36. * Estonia. 21- 12- 35. * Great Britain. 25- 1- 37. * Greece. 30- 5- 36. * Hungary. 18- 12- 36. * India. 22- 11- 35. * Irish Free State. 15- 3- 37. * Netherlands. 9- 12- 35. * South Africa. 28- 5- 35. * Switzerland. 4- 6- 36.	<i>Approval :</i> Lithuania. 1935.  <i>Rejection :</i> China. 28- 6- 35. * Japan. 22- 4- 36.  <i>Other decisions, (adjournment, etc.) :</i> Austria. <sup>(1)</sup> 30- 11- 35. * Finland. 21- 12- 36. Siam. 1936. Sweden. 13- 3- 35.	* Belgium. 9- 2- 37. * France. 13- 8- 36. * Peru. 6- 3- 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. Italy. 1935. Latvia. 23- 12- 35. New Zealand. 5- 11- 34. Portugal. 6- 2- 35. * U.S.S.R. 1937. * Yugoslavia. 31- 12- 36.	Colombia. Chile. Dominican Rep. Ecuador. Iraq. * Mexico. Poland. Uruguay. Turkey. Venezuela.	Afghanistan. Albania. United States of America. Argentina. Bolivia. Bulgaria. Czechoslovakia. Egypt. Ethiopia. Guatemala. Haiti. Honduras. Iran. Liberia. Luxemburg. Nicaragua. Panama. Paraguay. Salvador.

**42. Workmen's Compensation (Occupational Diseases) (Revised).**

(Date of first coming into force : 14 June 1936).

Austria. 26- 2- 36. * Brazil. 8- 6- 36. * Cuba. 22- 10- 36. * Great Britain. 29- 4- 36. Hungary. 17- 6- 35. * Irish Free State. 15- 3- 37. * Japan. 6- 6- 36. Norway. 21- 5- 35. * Sweden. 24- 2- 37.	<i>Approval :</i> Netherlands. <sup>(2)</sup> 22- 7- 35.  <i>Rejection :</i> * India <sup>(3)</sup> 1936. South Africa <sup>(4)</sup> 1- 2- 35.  <i>Other decisions, (adjournment, etc.) :</i> China. 28- 6- 35. * Finland. 21- 12- 36. Siam. 1936. Lithuania. 1935. Switzerland. 24- 9- 35.	Rumania. 20- 4- 35. * Peru. 6- 3- 36. Spain. 13- 11- 35.	* France. 13- 8- 36.	Australia. 13- 12- 34. Canada. 24- 2- 36. Denmark. 4- 4- 35. Estonia. 8- 11- 35. Italy. 1935. Latvia. 23- 12- 35. New Zealand. 5- 11- 34. Portugal. 6- 2- 35. * U.S.S.R. 1937. * Yugoslavia. 31- 12- 36.	Belgium. Colombia. Chile. Dominican Rep. Ecuador. Iraq. * Greece. Poland. Turkey. Uruguay. Venezuela.	Afghanistan. Albania. United States of America. Argentina. Bolivia. Bulgaria. Czechoslovakia. Egypt. Ethiopia. Guatemala. Haiti. Honduras. Iran. Liberia. Luxemburg. 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 Government of India.<sup>(4)</sup> Decision of the Executive Council.

## EIGHTEENTH SESSION (Closing date, 23 June 1934) (contd.)

## Conventions.

\* = Information received since last Report.

## 43. Sheet-Glass Works. (Date of first coming into force : 13 January 1938).

(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.		
* Great Britain. 13- 1- 37. Norway. 21- 5- 35.	<i>Approval :</i> Netherlands. 22- 7- 35.  <i>Rejection :</i> Austria. <sup>(1)</sup> 30- 11- 35. * Hungary. 1- 4- 36. India. 21- 3- 35. * Japan. 22- 4- 36. Lithuania. 1935. South Africa <sup>(2)</sup> . 11- 12- 34  <i>Other decisions, (adjournment, etc.) :</i> China. 28- 6- 35. * Finland. 21- 12- 36. Siam. 1936. Sweden. 13- 3- 35. Switzerland. 24- 9- 35.	* France. 13- 8- 36. Spain. 13- 11- 35.	Rumania. 20- 4- 35.		Australia. 13- 12- 34. Canada. 24- 2- 36. Cuba. 1935. Denmark. 4- 4- 35. Irish Free State. 3- 5- 35. Italy. 1935. Latvia. 23- 12- 35. New Zealand. 6- 11- 34. Portugal. 6- 2- 35. *U.S.S.R. 1937. *Yugoslavia. 31- 12- 36.	Belgium. Brazil. Chile. Colombia. Dominican Rep. Ecuador. *Greece. Iraq. Peru. Poland. Turkey. Uruguay. Venezuela.	Afghanistan. Albania. United States of America. Argentina. Bolivia. Bulgaria. Czechoslovakia. Egypt. Estonia. Ethiopia. Guatemala. Haiti. Honduras. Iran. Liberia. Luxemburg. Mexico. Nicaragua. Panama. Paraguay. Salvador.

## 44. Unemployment Provision.

* Great Britain. 29- 4- 36.	<i>Approval :</i> Switzerland. 24- 9- 35.  <i>Rejection :</i> Austria. <sup>(1)</sup> 30- 11- 35. India. 21- 3- 35. * Japan. 22- 4- 36. Lithuania. 1935. South Africa <sup>(2)</sup> . 11- 12- 34.  <i>Other decisions, (adjournment, etc.) :</i> China. 28- 6- 35. * Finland. 21- 12- 36. Siam. 1936. Sweden. 13- 3- 35.	* Cuba. 10- 12- 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. Denmark. 4- 4- 35. Estonia. 8- 11- 35. *France. 13- 8- 36. Irish Free State. 3- 5- 35. Italy. 1935. Latvia. 23- 12- 35. *Netherlands. 27- 4- 36. New Zealand. 5- 11- 34. Portugal. 6- 2- 35. *U.S.S.R. 1937. *Yugoslavia. 31- 12- 36.	Belgium. Brazil. Chile. Colombia. Dominican Rep. Ecuador. *Greece. Iraq. Peru. Poland. Turkey. Uruguay. Venezuela.	Afghanistan. Albania. United States of America. Argentina. Bolivia. Bulgaria. Czechoslovakia. Egypt. Ethiopia. Guatemala. Haiti. Honduras. Iran. Liberia. Luxemburg. Mexico. 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 (Closing date, 25 June 1935)

## Conventions.

\* = Information received since last Report.

**45. Underground Work (Women).** (Date of first coming into force: 30 May 1937.)

(a)	(b)	(c)				(d)	(e)
Ratification 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.		
* China. 2- 12- 36. * Cuba. 14- 4- 36. * Great Britain. 18- 7- 36. * Greece. 30- 5- 36. * Irish Free State. 20- 8- 36. * Netherlands. 20- 2- 37. * South Africa. 25- 6- 36. * Sweden. 11- 7- 36.	Rejection : * Siam. 1936.  Other decisions, (adjournment, etc.) : * Switzerland. 19- 6- 36.	* Austria. 24- 6- 36. * Belgium. 9- 2- 37. * Brazil. 28- 10- 36. * Finland. 12- 3- 37. France. 13- 8- 36. * Peru. 6- 3- 36. * Turkey. 15- 1- 37.	Norway. 6- 3- 36.		*United States of America. 18- 6- 36. *Australia. 12- 3- 36. Denmark. 10- 3- 36. *India <sup>(1)</sup> . 1936. Italy. 1936. *Japan. 19- 12- 36. *Latvia. 21- 12- 36. *New Zealand. 11- 9- 36. 17- 9- 36. Portugal. 26- 9- 35. *U.S.S.R. 1936.	Belgium. Canada. Ecuador. Hungary. Iraq. Rumania. Spain. Venezuela. *Yugoslavia.	Afghanistan. Albania. Argentina. Bolivia. Bulgaria. Chile. Colombia. Czechoslovakia. Dominican Rep. Egypt. Estonia. Ethiopia. Guatemala. Haiti. Honduras. Iran. Liberia. Lithuania. Luxemburg. Mexico. Nicaragua. Panama. Paraguay. Salvador. Uruguay.

**46. Hours of Work (Coal Mines) (Revised).**

* Cuba. 14- 4- 36.	<i>Rejection :</i> * Austria <sup>(2)</sup> . 24- 6- 36. * India. 21- 4- 36. * Siam. 1936. South Africa <sup>(3)</sup> . 21- 4- 36. 27- 5- 36.  <i>Other decisions, (adjournment, etc.) :</i> * China. 8- 1- 37. Sweden. 29- 2- 36. * Switzerland. 19- 6- 36.	* Finland. 12- 3- 37.	*France. 13- 8- 36. Norway 6- 3- 36.	*United States of America. 18- 6- 36. *Australia. 12- 3- 36. *Brazil. 28- 10- 36. Denmark. 10- 3- 36. *Great Britain. Dec. 1935. Irish Free State. 13- 1- 36. Italy. 1936. *Japan. 19- 12- 36. *Latvia. 21- 12- 36. *Netherlands. 30- 11- 36. *New Zealand. 11- 9- 36. 17- 9- 36. Portugal. 26- 9- 35. *Turkey. 15- 1- 37. *U.S.S.R. 1936.	Belgium. Canada. Ecuador. Greece. Hungary. Iraq. *Lithuania. Peru. Poland. Rumania. Spain. Venezuela. *Yugoslavia.	Afghanistan. Albania. Argentina. Bolivia. Bulgaria. Chile. Colombia. Czechoslovakia. Dominican Rep. Egypt. Estonia. Ethiopia. Guatemala. Haiti. Honduras. Iran. Liberia. Luxemburg. Mexico. Nicaragua. Panama. Paraguay. Salvador. Uruguay.
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<sup>(1)</sup> Submission to the Governor General in Council.<sup>(2)</sup> Decision of the Council of Ministers.<sup>(3)</sup> Dates of submission to the two Houses of Parliament.

## NINETEENTH SESSION (Closing date, 25 June 1935) (contd.)

## Conventions.

\* = Information received since last Report.

## 47. Forty-Hour Week.

(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 infor- mation of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
	<i>Rejection :</i> * India. 26- 3- 36. * Norway. 20- 5- 36. * Siam. 1936. * South Africa <sup>(1)</sup> . 21- 4- 36. 27- 5- 36. Sweden. 29- 2- 36. * Switzerland. 19- 6- 36.  <i>Other decisions, (adjournment, etc.) :</i> * Austria <sup>(2)</sup> . 4- 12- 36. * China. 8- 1- 37.	* Cuba. 10- 12- 36. * France. 13- 8- 36.	*Finland. 12- 3- 37.		*United States of America. 18- 6- 36. *Australia. 12- 3- 36. *Brazil. 28- 10- 36. Denmark. 10- 3- 36. *Great Britain. Dec. 1935. Irish Free State. 13- 1- 36. Italy. 1936. *Japan. 19- 12- 36. *Latvia. 21- 12- 36. *Nether- lands. 30- 11- 36. *New Zealand. 11- 9- 36, 17- 9- 36. Portugal. 26- 9- 35. *Turkey. 15- 1- 37. *U.S.S.R. 1936.	Belgium. Canada. Ecuador. Greece. Hungary. Iraq. *Lithuania. Peru. Poland. Rumania. Spain. Venezuela. *Yugoslavia.	Afgha- nistan. Albania. Argentina. Bolivia. Bulgaria. Chile. Colombia. Czecho- slovakia. Domini- can Rep. Egypt. Estonia. Ethiopia. Guatemala. Haiti. Honduras. Iran. Liberia. Luxem- burg. Mexico. Nicaragua. Panama. Paraguay. Salvador. Uruguay.

## 48. Maintenance of Migrants' Pension Rights.

<i>Approval :</i> * Spain. 13- 6- 36.  <i>Rejection :</i> * Great Britain. June 1936. * India. 15- 4- 36. 26- 1- 37. * Siam. 1936. South Africa. 21- 4- 36. 27- 5- 36. * Switzerland. 19- 6- 36.  <i>Other decisions, (adjournment etc.) :</i> * Austria <sup>(2)</sup> . 4- 12- 36. * China. 8- 1- 37. * Netherlands <sup>(3)</sup> 21- 11- 36. Sweden. 29- 2- 36.	* Cuba. 1936. * Hungary. 18- 12- 36.	*Finland. 12- 3- 37. Norway. 6- 3- 36.	*United States of America. 18- 6- 36. *Australia. 12- 3- 36. *Brazil. 27- 10- 36. Denmark. 10- 3- 36. *France. 13- 8- 36. Irish Free State. 13- 1- 36. Italy. 1936. *Japan. 19- 12- 36. *Latvia. 21- 12- 36. *New Zealand. 11- 9- 36, 17- 9- 36. Portugal. 26- 9- 35. *Turkey. 15- 1- 37. *U.S.S.R. 1936.	Belgium. Canada. Ecuador. Greece. Iraq. *Mexico. Peru. Poland. Rumania. Venezuela. *Yugoslavia.	Afgha- nistan. Albania. Argentina. Bolivia. Bulgaria. Chile. Colombia. Czecho- slovakia. Domini- can Rep. Egypt. Estonia. Ethiopia. Guatemala. Haiti. Honduras. Iran. Liberia. Lithuania. Luxem- burg. Nicaragua. Panama. Paraguay. Salvador. Uruguay.
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<sup>(1)</sup> Dates of submission to the two Houses of Parliament.<sup>(2)</sup> Decision of the Council of Ministers.<sup>(3)</sup> Act reserving to the Crown the right to ratify the Convention.

## NINETEENTH SESSION (Closing date, 25 June 1935) (contd.).

## Conventions.

\* = Information received since last Report.

## 49. Reduction of Hours of Work (Glass-Bottle 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 "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.		
* Norway. 21- 7- 36.	<i>Rejection :</i> * India. 21- 4- 36. * Siam. 1936. South Africa <sup>(1)</sup> . 21- 4- 36. 27- 5- 36. * Switzerland. 19- 6- 36.  <i>Other decisions, (adjournment, etc.) :</i> * Austria <sup>(2)</sup> . 4- 12- 36. * China. 8- 1- 37. Sweden. 29- 2- 36.	* Cuba. 10- 12- 36. * France. 13- 8- 36.	* Finland. 12- 3- 37.		* United States of America. 18- 6- 36. * Australia. 12- 3- 36. * Brazil. 28- 10- 36. Denmark. 10- 3- 36. * Great Britain. Dec. 1935. Irish Free State. 13- 1- 36. Italy. 1936. * Japan. 19- 12- 36. * Latvia. 21- 12- 36. * Netherlands. 30- 11- 36. * New Zealand. 11- 9- 36. 17- 9- 36. Portugal. 26- 9- 35. * Turkey. 15- 1- 37. * U.S.S.R. 1936.	Belgium. Canada. Ecuador. Greece. Hungary. Iraq. *Lithuania. Peru. Poland. Rumania. Spain. Venezuela. *Yugoslavia.	Afgha- nistan. Albania. Argentina. Bolivia. Bulgaria. Chile. Colombia. Czecho- slovakia. Domini- can Rep. Egypt. Estonia. Ethiopia. Guatemala. Haiti. Honduras. Iran. Liberia. Luxem- burg. Mexico. Nicaragua. Panama. Paraguay. Salvador. Uruguay.

## TWENTIETH SESSION (Closing date, 24 June 1936).

## Conventions.

\* = Information received since last Report.

## 50. Recruiting of Indigenous Workers.

<i>Rejection :</i> * India. 26- 1- 37; 16- 2- 37. * South Africa. 11- 1- 37. * Siam. 1937.	* Norway. 4- 3- 37.	* Sweden. 1937.	* Australia. 19- 11- 36. * Great Britain. Nov. 36. * Irish Free State. 25- 1- 37. * New Zealand. 6- 10- 36. 9- 10- 36. * Portugal. 29- 8- 36.	* Canada. *China. *Colombia. *Denmark. *Greece. *Rumania. *Spain. *Switzer- land.	All the other States Members.
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<sup>(1)</sup> Dates of submission to the two Houses of Parliament.<sup>(2)</sup> Decision of the Council of Ministers.

TWENTIETH SESSION (Closing date, 24 June 1936) (*contd.*).

## Conventions.

\* = Information received since last Report.

## 51. Reduction of Hours of Work (Public 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.		
	<i>Rejection :</i> * India. 26- 1- 37; 16- 2- 37. * South Africa. 11- 1- 37. * Siam. 1937.		*China. 1937. *Norway. 12- 3- 37.	*Sweden. 1937.	*Australia. 19- 11- 36. *Great Britain. Nov. 36. *Irish Free State. 25- 1- 37. *New Zealand. 6- 10- 36. 9- 10- 36. *Portugal. 29- 8- 36.	*Canada. *Colombia. *Denmark. *Greece. *France. *Rumania. *Spain. *Switzer- land.	All the other States Members.

## 52. Holidays with Pay.

<i>Rejection :</i> * India. 26- 1- 37; 25- 2- 37. * South Africa. 11- 1- 37. * Siam. 1937.	*China. 1937. *Norway. 12- 3- 37. *Sweden. 1937.	*Australia. 19- 11- 36. *Great Britain. Nov. 36. *Irish Free State. 25- 1- 37. *New Zealand. 6- 10- 36. 9- 10- 36. *Portugal. 29- 8- 36.	*Belgium. *Canada. *Colombia. *Denmark. *France. *Greece. *Rumania. *Spain. *Switzer- land.	All the other States Members.
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# TWENTY-FIRST SESSION (Closing date, 24 October 1936).

## Conventions.

\* = Information received since last Report.

### 53. Officers' Competency Certificates.

(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.		
		* Norway. 4- 3- 37.			* Portugal. 26- 1- 37. * Siam. 1937.	* Argentina. * China. * Egypt. * Greece.	All the other States Members.

### 54. Holidays with Pay (Sea).

			* Norway. 12- 3- 37.		* Portugal. 26- 1- 37. * Siam. 1937.	* Argentina. * China. * Egypt. * Greece. * Sweden.	All the other States Members.
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### 55. Shipowners' Liability (Sick and Injured Seamen).

			* Norway. 12- 3- 37.		* Portugal. 26- 1- 37. * Siam. 1937.	* Argentina. * China. * Egypt. * Greece.	All the other States Members.
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### 56. Sickness Insurance (Sea).

			* Norway. 12- 3- 37.		* Portugal. 26- 1- 37. * Siam. 1937.	* Argentina. * China. * Egypt. * Greece.	All the other States Members.
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### 57. Hours of Work and Manning (Sea).

			* Norway. 12- 3- 37.		* Portugal. 26- 1- 37. * Siam. 1937.	* Argentina. * China. * Egypt. * Greece. * Sweden.	All the other States Members.
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# TWENTY-SECOND SESSION (Closing date, 24 October 1936).

## Convention.

\* = Information received since last Report.

### 58. Minimum Age (Sea) (Revised).

		* Norway. 4- 3- 37.			* Portugal. 26- 1- 37. * Siam. 1937.	* Argentina. * China. * Egypt. * Greece.	All the other States Members.
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## FIRST SESSION (Closing date, 27 January 1920).

## Recommendations.

## 1. Unemployment.

\* = Information received since last Report.

(a)	(b)	(c)	(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	States which have supplied other official information.	States which have supplied no official information.
<b>Albania.</b> 13- 1- 32. <b>Australia (¹).</b> 16- 6- 21. <b>Belgium.</b> 10- 2- 22. <b>Bulgaria.</b> 15- 7- 21. <b>Denmark.</b> 15- 5- 26. <b>Estonia.</b> 22- 3- 21. <b>Finland.</b> 25- 1- 21. <b>France.</b> 21- 1- 21. <b>Germany (²).</b> 10- 9- 21. <b>Great Britain.</b> 6- 6- 32. <b>Hungary.</b> 12- 7- 21. <b>India.</b> 12- 7- 21. <b>Italy.</b> 4- 8- 26. <b>Japan.</b> 17- 5- 21. <b>Netherlands.</b> 31- 5- 21. <b>Norway.</b> 26- 7- 21. <b>Poland.</b> 31- 5- 21. <b>Rumania.</b> 10- 5- 22. <b>Siam.</b> 4- 7- 21. <b>Spain.</b> 3- 6- 21 ; 3- 10- 21. <b>Sweden.</b> 3- 8- 23 ; 16- 1- 26. <b>Switzerland.</b> 17- 8- 32. <b>Yugoslavia.</b>	<b>Argentina.</b> 8- 9- 20. <b>Austria.</b> 1930. <b>Brazil.</b> 4- 3- 32. <b>Canada.</b> 28- 5- 21. <b>Chile.</b> 7- 8- 24. <b>Cuba.</b> 17- 1- 22. <b>Lithuania (³).</b> Aug. 1922. <b>New Zealand.</b> 11- 11- 20. <b>South Africa.</b> 1921. <b>* U.S.S.R.</b> 1937. <b>Venezuela.</b> 1920.	<b>Czechoslovakia.</b> <b>Greece.</b> <b>Haiti.</b> <b>Latvia.</b> <b>Luxemburg.</b> <b>Nicaragua.</b> <b>Panama.</b> <b>Turkey.</b> <b>Uruguay.</b>	<b>Afghanistan.</b> <b>United States of America.</b> <b>Bolivia.</b> <b>China.</b> <b>Colombia.</b> <b>Dominican Republic.</b> <b>Ecuador.</b> <b>Egypt.</b> <b>Ethiopia.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Irish Free State.</b> <b>Liberia.</b> <b>Mexico.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b>

## 2. Reciprocity of Treatment.

<b>Albania.</b> 13- 1- 32. <b>Australia (¹).</b> 16- 6- 21. <b>Belgium.</b> 10- 2- 22. <b>Bulgaria.</b> 1- 7- 21. <b>Chile.</b> 15- 7- 21. <b>Denmark.</b> 15- 5- 26 ; 10- 2- 32. <b>Estonia.</b> 22- 3- 21. <b>Finland.</b> 25- 1- 21. <b>France.</b> 25- 10- 26. <b>Germany (²).</b> 3- 1- 33. <b>Great Britain.</b> 6- 6- 32. <b>Hungary.</b> 12- 7- 21. <b>India.</b> 12- 7- 21. <b>Italy.</b> 4- 8- 26. <b>Japan.</b> 17- 5- 21. <b>Netherlands.</b> 31- 5- 21. <b>Norway.</b> 26- 7- 21. <b>Poland.</b> 31- 5- 21. <b>Rumania.</b> 10- 5- 22. <b>Siam.</b> 4- 7- 21. <b>Spain.</b> 3- 6- 21 ; 3- 10- 21. <b>Sweden.</b> 3- 8- 23 ; 16- 1- 26. <b>Switzerland.</b> 17- 8- 32. <b>Yugoslavia.</b>	<b>Argentina.</b> 8- 9- 20. <b>Austria.</b> 1930. <b>Brazil.</b> 4- 3- 32. <b>Canada.</b> 28- 5- 21. <b>Cuba.</b> 17- 1- 22. <b>Lithuania (³).</b> Aug. 1922. <b>New Zealand.</b> 11- 11- 20. <b>South Africa.</b> 1921. <b>* U.S.S.R.</b> 1937. <b>Venezuela.</b> 1920.	<b>Czechoslovakia.</b> <b>Greece.</b> <b>Haiti.</b> <b>Latvia.</b> <b>Luxemburg.</b> <b>Nicaragua.</b> <b>Panama.</b> <b>Turkey.</b> <b>Uruguay.</b>	<b>Afghanistan.</b> <b>United States of America.</b> <b>Bolivia.</b> <b>China.</b> <b>Colombia.</b> <b>Dominican Republic.</b> <b>Ecuador.</b> <b>Egypt.</b> <b>Ethiopia.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Irish Free State.</b> <b>Liberia.</b> <b>Mexico.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b>
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(¹) The Prime Minister of Australia has communicated to the Secretary-General of the League of Nations information supplied by the States of the Commonwealth on the subject of measures giving effect to the Recommendations, which fall within the competence of the States:— Western Australia, 29. 5. 25 ; New South Wales, 1. 5. 25 ; South Australia, 13. 7. 32 ; Tasmania, 1925 ; 10. 6. 27 ; Victoria, 1. 5. 25 ; Queensland 2. 7. 25.

(²) The notice of the withdrawal of Germany from the International Labour Organisation expired on 21 October 1935.

(³) Proposal lapsed.

FIRST SESSION (Closing date, 27 January 1920) (*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.
<b>Albania.</b> 13- 1- 32. <b>Australia (¹).</b> <b>Belgium.</b> 16- 6- 21. <b>Bulgaria.</b> 10- 2- 22. <b>Czechoslovakia.</b> 28- 11- 33. <b>Denmark.</b> 15- 7- 21. <b>Estonia.</b> 15- 5- 26. <b>Finland.</b> 22- 3- 21. <b>France.</b> 25- 1- 21. <b>Great Britain.</b> 11- 1- 21. <b>Hungary.</b> 14- 3- 29 ; 12- 8- 29. <b>India.</b> 12- 7- 21. <b>Italy.</b> 12- 7- 21. <b>Japan.</b> 4- 8- 26. <b>Netherlands.</b> 17- 5- 21. <b>Norway.</b> 31- 5- 21. <b>Poland.</b> 26- 7- 21. <b>Rumania.</b> 31- 5- 21. <b>Siam.</b> 10- 5- 22. <b>Spain.</b> 4- 7- 21. <b>Sweden.</b> 3- 6- 21. <b>Switzerland.</b> 3- 8- 23 ; 16- 1- 26.	<b>Argentina.</b> 8- 9- 20. <b>Austria.</b> 1930. <b>Brazil.</b> 4- 3- 32. <b>Canada.</b> 28- 5- 21. <b>Chile.</b> 7- 8- 24. <b>Cuba.</b> 17- 1- 22. <b>Lithuania (²).</b> Aug. 1922. <b>New Zealand.</b> 11- 11- 20. <b>South Africa.</b> 1921. <b>* U.S.S.R.</b> 1937. <b>Venezuela.</b> 1920.	<b>Greece.</b> <b>Haiti.</b> <b>Latvia.</b> <b>Luxemburg.</b> <b>Nicaragua.</b> <b>Panama.</b> <b>Turkey.</b> <b>Uruguay.</b> <b>Yugoslavia.</b>	<b>Afghanistan.</b> <b>United States of America.</b> <b>Bolivia.</b> <b>China.</b> <b>Colombia.</b> <b>Dominican Republic.</b> <b>Ecuador.</b> <b>Egypt.</b> <b>Ethiopia.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Irish Free State.</b> <b>Liberia.</b> <b>Mexico.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b>

## 4. Lead Poisoning (Women and Children).

<b>Albania.</b> 13- 1- 32. <b>Australia (¹).</b> <b>Belgium.</b> 16- 6- 21. <b>Bulgaria.</b> 10- 2- 22. <b>Denmark.</b> 15- 7- 21. <b>Estonia.</b> 15- 5- 26. <b>Finland.</b> 23- 3- 32. <b>France.</b> 25- 1- 21 ; 8- 10- 26. <b>Great Britain.</b> 11- 1- 21. <b>Hungary.</b> 6- 6- 32. <b>India.</b> 12- 7- 21. <b>Italy.</b> 12- 7- 21. <b>Japan.</b> 4- 8- 26. <b>Netherlands.</b> 17- 5- 21. <b>Norway.</b> 31- 5- 21. <b>Poland.</b> 26- 7- 21. <b>Rumania.</b> 31- 5- 21. <b>Siam.</b> 10- 5- 22. <b>Spain.</b> 4- 7- 21. <b>Sweden.</b> 3- 6- 21. <b>Switzerland.</b> 3- 8- 23 ; 16- 1- 26. <b>Yugoslavia.</b> 17- 8- 32.	<b>Argentina.</b> 8- 9- 20. <b>Austria.</b> 1930. <b>Brazil.</b> 4- 3- 32. <b>Canada.</b> 28- 5- 21. <b>Chile.</b> 7- 8- 24. <b>Cuba.</b> 17- 1- 22. <b>Lithuania (²).</b> Aug. 1922. <b>New Zealand.</b> 11- 11- 20. <b>South Africa.</b> 1921. <b>* U.S.S.R.</b> 1937. <b>Venezuela.</b> 1920.	<b>Czechoslovakia.</b> <b>Greece.</b> <b>Haiti.</b> <b>Latvia.</b> <b>Luxemburg.</b> <b>Nicaragua.</b> <b>Panama.</b> <b>Portugal.</b> <b>Turkey.</b> <b>Uruguay.</b>	<b>Afghanistan.</b> <b>United States of America.</b> <b>Bolivia.</b> <b>China.</b> <b>Colombia.</b> <b>Dominican Republic.</b> <b>Ecuador.</b> <b>Egypt.</b> <b>Ethiopia.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Irish Free State.</b> <b>Liberia.</b> <b>Mexico.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Salvador.</b>
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(¹) See note (1) on preceding page.

(²) Proposal lapsed.

FIRST SESSION (Closing date, 27 January 1920) (*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.		Afghanistan.
Australia <sup>(1)</sup> .		Austria.	1930.	Greece.		United States of
Belgium.	16- 6- 21.	Brazil.	4- 3- 32.	Haiti.		America.
Bulgaria.	10- 2- 22.	Canada.	28- 5- 21.	Latvia.		Bolivia.
Chile.	1- 7- 21.	Cuba.	17- 1- 22.	Luxemburg.		China.
Denmark.	15- 7- 21.	Lithuania <sup>(3)</sup> .	Aug. 1922.	Nicaragua.		Colombia.
Estonia.	15- 5- 26.	New Zealand.	11- 11- 20.	Panama.		Dominican
Finland.	22- 3- 21.	South Africa.	1921.	Turkey.		Republic.
France.	25- 1- 21.	* U.S.S.R.	1937.	Uruguay.		Ecuador.
Germany <sup>(2)</sup> .	9- 8- 26.	Venezuela.	1920.			Egypt.
Great Britain.	11- 1- 21.					Ethiopia.
Hungary.	6- 6- 32.					Guatemala.
India.	12- 7- 21.					Honduras.
Italy.	12- 7- 21.					Iran.
Japan.	4- 8- 26.					Iraq.
Mexico.	10- 3- 36.					Irish Free State.
Netherlands.	17- 5- 21.					Liberia.
Norway.	31- 5- 21.					Paraguay.
Poland.	26- 7- 21.					Peru.
Rumania.	31- 5- 21.					Portugal.
Siam.	10- 5- 22.					Salvador.
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.	* Argentina.	16- 10- 36.	Albania.	Brazil.	Guatemala.
Denmark <sup>(4)</sup> .	1- 1- 12.	Australia.	30- 12- 19.	13- 1- 32.	4- 3- 32.	Haiti.
France <sup>(4)</sup> .	1- 1- 12.	Austria.	23- 3- 21.	Greece.	Cuba.	Latvia.
Germany <sup>(4)</sup> .	1- 1- 12.	Belgium.	8- 12- 22.	1- 11- 20.	17- 1- 22.	Nicaragua.
Great Britain.	28- 12- 08.	Bulgaria.	1- 11- 26.	Siam.	Lithuania.	Panama.
Italy.	6- 7- 10.	* Chile.	28- 1- 36.	10- 5- 22.	Aug. 1922.	
Luxemburg <sup>(4)</sup> .	6- 7- 15.	China.	6- 12- 23.		*U.S.S.R.	
Netherlands <sup>(4)</sup> .	1- 1- 12.	Egypt.	7- 4- 32.		1937	
New Zealand.	27- 11- 16.	Czechoslovakia.	30- 3- 21.		Venezuela.	
Norway.	26- 6- 14.	Free City of			1920.	
South		Danzig <sup>(5)</sup> .	23- 8- 21.			
Africa <sup>(5)</sup> .	6- 12- 10.	Estonia.	2- 2- 23.			
Spain.	29- 10- 09.	Finland.	13- 10- 21.			
Switzerland <sup>(4)</sup> .	1- 1- 12.	Hungary.	19- 11- 25.			
		India.	30- 12- 19.			
		Iran.	5- 6- 33.			
		Irish Free				
		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 30.<sup>(2)</sup> See note (2) on page 30.<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>(5)</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 (Closing date, 10 July 1920).

## Recommendations.

## 7. Hours of Work (Fishing).

\* = 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- 21.	Belgium.	Afghanistan.
Australia. 28- 8- 24.	Austria <sup>(1)</sup> . 1927.	Czechoslovakia.	United States of America.
Bulgaria. 10- 3- 23.	Brazil. 4- 3- 32.	Greece.	Bolivia.
Canada. 4- 6- 21.	Cuba. 17- 1- 22.	Haiti.	China.
Chile. 1- 7- 21.	Denmark. 18- 3- 21.	Latvia.	Colombia.
Estonia. 15- 5- 26.	Hungary. 13- 3- 24.	Nicaragua.	Dominican Republic.
Finland. 23- 3- 32.	Lithuania <sup>(1)</sup> . Aug. 1922.	South Africa.	Ecuador.
France. 2- 4- 24.	Luxemburg.	Spain.	Egypt.
Great Britain. 3- 1- 33.	Netherlands. 14- 2- 22.	Turkey.	Ethiopia.
India. 7- 3- 22.	New Zealand. 1923.	Uruguay.	Guatemala.
Italy. 5- 1- 22.	Rumania. 1922.	Yugoslavia.	Honduras.
Japan. 4- 8- 26.	Siam. 1922.		Iran.
Norway. 1- 12- 26.	* U.S.S.R. 1937.		Iraq.
Poland. 9- 5- 32.	Venezuela. 1922.		Irish Free State.
Sweden. 5- 7- 21.			Liberia.
Switzerland. 2- 3- 22 ; 16- 1- 26.			Mexico.
			Panama.
			Paraguay.
			Peru.
			Portugal.
			Salvador.

## 8. Hours of Work (Inland Navigation).

Albania. 13- 1- 32.	Argentina. 8- 9- 21.	Belgium.	Afghanistan.
Australia. 28- 8- 24.	Austria <sup>(1)</sup> . 1927.	Czechoslovakia.	United States of America.
Bulgaria. 10- 3- 23.	Brazil. 4- 3- 32.	Haiti.	Bolivia.
Canada. 4- 6- 21.	Cuba. 17- 1- 22.	Latvia.	China.
Chile. 1- 7- 21.	Denmark. 18- 3- 21.	Nicaragua.	Colombia.
Estonia. 15- 5- 26.	Lithuania <sup>(1)</sup> . Aug. 1922.	South Africa.	Dominican Republic.
Finland. 23- 3- 32.	Luxemburg.	Spain.	Ecuador.
France. 2- 4- 24.	Netherlands. 14- 2- 22.	Turkey.	Egypt.
Great Britain. 3- 1- 33.	New Zealand. 1923.	Uruguay.	Ethiopia.
Hungary. 6- 6- 32.	Rumania. 1922.	Yugoslavia.	Greece.
India. 17- 11- 22.	Siam. 1922.		Guatemala.
Italy. 5- 1- 22.	* U.S.S.R. 1937.		Honduras.
Japan. 4- 8- 26.	Venezuela. 1922.		Iran.
Norway. 1- 12- 26.			Iraq.
Poland. 9- 5- 32.			Irish Free State.
Sweden. 5- 7- 21.			Liberia.
Switzerland. 2- 3- 22 ; 16- 1- 26.			Mexico.
			Panama.
			Paraguay.
			Peru.
			Portugal.
			Salvador.

<sup>(1)</sup> Proposal lapsed.

## SECOND SESSION (Closing date, 10 July 1920) (contd).

## Recommendations.

## 9. National Seamen's Codes.

\* = Information received since last Report.

(a)	(b)	(c)	(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	States which have supplied other official information.	States which have supplied no official information.
Albania. 13- 1- 32. Australia. 28- 8- 24. Belgium. 29- 2- 32. Bulgaria. 10- 3- 23. Canada. 4- 6- 21. Chile. 1- 7- 21. Estonia. 15- 5- 26; 9- 7- 28. Finland. 23- 3- 32. France. 2- 4- 24. Germany <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. * U.S.S.R. 1937. Venezuela. 1922.	Czechoslovakia. Haiti. Latvia. Nicaragua. South Africa. Spain. Turkey. Yugoslavia.	Afghanistan. United States of America. Bolivia. China. Colombia. Dominican Republic. Ecuador. Egypt. 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. * U.S.S.R. 1937. Venezuela. 1922.	Belgium. Czechoslovakia. Haiti. Latvia. Nicaragua. South Africa. Spain. Turkey.	Afghanistan. United States of America. Bolivia. China. Colombia. Dominican Republic. Ecuador. Egypt. 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 30.<sup>(2)</sup> Proposal lapsed.

## THIRD SESSION (Closing date, 19 November 1921).

## Recommendations.

## 11. Unemployment (Agriculture).

\* = Information received since last Report.

(a)		(b)		(c)		(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).		States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.		States which have supplied other official information.		States which have supplied no official information.
Albania.	13- 1- 32.	Austria (²).	1927.	Czechoslovakia.		Afghanistan.
Australia (¹).		Brazil.	4- 3- 32.	Haiti.		United States of
Belgium.	2- 3- 27.	Canada.	23- 3- 23.	Latvia.		America.
Bulgaria.	5- 3- 25.	Chile.	7- 8- 24.	Luxemburg.		Argentina.
Estonia.	15- 5- 26.	China.	1923.	Nicaragua.		Bolivia.
Finland.	2- 4- 24.	Cuba.	31- 8- 22.	Spain.		Colombia.
France.	15- 4- 24.	Denmark.	6- 6- 22.	Turkey.		Dominican
Great Britain.	3- 1- 33.	Lithuania.		Uruguay.		Republic.
Hungary.	15- 11- 27.	Netherlands.	22- 6- 23.	Yugoslavia.		Ecuador.
India.	8- 5- 23.	New Zealand.	1923.			Egypt.
Italy.	16- 1- 26.	Rumania.	15- 10- 25.			Ethiopia.
Japan.	4- 8- 26.	South Africa.	1923.			Greece.
Norway.	1- 12- 26.	* U.S.S.R.	1937.			Guatemala.
Poland.	7- 6- 23.	Venezuela.	1923.			Honduras.
Siam.	21- 8- 22.					Iran.
Sweden.	13- 11- 23.					Iraq.
Switzerland.	22- 5- 23 ; 16- 1- 26.					Irish Free State.

## 12. Childbirth (Agriculture).

Albania.	13- 1- 32.	Austria (²).	1927.	Belgium.		Afghanistan.
Australia (¹).		Brazil.	4- 3- 32.	Czechoslovakia.		United States of
Bulgaria.	5- 3- 25.	Canada.	23- 3- 23.	Haiti.		America.
Estonia.	15- 5- 26.	Chile.	7- 8- 24.	Latvia.		Argentina.
Finland.	23- 3- 32.	China.	1923.	Luxemburg.		Bolivia.
France.	15- 4- 24.	Cuba.	31- 8- 22.	Nicaragua.		Colombia.
Great Britain.	3- 1- 33.	Denmark.	6- 6- 22.	Spain.		Dominican
Hungary.	6- 6- 32.	Lithuania.		Turkey.		Republic.
India.	8- 5- 23.	Netherlands.	22- 6- 23.	Uruguay.		Ecuador.
Italy.	16- 1- 26.	New Zealand.	1923.	Yugoslavia.		Egypt.
Japan.	4- 8- 26.	Rumania.	15- 10- 25.			Ethiopia.
Norway.	1- 12- 26.	South Africa.	1923.			Greece.
Poland.	7- 6- 23.	* U.S.S.R.	1937.			Guatemala.
Siam.	21- 8- 22.	Venezuela.	1923.			Honduras.
Sweden.	13- 11- 23.					Iran.
Switzerland.	22- 5- 23 ; 16- 1- 26.					Iraq.
						Irish Free State.
						Liberia.
						Mexico.
						Panama.
						Paraguay.
						Peru.
						Portugal.
						Salvador.

(¹) The Prime Minister of Australia has communicated to the Secretary-General of the League of Nations information supplied by the States of the Commonwealth on the subject of measures giving effect to the Recommendations, which fall within the competence of the States:— 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 (Closing date, 19 November 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. * U.S.S.R. 1937. Venezuela. 1923.	Haiti. Latvia. Luxemburg. Nicaragua. Spain. Turkey. Uruguay. Yugoslavia.	Afghanistan. United States of America. Argentina. Belgium. Bolivia. Colombia. Dominican Republic. Ecuador. Egypt. 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. * U.S.S.R. 1937. Venezuela. 1923.	Haiti. Latvia. Luxemburg. Nicaragua. Spain. Turkey. Uruguay. Yugoslavia.	Afghanistan. United States of America. Argentina. Belgium. Bolivia. Colombia. Dominican Republic. Ecuador. Egypt. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Irish Free State Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador.
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(\*) See note (1) on preceding page.

(¹) Proposal lapsed.



THIRD SESSION (Closing date, 19 November 1921) (*contd.*).

## Recommendations.

**15. Vocational Education (Agriculture).**

\* = Information received since last Report.

(a)	(b)	(c)	(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	States which have supplied other official information.	States which have supplied no official information.
<b>Albania.</b> 13- 1- 32. <b>Australia <sup>(1)</sup>.</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 <sup>(2)</sup>.</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 <sup>(3)</sup>.</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>* U.S.S.R.</b> 1937. <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>Afghanistan.</b> <b>United States of America.</b> <b>Argentina.</b> <b>Bolivia.</b> <b>Colombia.</b> <b>Dominican Republic.</b> <b>Ecuador.</b> <b>Egypt.</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 <sup>(1)</sup>.</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 <sup>(3)</sup>.</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>* U.S.S.R.</b> 1937. <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>Afghanistan.</b> <b>United States of America.</b> <b>Argentina.</b> <b>Bolivia.</b> <b>Colombia.</b> <b>Dominican Republic.</b> <b>Ecuador.</b> <b>Egypt.</b> <b>Ethiopia.</b> <b>Greece.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Irish Free State.</b> <b>Liberia.</b> <b>Mexico.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b>
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<sup>(1)</sup> See note (1) on page 35.<sup>(2)</sup> See note (2), on page 30<sup>(3)</sup> Proposal lapsed.

THIRD SESSION (Closing date, 19 November 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.	Austria ( <sup>3</sup> ).	1927.	Haiti.		Afghanistan.
Australia ( <sup>1</sup> ).		Brazil.	4- 3- 32.	Latvia.		United States of America.
Belgium.	2- 3- 27.	Canada.	23- 3- 23.	Luxemburg.		Argentina.
Bulgaria.	5- 3- 25.	Chile.	7- 8- 24.	Nicaragua.		Bolivia.
Czechoslovakia.	24- 10- 25.	China.	1923.	Spain.		Colombia.
Estonia.	15- 5- 26.	Cuba.	31- 8- 22.	Turkey.		Dominican Republic.
Finland.	23- 3- 32.	Denmark.	6- 6- 22.	Yugoslavia.		Ecuador.
France.	15- 4- 24.	Lithuania.				Egypt.
Germany ( <sup>2</sup> ).	9- 8- 27.	Netherlands.	22- 6- 23.			Ethiopia.
Great Britain.	3- 1- 33.	New Zealand.	1923.			Greece.
Hungary.	6- 6- 32.	Rumania.	15- 10- 25.			Guatemala.
India.	8- 5- 23.	South Africa.	1923.			Honduras.
Italy.	16- 1- 26.	* U.S.S.R.	1937.			Iran.
Japan.	4- 8- 26.	Venezuela.	1923.			Iraq.
Norway.	1- 12- 26.					Irish Free State.
Poland.	7- 6- 23.					Liberia.
Siam.	21- 8- 22.					Mexico.
Sweden.	13- 11- 23.					Panama.
Switzerland.	22- 5- 23 ; 16- 1- 26.					Paraguay.
						Peru.
						Portugal.
						Salvador.
						Uruguay.

**18. Weekly Rest (Commerce).**

Albania.	13- 1- 32.	Austria ( <sup>3</sup> ).	1927.	Haiti.		Afghanistan.
Australia ( <sup>1</sup> ).		Brazil.	4- 3- 32.	Latvia.		United States of America.
Belgium.	6- 7- 25.	Canada.	23- 3- 23.	Luxemburg.		Argentina.
Bulgaria.	5- 3- 25.	Chile.	7- 8- 24.	Nicaragua.		Bolivia.
Czechoslovakia.	24- 10- 25.	China.	1923.	Spain.		Colombia.
Estonia.	15- 5- 26.	Cuba.	31- 8- 22.	Turkey.		Dominican Republic.
Finland.	2- 4- 24.	Denmark.	6- 6- 22.	Uruguay.		Ecuador.
France.	15- 4- 24.	Lithuania.				Egypt.
Great Britain.	3- 1- 33.	Netherlands.	22- 6- 23.			Ethiopia.
Hungary.	6- 6- 32.	New Zealand.	1923.			Greece.
India.	30- 10- 22.	South Africa.	1923.			Guatemala.
Italy.	16- 1- 26.	* U.S.S.R.	1937.			Honduras.
Japan.	4- 8- 26.	Venezuela.	1923.			Iran.
Norway.	1- 12- 26.					Iraq.
Poland.	7- 6- 23.					Irish Free State.
Rumania.	1- 4- 25.					Liberia.
Siam.	21- 8- 22.					Mexico.
Sweden.	13- 11- 23.					Panama.
Switzerland.	22- 5- 23 ; 16- 1- 26.					Paraguay.
Yugoslavia.	17- 8- 32.					Peru.
						Portugal.
						Salvador.

<sup>(1)</sup> See note (1) on page 35.<sup>(2)</sup> See note (2) on page 30.<sup>(3)</sup> Proposal lapsed.

## FOURTH SESSION (Closing date, 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. Netherlands. 24- 10- 23. New Zealand. 6- 11- 24. * U.S.S.R. 1937. Venezuela. 30- 6- 24.	Cuba. Haiti. Luxemburg. Nicaragua. Turkey. Uruguay.	Afghanistan. United States of America. Argentina. Bolivia. China. Colombia. Dominican Republic. Ecuador. Egypt. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Irish Free State Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador.

## FIFTH SESSION (Closing date, 29 October 1923).

## Recommendation.

## 20. Labour Inspection.

\* = 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). Austria. 2- 7- 27. Belgium. 6- 11- 24. Bulgaria. 23- 1- 25. Czechoslovakia. 19- 11- 25. Estonia. 18- 9- 25. Finland. 21- 1- 26. France. 22- 1- 25. Great Britain. 6- 8- 24. Hungary. 6- 6- 32. India. 20- 3- 24. Irish Free State. 29- 10- 25. Italy. 16- 1- 26. Japan. 18- 9- 25. Norway. 1- 12- 26. Poland. 13- 5- 25. Rumania. 1- 4- 25. Siam. 20- 3- 24. South Africa. 24- 4- 24. Sweden. 23- 12- 25. Switzerland. 6- 3- 25. Yugoslavia. 17- 8- 32.	Brazil. 4- 3- 32. Canada. 3- 3- 24. Chile. 7- 8- 24. China. 1925. Cuba. 31- 10- 24. Denmark. 12- 4- 24. Lithuania. Netherlands. 4- 11- 24. New Zealand. 1925. * U.S.S.R. 1937. Venezuela. 10- 4- 24.	Haiti. Luxemburg. Nicaragua. Spain. Turkey. Uruguay.	Afghanistan. United States of America. Argentina. Bolivia. Colombia. Dominican Republic. Ecuador. Egypt. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Latvia. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador.

(1) The Prime Minister of Australia has communicated to the Secretary-General of the League of Nations information supplied by the States of the Commonwealth on the subject of measures giving effect to the 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 (Closing date, 5 July 1924).

## Recommendation.

## 21. Utilisation of Spare Time.

\* = Information received since last Report.

(a)		(b)		(c)		(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).		States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.		States which have supplied other official information.		States which have supplied no official information.
Albania.	13- 1- 32.	Austria.	1930.	Argentina.		Afghanistan.
Australia <sup>(1)</sup> .		Brazil.	4- 3- 32.	Chile.		United States of
Belgium.	5- 11- 26.	Bulgaria.	1928.	China.		America.
Canada.	17- 3- 26.	Cuba.	3- 11- 25.	Haiti.		Bolivia.
Czechoslovakia.	6- 3- 30.	Denmark.	23- 2- 25.	Luxemburg.		Colombia.
Estonia.	10- 2- 32.	Lithuania.		Rumania.		Dominican
Finland.	5- 8- 26.	Netherlands.	4- 5- 25.	Turkey.		Republic.
France.	5- 1- 27.	New Zealand.	24- 7- 30.	Uruguay.		Ecuador.
Germany <sup>(2)</sup> .	6- 1- 27.	Rumania.	27- 2- 29.	Yugoslavia.		Egypt.
Great Britain.	27- 7- 25.	* U.S.S.R.	1937.			Ethiopia.
Hungary.	6- 6- 32.	Venezuela.	1925.			Greece.
India.	2- 12- 24.					Guatemala.
Irish Free State.	20- 11- 25.					Honduras.
Italy.	16- 1- 26.					Iran.
Japan.	8- 3- 26.					Iraq.
Norway.	17- 9- 25.					Latvia.
Poland.	1- 3- 26.					Liberia.
Siam.	4- 3- 25.					Mexico.
South Africa.	2- 6- 25.					Panama.
Spain.	28- 7- 25.					Paraguay.
Sweden.	20- 10- 25.					Peru.
Switzerland.	26- 8- 25.					Portugal.
						Salvador.

## SEVENTH SESSION (Closing date, 10 June 1925).

## Recommendations.

## 22. Workmen's Compensation (Minimum Scale).

\* = Information received since last Report

Albania.	13- 1- 32.	Austria.	8- 5- 36.	Czechoslovakia.	Afghanistan.
Australia.	Sept. 1926.	Brazil.	4- 3- 32.	Greece.	United States of
Belgium.	10- 12- 25.	Canada.	31- 3- 27.	Haiti.	America.
Bulgaria.	27- 1- 30.	Cuba.	1927.	Latvia.	Argentina.
Estonia.	10- 2- 32.	Denmark.	30- 1- 26.	Rumania.	Bolivia.
Finland.	23- 3- 32.	Hungary.	18- 10- 27.	Turkey.	Chile.
France.	8- 12- 26.	Italy.	15- 12- 26.	Uruguay.	China.
Great Britain.	4- 10- 26.	Lithuania.		Venezuela.	Colombia.
India.	9- 9- 26.	New Zealand.	1927.		Dominican
Irish Free State.	25- 6- 26.	Portugal.	1926.		Republic.
Japan.	31- 12- 26.	Rumania.	27- 2- 29.		Ecuador.
Luxemburg.	20- 2- 26.	* U.S.S.R.	1937.		Egypt.
Netherlands.	12- 2- 27.	South Africa.	1925.		Ethiopia.
Norway.	1- 12- 26.				Guatemala.
Poland.	15- 2- 27.				Honduras.
Siam.	15- 3- 27.				Iran.
Sweden.	8- 9- 26.				Iraq.
Switzerland.	11- 5- 33.				Liberia.
Yugoslavia.	17- 8- 32.				Mexico.
					Panama.
					Paraguay.
					Peru.
					Salvador.
					Spain.

<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, 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.

<sup>(2)</sup> See note (2) on page 30.

SEVENTH SESSION (Closing date, 10 June 1925) (*contd.*).

## Recommendations.

**23. Workmen's Compensation (Jurisdiction).**

\* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
<b>Albania.</b> 13- 1- 32. <b>Australia.</b> Sept. 1926. <b>Belgium.</b> 10- 12- 25. <b>Bulgaria.</b> 27- 1- 30. <b>Estonia.</b> 10- 2- 32. <b>Finland.</b> 12- 9- 27. <b>France.</b> 8- 12- 26. <b>Germany<sup>(1)</sup>.</b> 31- 8- 28. <b>Great Britain.</b> 4- 10- 26. <b>India.</b> 9- 9- 26. <b>Irish Free State.</b> 25- 6- 26. <b>Japan.</b> 31- 12- 26. <b>Luxemburg.</b> 20- 2- 26. <b>Netherlands.</b> 12- 2- 27. <b>Norway.</b> 1- 12- 26. <b>Poland.</b> 15- 2- 27. <b>Siam.</b> 15- 3- 27. <b>Sweden.</b> 8- 9- 26. <b>Switzerland.</b> 11- 5- 33. <b>Yugoslavia.</b> 17- 8- 32.	<b>Austria.</b> 8- 5- 36. <b>Brazil.</b> 4- 3- 32. <b>Canada.</b> 31- 3- 27. <b>Cuba.</b> 1927. <b>Denmark.</b> 30- 1- 26. <b>Hungary.</b> 18- 10- 27. <b>Italy.</b> 15- 12- 26. <b>Lithuania.</b> 1927. <b>New Zealand.</b> 1926. <b>Portugal.</b> 1926. <b>Rumania.</b> 27- 2- 29. <b>South Africa.</b> 1925. <b>* U.S.S.R.</b> 1937.	<b>Czechoslovakia.</b> <b>Greece.</b> <b>Haiti.</b> <b>Latvia.</b> <b>Nicaragua.</b> <b>Turkey.</b> <b>Uruguay.</b> <b>Venezuela.</b>	<b>Afghanistan.</b> <b>United States of America.</b> <b>Argentina.</b> <b>Bolivia.</b> <b>Chile.</b> <b>China.</b> <b>Colombia.</b> <b>Dominican Republic.</b> <b>Ecuador.</b> <b>Egypt.</b> <b>Ethiopia.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Liberia.</b> <b>Mexico.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Salvador.</b> <b>Spain.</b>

**24. Workmen's Compensation (Occupational Diseases).**

<b>Albania.</b> 13- 1- 32. <b>Australia.</b> Sept. 1926. <b>Austria.</b> 13- 2- 30. <b>Belgium.</b> 10- 12- 25. <b>Bulgaria.</b> 27- 1- 30. <b>Czechoslovakia.</b> 10- 1- 33. <b>Estonia.</b> 10- 2- 32. <b>Finland.</b> 12- 9- 27. <b>France.</b> 8- 12- 26. <b>Germany<sup>(1)</sup>.</b> 31- 8- 28. <b>Great Britain.</b> 4- 10- 26. <b>Hungary.</b> 19- 1- 32. <b>India.</b> 9- 9- 26. <b>Irish Free State.</b> 25- 6- 26 ; 24- 11- 27. <b>Japan.</b> 31- 12- 26. <b>Luxemburg.</b> 20- 2- 26. <b>Netherlands.</b> 12- 2- 27. <b>Norway.</b> 1- 12- 26. <b>Poland.</b> 15- 2- 27. <b>Siam.</b> 15- 3- 27. <b>Sweden.</b> 8- 9- 26. <b>Switzerland.</b> 11- 5- 33. <b>Yugoslavia.</b> 17- 8- 32.	<b>Brazil.</b> 4- 3- 32. <b>Canada.</b> 31- 3- 27. <b>Cuba.</b> 1927. <b>Denmark.</b> 30- 1- 26. <b>Italy.</b> 15- 12- 26. <b>Lithuania.</b> 1927. <b>New Zealand.</b> 1926. <b>Portugal.</b> 1926. <b>Rumania.</b> 27- 2- 29. <b>South Africa</b> 1925. <b>* U.S.S.R.</b> 1937.	<b>Greece.</b> <b>Haiti.</b> <b>Latvia.</b> <b>Nicaragua.</b> <b>Turkey.</b> <b>Uruguay.</b> <b>Venezuela.</b>	<b>Afghanistan.</b> <b>United States of America.</b> <b>Argentina.</b> <b>Bolivia.</b> <b>Chile.</b> <b>China.</b> <b>Colombia.</b> <b>Dominican Republic.</b> <b>Ecuador.</b> <b>Egypt.</b> <b>Ethiopia.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Liberia.</b> <b>Mexico.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Salvador.</b> <b>Spain.</b>
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<sup>(1)</sup> See note (2) on page 30.

SEVENTH SESSION (Closing date, 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.
<b>Albania.</b> 13- 1- 32. <b>Australia.</b> Sept. 1926. <b>Austria.</b> 13- 2- 30. <b>Belgium.</b> 10- 12- 25. <b>Bulgaria.</b> 27- 1- 30. <b>Czechoslovakia.</b> 2- 6- 28. <b>Estonia.</b> 10- 2- 32. <b>Finland.</b> 12- 9- 27. <b>France.</b> 8- 12- 26. <b>Germany (¹).</b> 31- 8- 28. <b>Great Britain.</b> 4- 10- 26. <b>India.</b> 9- 9- 26. <b>Irish Free State.</b> 25- 6- 26. <b>Japan.</b> 31- 12- 26. <b>Luxemburg.</b> 20- 2- 26. <b>Netherlands.</b> 12- 2- 27. <b>Norway.</b> 1- 12- 26. <b>Poland.</b> 15- 2- 27. <b>Siam.</b> 15- 3- 27. <b>Sweden.</b> 8- 9- 26. <b>Switzerland.</b> 11- 5- 33. <b>Yugoslavia.</b> 17- 8- 32.	<b>Brazil.</b> 4- 3- 32. <b>Canada.</b> 31- 3- 27. <b>Cuba.</b> 1927. <b>Denmark.</b> 30- 1- 26. <b>Hungary.</b> 18- 10- 27. <b>Italy.</b> 15- 12- 26. <b>Lithuania.</b> <b>New Zealand.</b> 1927. <b>Portugal.</b> 1926. <b>Rumania.</b> 27- 2- 29. <b>South Africa.</b> 1925. <b>* U.S.S.R.</b> 1937.	<b>Greece.</b> <b>Haiti.</b> <b>Latvia.</b> <b>Nicaragua.</b> <b>Turkey.</b> <b>Uruguay.</b> <b>Venezuela.</b>	<b>Afghanistan.</b> <b>United States of America.</b> <b>Argentina.</b> <b>Bolivia.</b> <b>Chile.</b> <b>China.</b> <b>Colombia.</b> <b>Dominican Republic.</b> <b>Ecuador.</b> <b>Egypt.</b> <b>Ethiopia.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Liberia.</b> <b>Mexico.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Salvador.</b> <b>Spain.</b>

## EIGHTH SESSION (Closing date, 5 June 1926).

## Recommendation.

**26. Migration (Protection of Females at Sea).**

\* = Information received since last Report.

<b>Albania.</b> 13- 1- 32. <b>Austria.</b> 26- 4- 33. <b>Belgium.</b> 11- 2- 28. <b>Czechoslovakia.</b> 24- 5- 28. <b>Estonia.</b> 10- 2- 32. <b>Finland.</b> 23- 3- 32. <b>Great Britain.</b> 14- 9- 27. <b>Hungary.</b> 15- 4- 31. <b>India.</b> 12- 1- 28. <b>Irish Free State.</b> 8- 8- 27. <b>Japan.</b> 24- 1- 28. <b>Netherlands.</b> 4- 8- 27. <b>Norway.</b> 28- 7- 27. <b>Poland.</b> 4- 1- 30. <b>Rumania.</b> 29- 5- 29. <b>Siam.</b> 15- 3- 27. <b>Sweden.</b> 19- 4- 27. <b>Switzerland.</b> 11- 5- 33.	<b>Australia.</b> 2- 3- 27. <b>Brazil.</b> 4- 3- 32. <b>Canada.</b> 20- 2- 28. <b>China.</b> 1927. <b>Cuba.</b> 1927. <b>Denmark.</b> 8- 10- 26. <b>France.</b> 1- 2- 29. <b>Italy.</b> 1929. <b>Lithuania.</b> <b>Luxemburg.</b> <b>New Zealand.</b> 5- 12- 27. <b>South Africa.</b> 31- 1- 27. <b>* U.S.S.R.</b> 1937. <b>Venezuela.</b> 1927. <b>Yugoslavia.</b> Aug. 1930.	<b>Argentina.</b> <b>Haiti.</b> <b>Nicaragua.</b> <b>Turkey.</b>	<b>Afghanistan.</b> <b>United States of America.</b> <b>Bolivia.</b> <b>Bulgaria.</b> <b>Chile.</b> <b>Colombia.</b> <b>Dominican Republic.</b> <b>Ecuador.</b> <b>Egypt.</b> <b>Ethiopia.</b> <b>Greece.</b> <b>Guatemala.</b> <b>Honduras.</b> <b>Iran.</b> <b>Iraq.</b> <b>Latvia.</b> <b>Liberia.</b> <b>Mexico.</b> <b>Panama.</b> <b>Paraguay.</b> <b>Peru.</b> <b>Portugal.</b> <b>Salvador.</b> <b>Spain.</b> <b>Uruguay.</b>
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(¹) See note (2) on page 30.

## NINTH SESSION (Closing date, 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.		Afghanistan.
Belgium.	29- 2- 32.	Austria <sup>(2)</sup> .	1927.	Czechoslovakia.		United States of America.
Estonia.	9- 7- 28.	Brazil.	4- 3- 32.	Haiti.		Bolivia.
Finland.	23- 3- 32.	Bulgaria.	18- 3- 32.	Italy.		Chile.
France.	5- 12- 27.	Canada.	20- 2- 28.	Nicaragua.		Colombia.
Germany <sup>(1)</sup> .	23- 4- 30.	China.	1927.	Turkey.		Dominican Republic.
Great Britain.	11- 6- 29.	Cuba.	1927.	Yugoslavia.		Ecuador.
Hungary.	6- 6- 32.	Denmark.	8- 10- 26.			Egypt.
India.	10- 11- 27.	Lithuania.				Ethiopia.
Irish Free State.	8- 8- 27.	Luxemburg.				Greece.
Japan.	24- 1- 28.	New Zealand.	5- 12- 27.			Guatemala.
Netherlands.	7- 11- 27.	Rumania.	27- 2- 29.			Honduras.
Norway.	28- 7- 27.	South Africa.	31- 1- 27.			Iran.
Poland.	9- 5- 32.	* U.S.S.R.	1937.			Iraq.
Siam.	15- 3- 27.	Venezuela.	1927.			Latvia.
Sweden.	13- 7- 27.					Liberia.
Switzerland.	11- 5- 33.					Mexico.
						Panama.
						Paraguay.
						Peru.
						Portugal.
						Salvador.
						Spain.
						Uruguay.

**28. Labour Inspection (Seamen).**

Albania.	13- 1- 32.	Australia.	2- 3- 27.	Argentina.		Afghanistan.
Estonia.	10- 2- 32.	Austria <sup>(2)</sup> .	1927.	Belgium.		United States of America.
Finland.	23- 3- 32.	Brazil.	4- 3- 32.	Czechoslovakia.		Bolivia.
France.	5- 12- 27.	Bulgaria.	18- 3- 32.	Haiti.		Chile.
Germany <sup>(1)</sup> .	10- 9- 30.	Canada.	20- 2- 28.	Nicaragua.		Colombia.
Great Britain.	11- 6- 29.	China.	1927.	Turkey.		Dominican Republic.
Hungary.	6- 6- 32.	Cuba.	1927.			Ecuador.
India.	10- 11- 27; 13- 5- 31.	Denmark.	8- 10- 26.			Egypt.
Irish Free State.	8- 8- 27.	Italy.	1929.			Ethiopia.
Japan.	24- 1- 28.	Lithuania.				Greece.
Netherlands.	7- 11- 27.	Luxemburg.				Guatemala.
Norway.	28- 7- 27.	New Zealand.	5- 12- 27.			Honduras.
Poland.	9- 5- 32.	Rumania.	27- 2- 29.			Iran.
Siam.	15- 3- 27.	South Africa.	31- 1- 27.			Iraq.
Sweden.	13- 7- 27.	* U.S.S.R.	1937.			Latvia.
Switzerland.	11- 5- 33.	Venezuela.	1927.			Liberia.
Yugoslavia.	17- 8- 32.					Mexico.
						Panama.
						Paraguay.
						Peru.
						Portugal.
						Salvador.
						Spain.
						Uruguay.

<sup>(1)</sup> See note (2) on page 30.<sup>(2)</sup> Proposal lapsed.

## TENTH SESSION (Closing date, 16 June 1927).

## Recommendation.

## 29. Sickness Insurance.

\* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
Albania. 13- 1- 32. Czechoslovakia. 13- 7- 29. Estonia. 10- 2- 32. Finland. 23- 3- 32. France. 26- 3- 34. Great Britain. 18- 2- 31. India. 6- 7- 28. Irish Free State. 18- 5- 28. Japan. 26- 11- 28. Norway. 16- 3- 28. Poland. 8- 6- 29. Rumania. 29- 5- 29. Siam. 28- 4- 28. Sweden. 28- 6- 28. Switzerland. 11- 5- 33. Yugoslavia. 17- 8- 32.	Australia. 5- 12- 27. Austria <sup>(1)</sup> . 1928. Brazil. 4- 3- 32. Canada. 14- 4- 31. Cuba. 19- 12- 27. Denmark. 12- 11- 27. Hungary. 19- 2- 29. Lithuania. 1928. Luxemburg. Netherlands. 29- 6- 28. New Zealand. 5- 12- 27. South Africa. 1927. * U.S.S.R. 1937.	Argentina. Belgium. Colombia. Haiti. Italy. Nicaragua. Salvador. Turkey. Venezuela.	Afghanistan. United States of America. Bolivia. Bulgaria. Chile. China. Dominican Republic. Ecuador. Egypt. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Latvia. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Spain. Uruguay.

## ELEVENTH SESSION (Closing date, 16 June 1928).

## Recommendation.

## 30. Minimum Wage-Fixing Machinery.

\* = Information received since last Report.

Albania. 13- 1- 32. Australia. 15- 11- 29. Estonia. 10- 2- 32. Finland. 23- 3- 32. France. 19- 10- 32. Germany <sup>(2)</sup> . 10- 6- 29. Great Britain. 12- 6- 29. Hungary. 6- 6- 32. India. 26- 11- 29. Irish Free State. 23- 4- 29. Japan. 21- 12- 29. Lithuania. 26- 1- 29. Netherlands. 14- 1- 30. Siam. 17- 6- 29. Sweden. 13- 12- 29. Switzerland. 11- 5- 33.	Austria <sup>(1)</sup> . Brazil. Bulgaria. Canada. Cuba. Czechoslovakia. Denmark. Italy. Luxemburg. New Zealand. Norway. Rumania. South Africa. * U.S.S.R. Yugoslavia.	June 1929. 4- 3- 32. 18- 3- 32. 14- 4- 31. 20- 10- 29. 28- 11- 29. 18- 11- 28. 1929. 12- 12- 29. 11- 11- 29. 1929. 27- 2- 29. 28- 1- 29. 1937. 22- 12- 29.	Belgium. Colombia. Haiti. Latvia. Nicaragua. Poland. Turkey. Venezuela.	Afghanistan. United States of America. Argentina. Bolivia. Chile. China. Dominican Republic. Ecuador. Egypt. Ethiopia. Greece. Guatemala. Honduras. Iran. Iraq. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Spain. Uruguay.
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<sup>(1)</sup> Proposal lapsed.<sup>(2)</sup> See note (2) on page 30



## TWELFTH SESSION (Closing date, 21 June 1929).

## Recommendations.

## 31. Prevention of Industrial Accidents.

\* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
Albania. 13- 1- 32. Australia (1). 11- 8- 33. Belgium. 16- 6- 30. Colombia. 25- 11- 29. Estonia. 10- 2- 32. Finland. 23- 3- 32. France. 1- 4- 33. * Great Britain. 14- 4- 36. Guatemala. 22- 12- 30. Hungary. 6- 6- 32. India. 5- 12- 30 ; 11- 11- 31. Irish Free State. 16- 1- 31. Japan. 19- 1- 31. Netherlands. 1- 11- 30. Poland. 24- 12- 30 ; 5- 1- 31. * Rumania. 9- 4- 36. Sweden. 18- 3- 32. Switzerland. 11- 5- 33. Uruguay. 15- 3- 30.	Austria (2). 1930. Brazil. 4- 3- 32. Canada. 14- 4- 31. Cuba. 15- 4- 30. Czechoslovakia. 13- 11- 30. Denmark. 12- 2- 30. Italy. 1- 4- 31. Lithuania. 1929. New Zealand. 16- 7- 30. Norway. 31- 1- 30. Siam. 1931. South Africa. 29- 10- 29. * U.S.S.R. 1937. Yugoslavia. 3- 1- 31.	Haiti. Latvia. Luxemburg. Nicaragua. Turkey. Venezuela.	Afghanistan. United States of America. Argentina. Bolivia. Bulgaria. Chile. China. Dominican Republic. Ecuador. Egypt. Ethiopia. Greece. Honduras. Iran. Iraq. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Spain.

## 32. Power-Driven Machinery.

Albania. 13- 1- 32. Australia (3). 11- 8- 33. Colombia. 25- 11- 29. Estonia. 10- 2- 32. Finland. 23- 3- 32. France. 1- 4- 33. * Great Britain. 14- 4- 36. Guatemala. 22- 12- 30. Hungary. 6- 6- 32. India. 5- 12- 30. Irish Free State. 16- 1- 31. Japan. 19- 1- 31. Netherlands. 1- 11- 30. Poland. 9- 5- 32. Sweden. 18- 3- 32. Switzerland. 11- 5- 33. Uruguay. 15- 3- 30.	Austria (2). 1930. Brazil. 4- 3- 32. Canada. 14- 4- 31. Cuba. 15- 4- 30. Czechoslovakia. 13- 11- 30. Denmark. 12- 2- 30. Italy. 1- 4- 31. Lithuania. 1929. New Zealand. 16- 7- 30. Norway. 31- 1- 30. Rumania. 11- 4- 35. Siam. 1931. South Africa. 29- 10- 29. * U.S.S.R. 1937. Yugoslavia. 3- 1- 31.	Haiti. Latvia. Luxemburg. Nicaragua. Turkey. Venezuela.	Afghanistan. United States of America. Argentina. Belgium. Bolivia. Bulgaria. Chile. China. Dominican Republic. Ecuador. Egypt. Ethiopia. Greece. Honduras. Iran. Iraq. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Spain.
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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 (Closing date, 21 June 1929) (*contd.*).

## Recommendations.

**33. Protection against Accidents (Dockers) Reciprocity.**

\* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
Albania. 13- 1- 32. Belgium. 16- 6- 30. Colombia. 25- 11- 29. Estonia. 10- 2- 32. Finland. 23- 3- 32. France. 1- 4- 33. Guatemala. 22- 12- 30. Hungary. 6- 6- 32. India. 5- 12- 30. Irish Free State. 16- 1- 31. Japan. 19- 1- 31. Netherlands. 1- 11- 30. Sweden. 18- 3- 32. Switzerland. 11- 5- 33. Uruguay. 15- 3- 30.	Australia. 21- 3- 30. Austria <sup>(1)</sup> . 1930. Brazil. 4- 3- 32. Canada. 14- 4- 31. Cuba. 15- 4- 30. Czechoslovakia. 13- 11- 30. Denmark. 12- 2- 30. Great Britain. 1929. Italy. 1- 4- 31. Lithuania. 1929. Luxemburg. New Zealand. 16- 7- 30. Norway. 31- 1- 30. Rumania. 11- 4- 35. Siam. 1931. South Africa. 6- 12- 29. * U.S.S.R. 1937. Yugoslavia. 3- 1- 31.	Haiti. Latvia. Nicaragua. Poland. Turkey. Venezuela.	Afghanistan. United States of America. Argentina. Bolivia. Bulgaria. Chile. China. Dominican Republic. Ecuador. Egypt. Ethiopia. Greece. Honduras. Iran. Iraq. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Spain.

**34. Protection against Accidents (Dockers) Consultation of Organisations.**

Albania. 13- 1- 32. Australia <sup>(2)</sup> . 11- 8- 33. Belgium. 16- 6- 30. Colombia. 25- 11- 29. Estonia. 10- 2- 32. Finland. 23- 3- 32. France. 1- 4- 33. Guatemala. 22- 12- 30. Hungary. 6- 6- 32. India. 5- 12- 30. Irish Free State. 16- 1- 31. Japan. 19- 1- 31. Netherlands. 1- 11- 30. Sweden. 18- 3- 32. Switzerland. 11- 5- 33. Uruguay. 15- 3- 30.	Austria <sup>(1)</sup> . 1930. Brazil. 4- 3- 32. Canada. 14- 4- 31. Cuba. 15- 4- 30. Czechoslovakia. 13- 11- 30. Denmark. 12- 2- 30. Great Britain. 1929. Italy. 1- 4- 31. Lithuania. 1929. Luxemburg. New Zealand. 16- 7- 30. Norway. 31- 1- 30. Rumania. 11- 4- 35. Siam. 1931. South Africa. 6- 12- 29. * U.S.S.R. 1937. Yugoslavia. 3- 1- 31.	Haiti. Latvia. Nicaragua. Poland. Turkey. Venezuela.	Afghanistan. United States of America. Argentina. Bolivia. Bulgaria. Chile. China. Dominican Republic. Ecuador. Egypt. Ethiopia. Greece. Honduras. Iran. Iraq. Liberia. Mexico. Panama. Paraguay. Peru. Portugal. Salvador. Spain.
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<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 (Closing date, 28 June 1930).

## Recommendations.

**35. Forced Labour (Indirect Compulsion).**

\* = Information received since last Report.

(a)		(b)		(c)		(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).		States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.		States which have supplied other official information.		States which have supplied no official information.
Albania.	13- 1- 32.	Austria.	1931.	Latvia.		Afghanistan.
Australia.	27- 11- 31.	Brazil.	4- 3- 32.	Nicaragua.		United States of America.
Bulgaria.	20- 9- 32.	Canada.	14- 4- 31.	Poland.		Argentina.
Estonia.	10- 2- 32.	Cuba.	23- 2- 31.	Turkey.		Belgium.
Finland.	23- 3- 32.	Denmark.	30- 1- 31.			Bolivia.
France.	11- 2- 33.	Hungary.	1932.			Chile.
Great Britain.	1- 6- 31.	Italy.	1- 4- 31.			China.
India.	15- 2- 32.	New Zealand.	22- 7- 31.			Colombia.
Irish Free State.	12- 1- 31.	Norway.	13- 2- 31.			Czechoslovakia.
Japan.	29- 1- 32.	Rumania.	11- 4- 35.			Dominican Republic.
Lithuania.	12- 9- 30.	South Africa.	14- 4- 31.			Ecuador.
Netherlands.	14- 3- 32.	* U.S.S.R.	1937.			Egypt.
Siam.	27- 11- 31.	Yugoslavia.	23- 12- 31.			Ethiopia.
Sweden.	9- 6- 31.					Greece.
Switzerland.	11- 5- 33.					Guatemala.
Uruguay.	11- 3- 31.					Haiti.
						Honduras.
						Iran.
						Iraq.
						Liberia.
						Luxemburg.
						Mexico.
						Panama.
						Paraguay.
						Peru.
						Portugal.
						Salvador.
						Spain.
						Venezuela.

**36. Forced Labour (Regulation).**

Albania.	13- 1- 32.	Austria.	1931.	Latvia.		Afghanistan.
Australia.	27- 11- 31.	Brazil.	4- 3- 32.	Nicaragua.		United States of America.
Bulgaria.	20- 9- 32.	Canada.	14- 4- 31.	Poland.		Argentina.
Estonia.	10- 2- 32.	Cuba.	23- 2- 31.	Turkey.		Belgium.
Finland.	23- 3- 32.	Denmark.	30- 1- 31.			Bolivia.
France.	11- 2- 33.	Hungary.	1932.			Chile.
Great Britain.	1- 6- 31.	Italy.	1- 4- 31.			China.
India.	15- 2- 32.	New Zealand.	22- 7- 31.			Colombia.
Irish Free State.	12- 1- 31.	Norway.	13- 2- 31.			Czechoslovakia.
Japan.	29- 1- 32.	Rumania.	11- 4- 35.			Dominican Republic.
Lithuania.	12- 9- 30.	South Africa.	14- 4- 31.			Ecuador.
Netherlands.	14- 3- 32.	* U.S.S.R.	1937.			Egypt.
Siam.	27- 11- 31.	Yugoslavia.	23- 12- 31.			Ethiopia.
Sweden.	9- 6- 31.					Greece.
Switzerland.	11- 5- 33.					Guatemala.
Uruguay.	11- 3- 31.					Haiti.
						Honduras.
						Iran.
						Iraq.
						Liberia.
						Luxemburg.
						Mexico.
						Panama.
						Paraguay.
						Peru.
						Portugal.
						Salvador.
						Spain.
						Venezuela.

FOURTEENTH SESSION (Closing date, 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.
<b>Albania.</b> 13- 1- 32. <b>Australia</b> <sup>(1)</sup> . 11- 8- 33. <b>Austria.</b> 26- 3- 32. <b>Belgium.</b> 28- 1- 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 ; 10- 11- 31. <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>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>* U.S.S.R.</b> 1937. <b>Yugoslavia.</b> 23- 12- 31.	<b>Argentina.</b> <b>Latvia.</b> <b>Nicaragua.</b> <b>Poland.</b> <b>Turkey.</b>	<b>Afghanistan.</b> <b>United States of America.</b> <b>Bolivia.</b> <b>Chile.</b> <b>China.</b> <b>Colombia.</b> <b>Czechoslovakia.</b> <b>Dominican Republic.</b> <b>Ecuador.</b> <b>Egypt.</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>

## 38. Hours of Work (Theatres, etc.).

<b>Albania.</b> 13- 1- 32. <b>Australia</b> <sup>(1)</sup> . 11- 8- 33. <b>Austria.</b> 26- 3- 32. <b>Belgium.</b> 18- 2- 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 ; 10- 11- 31. <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>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>* U.S.S.R.</b> 1937. <b>Yugoslavia.</b> 23- 12- 31.	<b>Latvia.</b> <b>Nicaragua.</b> <b>Poland.</b> <b>Turkey.</b>	<b>Afghanistan.</b> <b>United States of America.</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>Egypt.</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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<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 (Closing date, 28 June 1930). (*contd.*).

## Recommendations.

**39. Hours of Work (Hospitals, etc.).**

\* = Information received since last Report.

(a)		(b)		(c)		(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).		States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.		States which have supplied other official information.		States which have supplied no official information.
Albania.	13- 1- 32.	Brazil.	4- 3- 32.	Belgium.		Afghanistan.
Australia ( <sup>1</sup> ).	11- 8- 33.	Canada.	14- 4- 31.	Latvia.		United States of America.
Austria.	26- 3- 32.	Cuba.	23- 2- 31.	Nicaragua.		Argentina.
Bulgaria.	20- 9- 32.	Denmark.	30- 1- 31.	Poland.		Bolivia.
Estonia.	10- 2- 32.	Finland.	April 1934.	Turkey.		Chile.
France.	19- 10- 32.	Hungary.	1932.			China.
Great Britain.	13- 7- 31.	Italy.	1- 4- 31.			Colombia.
India.	7- 5- 31 ; 10- 11- 31.	New Zealand.	22- 7- 31.			Czechoslovakia.
Irish Free State.	12- 1- 31.	Norway.	13- 2- 31.			Dominican Republic.
Japan.	29- 1- 32.	Rumania.	11- 4- 35.			Ecuador.
Lithuania.	12- 9- 30.	South Africa.	2- 10- 30.			Egypt.
Netherlands.	14- 3- 32.	* U.S.S.R.	1937.			Ethiopia.
Siam.	27- 11- 31.	Yugoslavia.	23- 12- 31.			Greece.
Sweden.	9- 6- 31.					Guatemala.
Switzerland.	11- 5- 33.					Haiti.
Uruguay.	11- 3- 31.					Honduras.
						Iran.
						Iraq.
						Liberia.
						Luxemburg.
						Mexico.
						Panama.
						Paraguay.
						Peru.
						Portugal.
						Salvador.
						Spain.
						Venezuela.

## SIXTEENTH SESSION (Closing date, 30 April 1932).

## Recommendations.

**40. Protection against Accidents (Dockers) Reciprocity.**

\* = Information received since last Report.

Australia ( <sup>2</sup> ).	15- 12- 33.	Albania.	1932.	Colombia.		Afghanistan.
Belgium.	11- 2- 33.	Brazil.	17- 6- 32.	Guatemala.		United States of America.
Chile.	25- 3- 35.	Canada.	12- 5- 33.	Latvia.		Argentina.
Great Britain.	8- 1- 35.	China.	1933.	Luxemburg.		Austria.
Irish Free State.	31- 10- 32.	Cuba.	1935.	Mexico.		Bolivia.
Japan.	25- 11- 33.	Denmark.	8- 10- 32.	Panama.		Bulgaria.
Lithuania.	9- 11- 32.	Estonia.	26- 10- 33.	Poland.		Czechoslovakia.
New Zealand.	31- 10- 32.	Finland.	April 1934.	Turkey.		Dominican Republic.
Sweden.	4- 5- 33.	France.	8- 3- 34.	Uruguay.		Ecuador.
		Hungary.	Feb. 1936.			Egypt.
		Italy.	4- 6- 32.			Ethiopia.
		Netherlands.	14- 10- 33.			Greece.
		Rumania.	11- 4- 35.			Haiti.
		Siam.	1933.			Honduras.
		South Africa.	7- 12- 32.			India.
		Switzerland.	25- 4- 33.			Iran.
		* U.S.S.R.	1937.			Iraq.
		Yugoslavia.	16- 1- 34.			Liberia.
						Nicaragua.
						Norway.
						Paraguay.
						Peru.
						Portugal.
						Salvador.
						Spain.
						Venezuela.

(<sup>1</sup>) See note (1) on preceding page.(<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 Victoria on the subject of measures giving effect to the Recommendation.

SIXTEENTH SESSION (Closing date, 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. * Rumania. 9- 4- 36. Sweden. 4- 5- 33. * Switzerland. 23- 12- 36.	Albania. 1932. Brazil. 17- 6- 32. Canada. 12- 5- 33. China. 1933. Cuba. 1935. Denmark. 8- 10- 32. Estonia. 26- 10- 33. Finland. April 1934. France. 8- 3- 34. Hungary. Feb. 1936. Italy. 1933. Siam. 1933. South Africa. 24- 1- 33. * U.S.S.R. 1937. Yugoslavia. 16- 1- 34.	Colombia. Guatemala. Latvia. Luxemburg. Mexico. Panama. Poland. Turkey. Uruguay.	Afghanistan. United States of America. Argentina. Bolivia. Bulgaria. Chile. Czechoslovakia. Dominican Republic. Ecuador. Egypt. Ethiopia. Greece. Haiti. Honduras. Iran. Iraq. Liberia. Nicaragua. Norway. Paraguay. Peru. Portugal. Salvador. Spain. Venezuela.

## SEVENTEENTH SESSION (Closing date, 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. * Rumanja. 9- 4- 36. Siam. 19- 2- 34. Sweden. 21- 7- 34. * Switzerland. 23- 12- 36.	Albania. Oct. 1933. Austria. 16- 12- 34. Brazil. 1934. Canada. 24- 2- 36. Cuba. 1935. Denmark. 5- 4- 34. Estonia. 13- 10- 34. Finland. April 1934. Italy. Oct. 1933. Latvia. 22- 12- 34. Netherlands. 19- 4- 34. Norway. 16- 3- 34. South Africa. 12- 2- 34. * U.S.S.R. 1937. * Yugoslavia. 31- 12- 36.	China. Colombia. Hungary. Poland. Spain. Turkey. Venezuela.	Afghanistan. United States of America. Argentina. Belgium. Bolivia. Bulgaria. Czechoslovakia. Dominican Rep. Ecuador. Egypt. 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 (Closing date, 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.		Afghanistan.
Chile.	25- 3- 35.	Austria.	6- 12- 34.	Colombia.		United States of America.
* Great Britain.	23- 6- 36.	Brazil.	1934.	* Greece.		Argentina.
India.	18- 1- 34.	Canada.	24- 2- 36.	Poland.		Belgium.
Irish Free State.	14- 4- 34.	Cuba.	1935.	Spain.		Bolivia.
Japan.	25- 1- 35.	Denmark.	5- 4- 34.	Turkey.		Bulgaria.
Lithuania.	13- 9- 33.	Estonia.	10- 4- 35.	Venezuela.		Czechoslovakia.
New Zealand.	27- 10- 33.	Finland.	April 1934.			Dominican Rep.
Siam.	19- 2- 34.	France.	8- 3- 34.			Ecuador.
Sweden.	21- 7- 34.	Hungary.	13- 12- 34.			Egypt.
* Switzerland.	23- 12- 36.	Italy.	Oct. 1933.			Ethiopia.
		Latvia.	22- 12- 34.			Guatemala.
		Netherlands.	19- 4- 34.			Haiti.
		Norway.	16- 3- 34.			Honduras.
		Rumania.	11- 4- 35.			Iran.
		South Africa.	12- 2- 34.			Iraq.
		* U.S.S.R.	1937.			Liberia.
		* Yugoslavia.	31- 12- 36.			Luxemburg.
						Mexico.
						Nicaragua.
						Panama.
						Paraguay.
						Peru.
						Portugal.
						Salvador.
						Uruguay.

## EIGHTEENTH SESSION (Closing date, 23 June 1934).

## Recommendation.

**44. Unemployment Provision.**

\* = Information received since last Report.

Australia <sup>(2)</sup> .	14- 12- 34.	Canada.	24- 2- 36.	Belgium.	Afghanistan.
Austria.	5- 2- 36.	China.	1935.	Brazil.	Albania.
* Great Britain.	25- 4- 36.	Cuba.	1935.	Colombia.	United States of America.
India.	25- 5- 35.	Denmark.	4- 4- 35.	Dominican Republic.	Argentina.
Irish Free State.	23- 5- 35.	Estonia.	8- 11- 35.	Iraq.	Bolivia.
Japan.	7- 1- 36.	* Finland.	2- 10- 36.	Poland.	Bulgaria.
Siam.	15- 1- 36.	* France.	13- 8- 36.	Spain.	Chile.
Sweden.	21- 5- 35.	Hungary.	13- 12- 35.	Turkey.	Czechoslovakia.
* Switzerland.	23- 12- 36.	Latvia.	23- 12- 35.	Venezuela.	Ecuador.
		Lithuania.	1935.		Egypt.
		* Netherlands.	27- 4- 36.		Ethiopia.
		New Zealand.	5- 11- 34.		Greece.
		Portugal.	6- 2- 35.		Guatemala.
		Rumania.	11- 4- 35.		Haiti.
		South Africa. <sup>(3)</sup>	11- 12- 34.		Honduras.
		* U.S.S.R.	1937.		Iran.
		* Yugoslavia.	31- 12- 36.		Italy.
					Liberia.
					Luxemburg.
					Mexico.
					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, Queensland, 17-9-36; 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 (Closing date, 25 June 1935).

## Recommendation.

## 45. Unemployment (Young Persons).

\* = 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> .	1- 4- 36.	* United States of America.		Belgium.		Afghanistan.
* Irish Free State <sup>(2)</sup> .	28- 1- 36.		18- 6- 36.	* Canada.		Albania.
* Japan.	15- 1- 37.	* Austria.	4- 12- 36.	* China.		Argentina.
* Netherlands <sup>(2)</sup> .	19- 1- 37.	* Brazil.	28- 10- 36.	* Cuba.		Bolivia.
* New Zealand.	29- 9- 36.	Denmark.	10- 3- 36.	Ecuador.		Bulgaria.
* Siam.	3- 12- 36.	* Finland.	12- 3- 37.	Greece.		Chile.
* Switzerland <sup>(2)</sup> .	23- 12- 36.	France.	13- 8- 36.	* Hungary.		Colombia.
		* Great Britain.	Dec. 1935.	* India.		Czechoslovakia.
		Italy.	1936.	* Iraq.		Dominican Rep.
		* Latvia.	21- 12- 36.	* Lithuania.		Egypt.
		Norway.	6- 3- 36.	* Luxembourg.		Estonia.
		Portugal.	26- 9- 35.	Poland.		Ethiopia.
		South Africa <sup>(3)</sup> .		* Rumania.		Guatemala.
			21- 4- 36 ; 27- 5- 36.	Spain.		Hafti.
		Sweden.	9- 1- 36.	Venezuela.		Honduras.
		* Turkey.	15- 1- 37.	Yugoslavia.		Iran.
		* U.S.S.R.	1936.			Liberia.
						Mexico.
						Nicaragua.
						Panama.
						Paraguay.
						Peru.
						Salvador.
						Uruguay.

## TWENTIETH SESSION (Closing date, 24 June 1936).

## Recommendations.

## 46. Elimination of Recruiting.

\* = Information received since last Report.

* Australia.	2- 3- 37.	* Great Britain.	Nov. 1936.	* Canada.	All the other States Members.
* France.	12- 2- 37.	* India.	25- 1- 37.	* Columbia.	
* Irish Free State.	16- 2- 37.	* Portugal.	29- 8- 36.	* Denmark.	
* New Zealand.	23- 10- 36.	* South Africa.	11- 1- 37.	* Rumania.	
* Siam.	2- 2- 37.	* Sweden.	1937.	* Switzerland.	

<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: New South Wales; Tasmania; Western Australia, 3-9-36.

<sup>(2)</sup> Report also submitted to the Office in accordance with the Recommendation.

<sup>(3)</sup> Dates of submission to the two Houses of Parliament.



TWENTIETH SESSION (Closing date, 24 June 1936) (*contd.*).

## Recommendation.

**47. Holidays with Pay.**

\* = 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. 2- 3- 37. * Irish Free State. 16- 2- 37. * New Zealand. 23- 10- 36. * Siam. 2- 2- 37.	* Great Britain. Nov. 1936. * India. 25- 1- 37. * Portugal. 29- 8- 36. * South Africa. 11- 1- 37. * Sweden. 1937.	* Canada. * China. * Colombia. * Denmark. * Rumania. * Switzerland.	Afghanistan. Albania. United States of America. Argentina. Austria. Belgium. Bolivia. Brazil. Bulgaria. Chile. Cuba. Czechoslovakia. Dominican Rep. Ecuador. Egypt. Estonia. Ethiopia. Finland. France. Greece. Guatemala. Haiti. Honduras. Hungary. Iran. Iraq. Italy. Japan. Latvia. Liberia. Lithuania. Luxemburg. Mexico. Netherlands. Nicaragua. Norway. Panama. Paraguay. Peru. Poland. Salvador. Spain. Turkey. Uruguay. U.S.S.R. Venezuela. Yugoslavia.

## TWENTY-FIRST SESSION (Closing date, 24 October 1936).

## Recommendations.

**48. Seamen's Welfare in Ports.**

\* = Information received since last Report.

* Norway. * Portugal. * Siam.	12- 3- 37. 26- 1- 37. 1937.	* Argentina. * Canada. * Egypt.	All the other States Members.
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**49. Hours of Work and Manning (Sea).**

* Norway. * Portugal. * Siam.	12- 3- 37. 26- 1- 37. 1937.	* Argentina. * Canada. * Egypt.	All the other States Members.
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## 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)]
Great Britain	30	2, 4 (b)-8, 11, 12, 15, 16 18, 19, (b), 21 (a), 22, 24-26, 29, 32, 35-45.
Nicaragua	30	1-30.
Uruguay	30	1-27, 30, 32, 33.
Bulgaria	29	1-27, 29, 30.
Luxembourg	27	1-25, 27, 28.
Cuba	26	1, 3-13, 15-20, 22, 23, 26, 30, 33, 42, 45, 46.
Irish Free State	25	2, 4 (b)-8, 10-12, 14-16, 18 (b), 19, 20, 21-23, 26-29 41, 42, 45.
Colombia	24	1-5, 7-9, 11-26.
Belgium	23	1, 2, 4-19, 21-23, 27, 33.
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.
Sweden	20	2, 7-18 (b), 19, 21(a), 27, 29, 34, 42, 45.
France	19	1 (a), 2, 4, 6, 8, 9, 11-16, 18, 19, 21 (a)-23, 26, 27.
Netherlands	19	2, 4-7, 11, 12, 15-19, 21, 26, 27, 29, 33, 41, 46.
Austria	18	1 (a), 2, 4-6, 10, 11, 13, 17, 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.
Greece	17	1-4 (b)-9, 13-16, 19, 27, 41, 45.
Latvia	17	1 (a), 3, 5-9, 11-19, 24.
Hungary	17	2, 3, 4 (b), 6, 7, 10, 13 (a), 15-19, 21, 24, 26, 41, 42.
Poland	17	2, 5-16, 19, 22, 23, 27.
Rumania	17	1-11, 13-16, 24, 27.
Argentina	16	1-16.
Finland	16	2, 7, 9, 11, 13-16, 18-21, 27, 29, 30, 34.
Norway	15	2, 7-9, 11, 13, 15, 18, 19, 26, 27, 29, 42, 43, 49.
India	14	1, 2, 4, 6, 11, 14-16, 18, 19, 21, 22, 27, 41.
Japan	13	2, 5, 7, 9, 10, 15, 16, 18, 19, 21, 27, 29, 42.
Czechoslovakia	13	1, 4, 5, 10, 11, 13, 14, 18, 19, 21, 24, 25, 27.
China	12	7, 11, 14-16, 19, 22, 23, 26, 27, 32, 45.
Denmark	12	2, 5-7, 11, 12, 14, 15, 18, 19, 27(a), 29.
Australia	10	7-9, 15, 16, 21, 22, 26, 27, 29.
Mexico	9	17, 19, 22, 23, 26, 27, 29, 30, 32.
Switzerland	9	2, 4-6, 14, 18, 19, 27, 41.
Brazil	8	3-7, 16, 41, 42.
Portugal	8	1, 4, 6, 14, 17-19, 27.
Canada	7	1, 7, 8, 14-16, 26.
Lithuania	7	1, 4, 6, 14, 19, 24, 27.
Union of South Africa	7	2, 4 (b), 19, 26, 27 (a), 41, 45.
Albania	4	4-6, 21.
Dominican Rep.	4	1, 5, 7, 10.
Venezuela	4	4, 6, 13, 27.
Liberia	1	29.

- <sup>1)</sup> 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.  
 50. Recruiting of Indigenous Workers, 1936.  
 51. Reduction of Hours of Work (Public Works), 1936.  
 52. Holidays with Pay, 1936.  
 53. Officers Competency certificates, 1936.  
 54. Holidays with Pay (Sea), 1936.  
 55. Shipowners Liability (Sick and Injured Seamen) 1936.  
 56. Sickness Insurance (Sea), 1936.  
 57. Hours of Work and Manning (Sea), 1936.  
 58. Minimum Age (Sea) (Revised), 1936.

<sup>2</sup> The notice of the withdrawal of Germany from the International Labour Organisation expired on 21 October 1935.





# INTERNATIONAL LABOUR CONFERENCE

TWENTY-THIRD SESSION

GENEVA, 1937

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, 1937

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## 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, upon the application of the Conventions ratified by their respective countries, met at Geneva from 5 to 10 April 1937.

The following members were present :

Sir Atul CHATTERJEE  
Mr. ERICH  
Mr. McNAIR  
Mr. MAKOWSKI  
Mr. QUADRAT  
Mr. RAPPARD  
Mr. TSCHOFFEN  
Mr. YOSHISAKA.

The Committee has to record certain changes in its composition. In the death of Mr. Jules GAUTIER, one of the original members of the Committee, its Reporter for five years and its Chairman for three, the Committee has sustained a great loss. His wide experience of public affairs was of the greatest value in laying down the lines of the Committee's work, and his guidance and tact throughout will be difficult to replace.

Upon the expiration of the terms of office of Sir Selwyn FREMANTLE and Mr. GINI, Sir Atul Chatterjee and Mr. PERASSI have been appointed as their successors. In November 1936 the Governing Body increased the membership of the Committee by creating two new places to be filled by persons having experience of extra-European conditions. To one of those places the Committee is glad to welcome Mr. Yoshisaka. Both Sir Atul Chatterjee and Mr. Yoshisaka have already taken an active and prominent part in the work of the International Labour Organisation and their

presence will strengthen the Committee materially. Unfortunately Mr. CHARLONE and Mr. Perassi were prevented by other engagements from attending the Committee.

The Committee elected Mr. Tschoffen as Chairman and Mr. McNair as Reporter.

The total number of annual reports due this year from the Governments is 662. On 3 April the following had not yet been received by the Office (see also Appendix III) :

from Albania	4
Argentine Republic	16 <sup>1</sup>
Brazil	6
Dominican Republic	4
France	5
Germany <sup>2</sup>	17
Irish Free State	1
Liberia	1
Lithuania	1
Nicaragua	30
	85

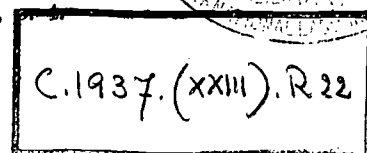
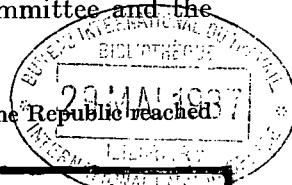
The following figures are interesting :

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
1937	662	577	85

The Committee must again draw attention to the importance of the reports being received by the Office before the date fixed for the meeting of the Committee. Every year many reports are received by the Office between the date of the meeting of the Committee and the

<sup>1</sup> The reports of the Argentine Republic reached the Office on 6 April 1937.

<sup>2</sup> See, however,



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opening of the Conference, but it is impossible for the Committee to examine these reports.

The Committee noted that the *German* Government has failed this year to send reports in respect of the 17 Conventions ratified by it. This omission raises certain questions of law as to the obligations of a State which has ratified Conventions while being a Member of the Organisation and has then ceased to be a Member. It is not for the Committee to decide these questions, but it feels bound to point out to the Governing Body that they have arisen. It would be advisable, for the guidance of the Committee in its future work, that the Governing Body should find a solution of these questions.

The Government of *Spain*, in view of its political difficulties, has been able to do no more than examine the reports furnished by it last year and express the opinion that the information therein contained is equally applicable to the current year.

The Committee notes that the Government of *Liberia* has again furnished no report upon the application of the Forced Labour Convention, ratified by it. For the reasons indicated by the Committee in its Report of last year, this breach of obligation is most regrettable, and the Committee begs the Governing Body to take any steps within its power to bring home to the Government of Liberia the gravity of the situation.

The Committee regrets that the Government of the *Dominican Republic* has not yet supplied any report on the application of the four Conventions ratified by it in 1933.

\* \* \*

The countries which have ratified Conventions make an effort, generally speaking, to have them satisfactorily applied, after having where necessary brought the provisions of their respective national legislations into harmony with those of the Conventions ratified. This is a fact which the Committee is glad to recognise.

The Committee is, however, obliged to note that in several cases such harmony between the national legislations and the provisions of the Conventions has as yet not been secured. Moreover, it has found in some of the national reports declarations which would appear to imply that such complete harmony does not appear either possible or even desirable to the authors of the reports in question.

The Committee wishes to declare that in its view the international labour Conventions involve for those Governments which have ratified them an absolute obligation to ensure their prompt and complete application.

The practice — adopted by a certain number of States — of ratifying Conventions in advance of their ability to give internal effect to them and in the hope of being able to do so at an early date is probably to be explained on the ground that such a ratification often provides a useful lever by means of which the partisans of social progress in the ratifying countries can accelerate the improvement of the national legislation. It is held to be better that such a ratification, which may herald future reforms even if it does not guarantee the immediate adoption of measures of reform, should take place, rather than that the country in question should refrain from ratifying and should thus remain aloof from the movement towards social progress of which the Conventions are both a manifestation and an instrument.

The Committee is not blind to the force of this argument. Nevertheless it considers that such an argument cannot avail to conjure away the disadvantages for the International Labour Organisation, and for international life as a whole, that arise from the infringement of the principle of scrupulous respect for the mutual international undertakings implied by the ratification of a Convention that takes place when ratification is not immediately followed by application. The Committee feels bound to reiterate that the international labour Conventions must be regarded as imposing specific obligations, and not mere programmes of future reform, on the contracting parties. The contrary view is in its opinion calculated to shake confidence in international agreements in general, and in particular to discourage collaboration in the work of the International Labour Organisation on the part of countries which interpret their international obligations with the greatest strictness.

\* \* \*

It is with great satisfaction that the Committee has learned that the Second Regional Conference of Representatives of Labour Inspection Services will open in Vienna in May of this year, and that the Governing Body has decided to summon next year a General Conference of Representatives of these Services, with a view to the elaboration of a proposed Draft Convention concerning the general principles of labour inspection for submission to the International Labour Conference at some future date.

\* \* \*

The attention of the Committee was drawn to the question whether it would not be desirable that the International Labour Organisation should be given the opportunity of submitting information



to national courts in proceedings before such courts where questions are raised which concern the Constitution of the Organisation or the Conventions adopted. The Committee wishes to draw attention to the interesting analogy of the status granted to the Office by the Statute of the Permanent Court of International Justice. While recognising that this is not a matter upon which it would be competent to make a specific recommendation, the Committee realised its importance, and decided to mention it in its Report in order that the Governing Body may have an opportunity of considering whether it is not desirable to have the whole matter fully explored.

\* \* \*

With regard to the application of the Conventions to colonies, protectorates, mandated territories and similar territories, the Committee, as it indicated in its Report of last year, proposes to make a detailed and comprehensive report only once every three years. Accordingly, this year the report on this matter only records changes which have taken place (Appendix II A). Further, the Committee having in 1929 indicated its willingness to receive any additional information or explanations that might be supplied to it direct by representatives of Governments, the French Government instructed a high official of the Ministry of Colonies to supply the Committee orally with certain information supplementary to its annual reports in regard to the application of the Conventions to the French colonies. The Committee thought it desirable to append a summary of this information to the present Report (Appendix II B). From this document it will be seen that that Government has instituted a comprehensive campaign for the wider application of the Conventions ratified by it to its colonies and similar territories. The Committee was much gratified to have this opportunity of establishing personal contact with a representative of one of the Members, and believes that an extension of this practice would be productive of valuable results.

In conclusion, the Committee desires once more to place on record its debt to the officials of the Members of the International Labour Organisation and of the Organisation itself for their work in the preparation and examination of the ever-increasing amount of material which it is necessary for the Committee to consider.

Geneva, 10 April 1937.

(Signed) P. TSCHOFFEN.  
Chairman.

(Signed) ARNOLD D. MCNAIR,  
Reporter.

## APPENDIX I.

### A. GENERAL INFORMATION ON THE REPORTS SUPPLIED BY CERTAIN COUNTRIES

The observations which follow concern the application by certain countries of the maritime Conventions.

*Bulgaria.* — The Government states that the maritime Conventions are applied by the Regulations of the Bulgarian Navigation Company. In 1933, however, the Committee on the Application of Conventions set up by the Conference was informed that a Bill might be drafted for the purpose of applying these Conventions. Subsequent reports have not supplied any information on this point. In view of the obvious interest which the adoption of such a Bill would present, the Committee suggests that the Government might be asked to be good enough to supply information as to the progress made with regard to the intention previously mentioned.

*Colombia.* — The Government stated last year that there were no maritime shipping concerns properly speaking in the country, and that foreign trade was carried by foreign vessels. In view of this statement, the Committee can only express the hope that if, in the future, a national mercantile marine is created, the Government will do everything in its power to ensure the prompt and complete application of the maritime Conventions ratified by Colombia.

*Uruguay.* — The Government states that Uruguay does not possess any mercantile marine other than vessels employed in the coasting trade and fishing vessels. In these circumstances the Committee associates itself, in so far as concerns Conventions Nos. 7, 8, 9, 15 and 16, with the observations of the Committee on the Application of Conventions set up by the Conference last year, since vessels employed in the coasting trade come within the scope of those Conventions.

### B. LIST OF POINTS ON WHICH THE COMMITTEE CONSIDERED THAT THE REPORTS EXAMINED CALLED FOR OBSERVATIONS, OR UPON WHICH SUPPLEMENTARY INFORMATION SEEMED DESIRABLE

#### 1. Hours of work (industry).

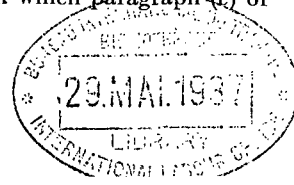
Number of reports due : 18.

Number of reports received : 16.

Reports missing : *Dominican Republic, Nicaragua.*

*Argentine Republic.* — The report was received too late to be examined by the Committee, which is therefore obliged to leave it to be examined by the Committee on the Application of Conventions to be set up by the Conference at its next Session.

*Bulgaria.* — Last year the Committee noted that the report contained no reply to the observation already made in the previous year with regard to the application of the provisions contained in paragraphs (a), (b) and (c) of Article 8 of the Convention. This year the Government states that Regulations issued by the Department of Labour and Social Insurance obliges all proprietors of industrial or commercial undertakings : (a) to notify, by means of the posting of notices in conspicuous places in the works or other suitable place, 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 ; and (b) to notify in the same way rest intervals accorded during the period of work. The Committee welcomes this information. It would, however, suggest that the Government be asked to supply the text of the Regulations in question. Further, the Government might once again be asked for information as to the manner in which paragraph (c) of



Article 8 (keeping of a record of additional hours worked) is applied.

The Committee also notes with satisfaction that for the first time some information is supplied under point VII on the number of workers protected and the number of contraventions reported.

*Canada.* — The Government supplies a copy of the Limitation of Hours of Work Act of 5 July 1935, but states that, at the date when the report was despatched, a question concerning the validity of this Statute was still pending before the Judicial Committee of the Privy Council in London. In these circumstances, the Committee abstains from making any observations this year.

*Chile.* — The Government supplies satisfactory information in reply to the question put by the Committee last year with regard to the consultation of workers' and employers' organisations concerning the extension of working hours in the case of intermittent work in private railway undertakings.

*Colombia.* — As regards the practical application of the Convention, the Government states that, as the relevant Decree did not come into force until May, 1935, it is not yet possible to compile complete statistics on the matters referred to under point VII of the report form. The Government is, however, doing its best to collect statistics which will enable it to supply useful information. The Committee takes note of this statement.

*Cuba.* — The divergencies to which the Committee drew attention last year still exist. The Office has, however, received information that steps are being taken to introduce the necessary amendments to the legislation. The Committee ventures to suggest that the Government might be asked to keep the Office informed of any progress realised in this direction.

*Greece.* — The report, which was received on 5 January 1937, was supplied much more punctually this year than in the past. Further, the report shows that the Government has made a considerable effort to extend the application of the system of hours of work provided for by the Convention to all the industrial undertakings that the Convention covers. The report states that at present the textile industry is the only industry not yet covered by the appropriate regulations. The Committee takes note of this progress, and suggests that the Government might be asked to keep the Office informed of the steps taken to bring the textile industry within the scope of the relevant legislation.

In 1933, the Committee made the three following observations: "(1) The Decree of 27 June 1932 applies the forty-eight-hour week to factories, or parts of factories, working continuously, viz. those in which the daily hours of actual work exceed ten. The Government might be asked to indicate the methods by which the forty-eight-hour week is applied in these factories or parts of factories. (2) The Decree of 27 June 1932 lays down that time lost owing to interruptions of work for the following causes may be made up: (a) local or official festivals, and (b) a change in the weather in the case of those industries or occupations which, owing to their nature, are subject to the influence of atmospheric changes. The Government might be asked to give information on the methods of applying the Convention in these cases, and its attention might be drawn to the fact that these exceptions are only permitted by the Convention on the basis of agreements between the employers' and workers' organisations concerned. (3) The report does not contain the list of continuous processes contained in Article 7 of the Convention. The Government might be asked to supply this list."

Since no reply has been received to these observations, the Committee can only repeat them.

*Nicaragua.* — In the absence of any report

from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Portugal.* — The Government supplies interesting information in its report on recent legislative changes. Last year, however, the Committee pointed out that the report did not contain any exact information with regard to the practical application of the Convention, and at the same time expressed the hope that the Government would supply a report, drawn up in accordance with the report form, and including a detailed statement with regard to the legislative provisions in force which apply to different Articles of the Convention. The Committee considers it useful to repeat this observation.

*Rumania.* — The report mentions the Regulations published in the Official Journal No. 177 of 1 August 1936 concerning the employees of the Autonomous Institution of Monopolies of the Kingdom of Rumania. The report does not indicate the manner in which overtime worked in accordance with the provisions of these Regulations is remunerated. The Committee suggests that the Government might be asked to supply supplementary information on this point.

## 2. Unemployment.

Number of reports due: 30.

Number of reports received: 28.

Reports missing: *Germany*<sup>1</sup>, *Nicaragua*.

*Argentine Republic.* — See under Convention No.1.

*Belgium.* — Article 3 of the Convention lays down that "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."

With regard to the application of this Article the Belgian Government states in its report that "arrangements in respect of unemployment, based on a system of absolute reciprocity, have been concluded by Belgium with the Grand Duchy of Luxemburg, France and the Netherlands. Negotiations have been opened to the same end with Poland. They have not resulted in an agreement. It is however expected that negotiations will shortly be opened on the same subject with other countries."

The question of negotiations on this subject with the Belgian Government is also raised in the reports of two other Governments, viz. Denmark and Poland. The Danish Government states that "as a result of negotiations with the Belgian Government, the latter has declared that Danish workers registered before 31 May 1933 as members of the Belgian Unemployment Fund may remain in membership; the Belgian Government has not, however, seen its way to agree to conclude a convention with Denmark concerning reciprocal assistance to indigent unemployed."

The statement of the Polish Government is to the following effect: "In view of the fact that in Belgium, under a Royal Decree issued in 1933, foreigners have been excluded from the unemployment insurance funds, and that these restrictions have also been applied to nationals of States Members which have ratified the Unemployment Convention, the Polish Government opened negotiations with the Belgian Government with a view to determining the manner in which the nationals of either party should be treated by the

<sup>1</sup> See, however, p. 4.

unemployment insurance legislation of the other party. Negotiations for this purpose took place in Brussels from 4-9 March 1935. They did not yield any positive result. . . The Belgian Delegation interpreted Article 3 of the Convention as excluding Polish nationals from any benefits to the payment of which the National Emergency Fund may contribute (even including benefits allowed where the Emergency Fund has taken over responsibility for insurance funds), although this conception in fact covers the great majority of unemployment insurance benefits in Belgium, the Delegation's argument being that such benefits are to be regarded as relief. At the same time the Belgian Delegation declared that, until an arrangement for the purpose should be concluded, the Belgian Government was not bound by the provisions of the Convention even in respect of those benefits as regards which the Belgian Government recognises in principle its obligation to extend equality of treatment to Polish nationals. Consequently Polish nationals have hitherto been excluded from the unemployment insurance funds".

On other hand, the report of the Swiss Government mentions that an arrangement has been concluded with Belgium by an exchange of notes.

In the absence of any detailed information in the Belgian report on the negotiations between the Belgian Government and the Governments of Denmark, Poland and Switzerland, it is extremely difficult to form an exact opinion on the working of Article 3 of the Convention as between the States concerned. The Committee suggests, therefore, that the Belgian Government might be requested to supply further information on this point, and, in particular, to state what exact proposals were made in the course of the negotiations with Poland, and why they have not resulted in an agreement.

*Chile.* — 1. As regards the application of Article 1 of the Convention, the Government states that "complete statistics concerning unemployment have been sent quarterly to the Office". The Committee considers that the attention of the Government might be called to the fact that under this Article of the Convention ratifying States undertake to supply "all available information, statistical or otherwise, concerning unemployment, including measures taken or contemplated to combat unemployment".

2. Last year the Committee noted that regulations to set up committees as prescribed by Article 2 of the Convention had not yet been issued, and expressed the hope that the Government would be in the position to issue these regulations in the near future. In reply to this observation the report this year states that "the National Placing Service attached to the General Factory Inspectorate has already prepared draft regulations on this subject", and that a number of joint committees already exist. The Committee, while taking note of this statement, ventures to express the hope that the Government will find it possible to put the draft regulations into force at an early date.

*Colombia.* — Pending the preparation of a Labour Code, the Government has not yet taken systematic measures on a national scale to deal with placing and to combat unemployment. The placing of workers has, however, now been brought within the competence of the National Labour Office, and the first official employment exchange has been opened by the municipality of Bogota. The Government states that this exchange is open to all the workers in the capital, and is fairly active, owing to the fact that municipal undertakings are required by regulations to make use of it when recruiting their staff. The Committee notes with satisfaction the taking of these steps towards the application of the Convention.

*Greece.* — The report states that the legislation for the application of the Convention has not yet been enforced. It adds, however, that a Bill has been drafted for the execution of public works on a large scale, and for the regulation of double

employment. This Bill does not provide for cash benefits for unemployed workers, but it is intended to supply them with food and lodging. The report adds that 20,000 unemployed tobacco workers are at present receiving unemployment allowances, and that bakers, flour mill workers and typographical workers, who are members of their respective insurance funds, also receive benefits.

Further, the Government emphasises its desire to promote social progress in general, and declares that active steps have already been taken in respect of various labour problems.

The Committee notes these statements, and ventures to suggest that the Government might be requested to keep the Office informed of any progress made towards a satisfactory application of this Convention.

*India.* — The Committee last year made an observation on the question of setting up exchanges to cater for dock workers, which, according to the Government's report, was under examination. This year the report states that all port trusts in India have been asked to examine the possibility of verifying a scheme of registration in consultation with the interests concerned, and their replies, together with remarks of the local governments concerned, are being examined by the Government of India. The report adds that the delay in coming to a decision in the matter is due to the fact that the port authorities in all the major ports in India are opposed to the proposal, and the view is held that the system proposed would not be beneficial to the workers. The Committee takes note of this statement and ventures to express the hope that the Government will continue its efforts to arrive at a satisfactory solution of the problem.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Uruguay.* — The report states that it has not so far proved possible either to organise the collection of unemployment statistics on a scientific basis, or to establish a system of employment exchanges in accordance with the legislation which has already been adopted. It adds, however, that a Bill has been drafted for the setting up of employment exchanges for all industrial workers and salaried employees, and not merely, as is the case under the existing legislation, for those who are members of a pension fund. The Committee ventures to express the hope that the Bill in question may be passed at an early date, so that the Convention can be applied.

### 3. *Childbirth.*

Number of reports due : 16.

Number of reports received : 13.

Reports missing : *Brazil, Germany*<sup>1</sup>, *Nicaragua*.

*Argentine Republic.* — See under Convention No. 1.

*Brazil.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Chile.* — 1. With regard to an observation made by the Committee in 1935, the Government states that the compulsory insurance fund and the provident fund for salaried employees have again been requested to study the possibility of providing entirely out of funds at their disposal the benefits due to women workers and salaried

<sup>1</sup> See, however, p. 4.

employees during childbirth, and that the proposals of the funds are still in course of preparation.

The Committee ventures to hope that the Government will be in a position next year to indicate the results of this further consideration.

2. As regards the observation previously made by the Committee in respect of the extension of the provisions of Article 3 (d) of the Convention (intervals for nursing) to women salaried employees, the Government states that Chilean legislation makes no provision for such intervals for women salaried employees, and adds that the value of such a provision would be extremely doubtful, because it could not be put into practice without providing a special room for the purpose, and it is probable that salaried employees would, for reasons of social prejudice or the difficulty of bringing their children to their place of employment, refrain from making use of the room in question.

The Committee feels obliged to point out that the provisions of Article 3 (d) of the Convention are general in scope and are not drafted in such a manner as to allow Governments to permit exceptions.

*Colombia.* — The report indicates that the Convention is not yet applied, but a Social Insurance Bill, which was drawn up in 1936, and a copy of which is supplied with the report, provides for the granting of free obstetrical benefits to insured women. The enactment of such legislation would undoubtedly represent a step towards the application of the Convention, though it is not clear whether the benefits to be granted under the Bill in case of childbirth would include cash benefits. The Committee suggests that the Government might be asked to supply further information on this point, and also to state what are the possibilities of enacting, in the near future, legislation to provide for the periods of absence from work which are prescribed by the Convention.

*Cuba.* — The Committee feels obliged once again to call attention to the observation that it made last year in regard to a slight discrepancy between Cuban legislation and the Convention in respect of a possible error on the part of the medical practitioner in estimating the date of confinement.

*Greece.* — 1. The report states that Act No. 6298 concerning social insurance, which will come into force at an early date, will provide for the payment of maternity benefits, though the details of the application of these provisions are not provided for by the Act. Further, a Bill, which is to be promulgated shortly, will put an end to any discrepancies between the Convention, the Social Insurance Act, and the Act concerning the work of women and young persons.

The Committee ventures to hope that the Government will be able by next year to announce the entry into force of the new legislation mentioned in its report.

2. § 8 (1) of the Legislative Decree of 29 June 1935 provides that the insured woman must bear one-quarter of the cost of benefits (assistance by a midwife or medical practitioner and pharmaceutical benefits).

The Committee ventures to point out that under the terms of Article 3 of the Convention attendance by a doctor or certified midwife must be provided free.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Uruguay.* — The Government itself indicates in its report the various discrepancies between Uruguayan legislation and the provisions of the Convention. The Committee ventures to hope that, as the Government recognises the existence of these discrepancies, it will lose no time in bring-

ing its legislation into harmony with the Convention.

*Yugoslavia.* — The Committee takes note of the declaration made by a representative of the Yugoslav Government to the Conference Committee on the Application of Conventions in 1936 in response to the observations made by the Committee of Experts, and also of the statement that a Circular has been sent to the competent authorities to ensure the application of Article 3 (d) of the Convention.

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

Number of reports due : 30.

Number of reports received : 26.

Reports missing : *Albania, Brazil, France, Nicaragua.*

*General observation.* — There now exist two Conventions concerning the night work of women, viz., the present Convention, which is general in its scope, and Convention No. 41, which allows certain exceptions, particularly in respect of women employed in posts of management, etc. In order to elucidate the question whether all the Governments bound by the present Convention are in fact in a position to enforce it fully, or whether they do not in practice admit certain exceptions which would make it advisable for them to denounce their ratification of this Convention and ratify the revised Convention, a question has been inserted in the report form under Article 3 to the following effect : " Please indicate whether the term ' women ' for the purposes of the application of this Article is interpreted in your country as covering all women employed in industrial undertakings without distinction as to the nature of their duties ".

The Committee ventures to draw particular attention to this question and to point out that the reports of the Governments of *Bulgaria, Chile, and Luxemburg* do not contain a reply to it.

*Argentine Republic.* — See under Convention No. 1.

*Brazil.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Colombia.* — The report shows that no legislation has yet been adopted for the application of the Convention.

The Committee therefore ventures to reiterate the hope expressed by it last year that the Government may find itself able to enact the necessary legislation.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Portugal.* — The Committee takes note of the statement made by a representative of the Portuguese Government to the Conference Committee on the Application of Conventions in 1936 in response to the observation made by the Committee of Experts.

*Uruguay.* — Last year the Conference Committee on the Application of Conventions made the following observation : " The report states that Uruguay has no legislation on this subject, as it is not customary in the country to employ women in industries where work is done at night. The report adds that a Special Commission has been set up to coordinate the provisions of national legislation with those of the Convention. The Committee expresses the hope that next year the Uruguayan Government will be in a position to submit a report based on legislation giving effect to the

Convention". As the position has not changed since last year, the Committee feels bound to endorse and reiterate the observation of the Conference Committee.

5. *Minimum age (industry).*

Number of reports due : 27.

Number of reports received : 23.

Reports missing : *Albania, Brazil, Dominican Republic, Nicaragua.*

*Argentine Republic.* — See under Convention No. 1.

*Brazil.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Colombia.* — In the absence of any fresh legislation the Committee is obliged to repeat the observation which was made in 1935 and 1936.

*Greece.* — In 1936, the Conference Committee on the Application of Conventions observed that the Greek Government should be asked for definite information whether the Act of 24 June 1920 concerning the ratification of the Convention was sufficient to ensure the full application of the Convention, in view of the fact that existing legislation on the subject, including the Decree of 28 October 1929, appeared to allow the employment of children under fourteen years of age. In this year's report the Government affirms that the Act of 24 June 1920 is, in fact, fully applied, but adds that it might be useful to codify all existing legislation with regard to the employment of children.

The Committee takes note of this statement and ventures to suggest that the Government might be asked to consider the advisability of codifying the legislation at an early date.

*Irish Free State.* — With reference to the application of Article 4 of the Convention, the Government states that § 64 of the Conditions of Employment Act, 1936 empowers the Minister for Industry and Commerce to make regulations prescribing the records to be kept by employers, but that as that Act has been in operation for a relatively short period it has not yet been feasible to prescribe the method of registration.

The Committee notes this statement and ventures to suggest that the Government might be asked to keep the Office informed of progress made towards the issue of the regulations in question.

*Latvia.* — The Committee notes with satisfaction the statement made by the Government in response to the observation made last year.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Uruguay.* — Last year the Conference Committee on the Application of Conventions pointed out that, though generally speaking the national legislation would appear to be in harmony with the terms of the Convention, it was possible for the competent authority appointed by the Child Protection Board to authorise the employment of children over twelve and under fourteen years of age who held the certificate showing that they had passed through a course of elementary education, if their employment was necessary in order to provide for their living or that of their father and mother, or brothers and sisters. In this year's report, the Government recognises that this exception would have to be deleted from the Code in order to bring it into harmony with the Convention.

The Committee ventures to hope that the Government will consider the possibility of introducing the necessary amendment to the Code on this point.

The Committee also ventures to suggest that the Government might be asked in future reports to supply some information on the practical application of the relevant legislation under point VI of the report form.

*Yugoslavia.* — In 1935 and 1936, 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. As the report for this year states that no further information can yet be supplied on this matter, the Committee ventures to repeat its observation.

6. *Night work (young persons).*

Number of reports due : 30.

Number of reports received : 26.

Reports missing : *Albania, Brazil, France, Nicaragua.*

*Argentine Republic.* — See under Convention No. 1.

*Brazil.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observations made by it last year.

*Chile.* — Last year the Committee noted the Government's statement to the effect that regulations to determine the industries and processes to which exceptions under paragraph 2 of Article 2 of the Convention apply were in course of preparation, and expressed the hope that the Government would be in a position to issue these regulations in the near future. This year the report states that the technical services concerned have been urged to hasten the study of the draft regulations in question, and that their preparation is now well advanced. The Committee notes this statement with satisfaction.

*Greece.* — The report states that the replies contained in the report on the application of Convention No. 4 apply, *mutatis mutandis*, to the present Convention. Such a report makes it difficult for the Committee to form any opinion as to the manner in which the Convention is applied in practice, and it ventures to hope that next year the Government will find it possible to submit a report drawn up in the prescribed form.

*Latvia.* — With regard to the observation made by the Committee last year, the Government states that a provision to prevent a child from being employed up to 10 p.m. one day and from 6 a.m. on the next morning will be introduced into the new legislation which is at present being drafted. The Committee ventures to express the hope that the new legislation in question will be passed at an early date.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Poland.* — The report merely states that during the period covered no change has been made in the legislation concerning the employment of young persons in industry during the night. The Committee suggests that the Government might be asked to supply some information on the practical application of this legislation.

*Portugal.* — In previous years the Committee has had to note a divergence between Portuguese legislation and the Convention, represented by the

fact that night work of young persons was only prohibited in the case of young persons under sixteen instead of under eighteen years of age. The Committee learns with satisfaction that this discrepancy has now been removed. At the same time the Committee considers that it would be interesting to have some information on the practical application of the relevant legislation.

*Uruguay.* — Last year the Conference Committee on the Application of Convention pointed out that Uruguayan legislation only provided for the prohibition of night work during a period of nine consecutive hours, whereas the Convention provides for a minimum of eleven consecutive hours. This discrepancy appears still to subsist. Further, the Committee considers that it would be interesting to have information on the practical application of the relevant legislation.

#### 7. *Minimum age (sea).*

Number of reports due : 31.

Number of reports received : 27.

Reports missing : *Brazil, Dominican Republic, Germany*<sup>1</sup>, *Nicaragua*.

*Argentine Republic.* — See under Convention No. 1.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

#### 8. *Unemployment indemnity (shipwreck).*

Number of reports due : 24.

Number of reports received : 22.

Reports missing : *Germany*<sup>1</sup>, *Nicaragua*.

*Argentine Republic.* — See under Convention No. 1.

*Cuba.* — As this year's report contains no fresh information, the Committee feels obliged to repeat the observation that it made last year.

*Estonia.* — The Government states that during the period 20 August 1935 to 20 August 1936 nine vessels were wrecked. Unemployment indemnities were paid in two cases, in accordance with the provisions of Article 2 of the Convention. In a third case judicial proceedings were opened. In the remaining cases the shipowners lost their entire property in consequence of the wreck of the vessels, and were thus unable to indemnify the seamen for their resulting unemployment. The Committee ventures to suggest that the Government might be asked for particulars as to the tonnage of the vessels lost and the number of seamen affected, and also whether the shipowners were insured or were declared bankrupt as a result of the wrecks.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Sweden.* — The report mentions that the Swedish Seamen's Association has reported that in one case the interpretation of the provisions of the Convention gave rise to legal proceedings, and that the court decided in favour of the shipowner. The Committee ventures to suggest that the Government might be asked whether it could supply information on the point at issue and the decision of the court.

*Yugoslavia.* — The Committee takes note of the reply communicated by the Government to its observation of last year.

#### 9. *Placing of seamen.*

Number of reports due : 24.

Number of reports received : 21.

Reports missing : *France, Germany*<sup>1</sup>, *Nicaragua*.

*Argentine Republic.* — See under Convention No. 1.

*Bulgaria.* — The Government has so far never supplied any information on the practical application of this Convention. It is consequently extremely difficult for the Committee to form any idea as to the manner in which the Convention is effectively applied and in which the placing of seamen is actually effected. The Committee considers that the attention of the Government might be drawn to this matter.

*Colombia.* — The Government stated last year that in the absence of any unemployment problem no offices had been set up to find employment for seamen. The Government also states, however, that preparatory work has begun which may lead to the adoption of a Labour Code. The Committee suggests that the Government might be asked to bear the provisions of this Convention in mind when drafting such a Code.

*Cuba.* — It does not appear from the report that any employment exchanges as contemplated by the Convention have been set up. The Committee suggests that the Government might be asked to supply more precise information on this point.

*Latvia.* — Last year the Committee observed that, with regard to Article 8, the report stated that the Seamen's Employment Exchanges Committee was empowered to decide whether subjects of countries which had ratified the Convention should or should not be permitted to use the seamen's employment exchanges, and suggested that the Government's attention might be drawn to the fact that these provisions did not appear to be in agreement with the requirements of the Convention. As this year's report does not mention the point in question, the Committee feels obliged to repeat its observation.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

#### 10. *Minimum age (agriculture).*

Number of reports due : 20.

Number of reports received : 18.

Reports missing : *Dominican Republic, Nicaragua*.

*Argentine Republic.* — See under Convention No. 1.

*Bulgaria.* — The Government supplies no information on the practical application of the relevant legislation.

*Chile.* — The Government states that the Convention is applied by the provisions of §76 of the Labour Code, which applies to agricultural workers the general standards concerning contracts of employment laid down for workers in general elsewhere in the Code. It would appear from the wording of this provision that the limitation placed upon child labour in agriculture only applies to hired labour, whereas the Convention applies also

<sup>1</sup> See, however, p. 4.

<sup>1</sup> See, however, p. 4.

to work on the family farm. The Committee considers that it might be useful to ask the Government to supply further information on this point.

*Cuba.* — The report states that no legislation has yet been enacted to give effect to the Convention. The Government gives an assurance, however, that the necessary legislative measures will be taken very shortly. The Committee takes note of this assurance, and ventures to express the hope that the Government will keep the Office informed of the progress made towards the application of the Convention.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observations made by it last year.

#### 11. *Right of association (agriculture).*

Number of reports due : 29.

Number of reports received : 27.

Reports missing : *Germany*<sup>1</sup>, *Nicaragua*.

*Argentine Republic.* — See under Convention No. 1.

*China.* — Last year the Committee suggested that the Chinese Government might be asked whether industrial workers in China possessed trade unions and whether agricultural workers in China are entitled to form trade unions under the same conditions as industrial workers. This year's report states that the Committee's question has been referred by the Executive Yuan to the Judicial Yuan for an official interpretation. The Committee notes this statement, and ventures to express the hope that the Judicial Yuan's interpretation will be communicated in due course to the Office.

*Latvia.* — The report contains no information on the practical application of the Convention (point VI of the report form).

#### 12. *Workmen's compensation (agriculture).*

Number of reports due : 21.

Number of reports received : 19.

Reports missing : *Germany*<sup>1</sup>, *Nicaragua*.

*Argentine Republic.* — See under Convention No. 1.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

#### 13. *White lead (painting).*

Number of reports due : 23.

Number of reports received : 22.

Report missing : *Nicaragua*.

*Argentine Republic.* — See under Convention No. 1.

*Bulgaria.* — In reply to the observation made by the Committee last year with regard to the consultation of employers' and workers' organisations, prescribed by Articles 3 and 6 of the Convention the Government states that no case has yet been reported where consultation of the workers' and employers' organisations was necessary. As, however, the operation of the two Articles in question depends upon consultation of the em-

ployers' and workers' organisations concerned, the Committee ventures once again to draw the Government's attention to the necessity for such consultation.

*Chile.* — Last year the Committee expressed the hope that the Government would issue the regulations which should give effect to the various provisions of the Convention in the near future. The report this year states that the technical bodies concerned have repeatedly been requested to complete in the near future their study of the preliminary draft of these regulations. The Committee ventures to express the hope that the Government will find it possible to secure the issue of the regulations at an early date.

*Colombia.* — In last year's report the Government stated that the National Health Department was aware of the Convention and would certainly issue the necessary Order in application of its provisions. As this year's report contains no further information, the Committee ventures to express the hope that the necessary Order may be issued in the near future.

*Czechoslovakia.* — The Committee would be grateful if the Government could see its way to supply some specific information as to the practical application of this Convention.

*Greece.* — The report indicates that regulations concerning occupational health are to be issued which will provide for the application in detail of the provisions of Articles 2, 5 and 6 of the Convention. The Committee ventures to hope that the issue of these regulations may take place at an early date.

*Latvia.* — With regard to the observation made by the Committee last year, the Government supplies the text of instructions issued for the application of Articles 2 and 5 of the Convention. The Committee takes note of these texts with satisfaction.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Uruguay.* — The report states that no legislation has so far been passed for the application of the Convention. The Committee ventures to suggest that the Government should have the necessary measures enacted at an early date.

*Venezuela.* — The report states that, whereas in previous years no steps have been taken for the application of the Convention, the necessary legislation has now been passed and regulations for its detailed application are in preparation. The Committee takes note of this statement with satisfaction, and ventures to suggest that the Government might be asked to keep the Office informed of the progress made towards the issue of the regulations.

#### 14. *Weekly rest (industry).*

Number of reports due : 28.

Number of reports received : 25.

Reports missing : *France*, *Irish Free State*, *Nicaragua*.

*Argentine Republic.* — See under Convention No. 1.

*Canada.* — See under Convention No. 1.

*China.* — The Committee pointed out last year that §19 of the Act of 30 September 1932 lays down certain exceptions, but does not appear to ensure a compensatory rest period, and suggested that the Government might be requested to supply more detailed information on this point,

<sup>1</sup> See, however, p. 4.



on the question of the authorities responsible for applying the legislation, and on the practical application of the Convention. In response to this observation, a representative of the Chinese Government supplied additional information to the Conference Committee on the Application of Conventions, and that Committee took note of the information in question without further comment. This year's report does not take into account the additional information supplied to the Conference Committee. The Committee ventures to suggest that the Government might be asked to include this information in future reports, in order to make the position quite clear.

*Denmark.* — This is the first annual report which the Danish Government has been called upon to supply. The report indicates that a Commission, set up by the Ministry of Social Affairs to codify existing measures for the protection of workers, has under consideration the question of amending Danish legislation with regard particularly to the granting of compensatory rest periods in accordance with Article 5 of the Convention and to the method or methods of making known the days and hours of weekly rest. The Committee takes note of this statement, and ventures to express the hope that the Office will be kept informed of the progress of the Commission's work on this question.

*Greece.* — The report states that Article 7 of the Convention is applied, but does not indicate by what means such application is secured. The Committee suggests that the Government might be asked to supply further information on this point.

*Latvia.* — The report supplies no information on the practical application of the Convention under point VI of the report form.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Portugal.* — The report supplies no information on the practical application of the Convention under point VI of the report form.

15. *Minimum age (trimmers and stokers).*

Number of reports due : 31.

Number of reports received : 29.

Reports missing : *Germany*<sup>1</sup>, *Nicaragua*.

*Argentine Republic.* — See under Convention No. 1.

*Cuba.* — In the absence of any fresh information the Committee feels obliged to repeat the observation that it made last year with regard to the absence in the relevant legislation of any provision to the effect that articles of agreement for crews must include a summary of the provisions of the Convention.

*Estonia.* — The Committee notes the reply of the Government to the observation made last year. This reply is to the effect that the competent authority will be asked to consider the insertion of a summary of the provisions of the Convention in the new form of articles of agreement for crews, when amendments are being made to the current form.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

16. *Medical examination of young persons (sea).*

Number of reports due : 30.

Number of reports received : 27.

Reports missing : *Brazil*, *Germany*<sup>1</sup>, *Nicaragua*.

*Argentine Republic.* — See under Convention No. 1.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

17. *Workmen's compensation (accidents).*

Number of reports due : 16.

Number of reports received : 15.

Report missing : *Nicaragua*.

*Chile.* — The Government states in its report that the competent Department has been instructed to draft a Bill to ensure the payment of compensation in cases of permanent partial incapacity in the form of periodical payments, in accordance with Article 5 of the Convention. The Committee ventures to express the hope that this Bill may be submitted and adopted at an early date.

*Mexico.* — The Government recognises in its report the fact that the Federal Labour Act differs in several respects from the system of workmen's compensation prescribed by the Convention. Thus, under the terms of Federal legislation, compensation due in cases of death or permanent disablement is paid in the form of a lump sum. The Government admits the advantages of the system of periodical payments stipulated by the Convention, and is proposing its adoption in the new draft Labour Code which it is hoping to submit to the Legislative Chambers in the next congressional period. The report also notes that further discrepancies exist both as regards the additional compensation to be provided in cases which require the constant help of another person (Article 7 of the Convention) and as regards the supply and normal renewal of artificial limbs and surgical appliances (Article 10 of the Convention).

The Committee ventures to express the hope that the Government may see its way to put an end in the near future to the discrepancies to which it has itself drawn attention.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Portugal.* — The legislation adopted in 1936 has expanded and improved the system of workmen's compensation for accidents. This new legislation includes in particular provisions with regard to the normal renewal of artificial limbs and surgical appliances or the payment of supplementary benefit for this purpose, in accordance with Article 10 of the Convention. The Committee notes with satisfaction that account has been taken of the observation made by it in a previous Report.

*Uruguay.* — The report submitted by the Government shows that on certain points divergencies exist, as for example with regard to the scope of the compensation scheme, the waiting period, and the additional compensation for the constant help of another person. The report also notes the necessity for extending the provisions in regard to the right of victims of industrial

<sup>1</sup> See, however, p. 4.

<sup>1</sup> See, however, p. 4.



accidents to surgical aid and the supply and normal renewal of artificial limbs and surgical appliances. Finally, the report states that no provisions at present exist to guarantee compensation in cases where the employer or insurance carrier is insolvent. The Committee ventures to express the hope that the Workmen's Compensation Act may speedily be brought into harmony with the Convention.

18. *Workmen's compensation (occupational diseases).*

Number of reports due : 28.

Number of reports received : 26.

Reports missing : *Germany*<sup>1</sup>, *Nicaragua*.

*Belgium.* — For the same reasons as last year, the Government has not yet been able to obtain full harmony between the provisions of 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 Committee ventures once again to express the hope that the Government will soon be in a position to take the necessary steps.

*Bulgaria.* — The report contains no statistical or other information on the practical application of the Convention. The Government might be asked to endeavour to supply such information in future reports.

*Colombia.* — The report shows that the legislation necessary to the application of the Convention has not yet been passed. The Committee, therefore, can only repeat its last year's observation to the effect that it ventures to hope that the necessary Bill may be adopted in the near future.

*Latvia.* — The report supplies information on cases of lead poisoning among working painters. It does not state, however, whether any cases of the other occupational diseases covered by the Convention have been reported. The Committee suggests that the Government might be asked for further information on this point.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Uruguay.* — The report states that, in order to bring the national legislation into harmony with the Convention, the executive authorities would have to make use of the powers granted to them by the legislation to include anthrax infection among the occupational diseases for which compensation can be paid. It adds that, as Uruguay is essentially a cattle-rearing country, anthrax infection should be one of the first occupational diseases to be scheduled.

The Committee takes note of this statement, and ventures to hope that the necessary steps may be taken at an early date to schedule anthrax infection among the compensable diseases.

19. *Equality of treatment (accident compensation).*

Number of reports due : 35.

Number of reports received : 32.

Reports missing : *France*, *Germany*<sup>1</sup>, *Nicaragua*.

*Bulgaria.* — Last year the Committee pointed out that the report did not show whether in fact equality of treatment was granted to nationals of Members which have ratified the Convention. The report for this year contains no further information on this point. The Committee can,

therefore, only repeat the question that it formulated last year.

*Colombia.* — In reply to an observation made by the Committee last year, the Government states that the proposed reform of the workmen's compensation legislation will take account of the provisions of the Convention. The Committee welcomes this statement.

*Greece.* — The report is the first which the Government has been called upon to present in respect of this Convention. It shows that under existing legislation there is a discrimination against foreign workers in respect of residence. The report adds, however, that legislation is shortly to be drafted to bring the existing provisions into harmony with the Convention. The Committee welcomes this statement, whilst at the same time suggesting that the Government be asked to keep the Office informed as to the probable date at which the necessary amending legislation is to be passed.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

20. *Night work (bakeries).*

Number of reports due : 10.

Number of reports received : 9.

Report missing : *Nicaragua*.

*Colombia.* — As no action has yet been taken for the application of this Convention, the Committee feels obliged to repeat the observation it made last year.

*Cuba.* — As the report contains no information in reply to the observation made by the Committee last year with regard to the consultation of workers' organisations, the Committee feels obliged to repeat that observation.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

21. *Inspection of emigrants.*

Number of reports due : 16.

Number of reports received : 14.

Reports missing : *Albania*, *Nicaragua*.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

22. *Seamen's articles of agreement.*

Number of reports due : 20.

Number of reports received : 18.

Reports missing : *Germany*<sup>1</sup>, *Nicaragua*.

*Mexico.* — The doubts raised by the Conference Committee on the Application of Conventions last year as to the legislative provision for the application of Articles 5, 13 and 14 of the Convention subsist. The Committee suggests that the Government might be asked to give further attention to these points.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee

<sup>1</sup> See, however, p. 4.

<sup>1</sup> See, however, p. 4.

is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Poland.* — As last year, the Committee ventures to suggest that the Government might be asked to supply information with regard to progress towards the adoption of legislation for the purpose of codifying the provisions concerning the work of seamen, seeing that this legislation is to give effect to the provisions of Articles 9 and 13 of the Convention incidentally.

23. *Repatriation of seamen.*

Number of reports due : 16.

Number of reports received : 14.

Reports missing : *Germany*<sup>1</sup>, *Nicaragua*.

*Mexico.* — The legislation mentioned in the report does not appear to provide for the repatriation of foreign seamen employed on Mexican vessels. The Committee suggests that the Government might be asked for further information on this point.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

24. *Sickness insurance (industry, etc.).*

Number of reports due : 16.

Number of reports received : 14.

Reports missing : *Germany*<sup>1</sup>, *Nicaragua*.

*Bulgaria.* — As the report for this year indicates no change as compared with previous years, the Committee feels bound to repeat the observation that it has already made on several occasions with regard to the fact that, under § 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.

*Chile.* — 1. With reference to the observation made by the Committee in past years, the position still appears to be that a Bill is at present under consideration for the purpose of shortening the waiting period from four to three days, in accordance with the provisions of the Convention. The Committee ventures to hope that the adoption of the Bill in question will not be long delayed.

2. From a study of the annual reports and of the relevant legislation it has not been possible to ascertain how the legal provisions relating to the qualifying period for medical benefit are applied in practice. On the one hand, § 22 of Act No. 4,054 (definitive text) provides for a qualifying period of seven months, while, on the other hand, Regulations No. 205 of 8 April 1925, under which the Act is administered, make no reference to this condition. In view of the fact that Article 4 of the Convention does not provide for the imposition of a qualifying period for entitlement to medical benefit, the Committee considers that it would be desirable to obtain a reassurance on this point.

*Colombia.* — The report supplies the text of a Social Insurance Bill prepared by the Government. The object of this Bill is to institute a system of compulsory insurance covering in the first place the risk of sickness for wage-earners in all occupations. Benefits include medical and pharmaceutical assistance for insured persons and members of their families, and cash benefit for sick persons unable to work. The Bill merely

lays down a number of general rules to govern the insurance system, which is to be brought into force first of all in the large towns and later in the less important urban districts. Within a period of thirty months from the promulgation of the Act, compulsory insurance is to become effective throughout the country. The passage of this Bill would represent an important step towards the fulfilment of the obligations assumed by the Government in ratifying the Convention. The Committee ventures to express the hope that the Office will be kept informed of the situation, and in particular of any decision taken by the Legislature with regard to the Government's Bill.

*Luxemburg.* — The Government states that the Social Insurance Code is to be amended during the current year, and that the proposed amendment provides for the insurance of domestic servants, in accordance with a resolution adopted by the Chamber of Labour. The Committee welcomes this statement, and suggests that the Government might be asked to keep the Office informed of any progress made in the projected amending legislation.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Uruguay.* — The report states that no system of compulsory sickness insurance has yet been set up, though it admits the necessity for introducing such legislation. The Committee ventures to express the hope that the necessary steps may be taken as early as possible.

25. *Sickness insurance (agriculture).*

Number of reports due : 11.

Number of reports received : 9.

Reports missing : *Germany*<sup>1</sup>, *Nicaragua*.

*Bulgaria.* — See under Convention No. 24.

*Chile.* — See under Convention No. 24.

*Colombia.* — See under Convention No. 24.

*Luxemburg.* — With reference to the observations made by the Committee in previous years concerning the absence in Luxemburg of a system of compulsory sickness insurance for agricultural workers, the report this year states that the proposals for the revision of the Social Insurance Code which is to take place during the present year include a proposal for the organisation of sickness insurance for agricultural workers, in accordance with a resolution adopted by the Chamber of Labour. The Committee notes this statement with satisfaction, and at the same time ventures to express the hope that the Government will keep the Office informed of the progress of the revision proposals.

*Nicaragua.* — See under Convention No. 24.

*Uruguay.* — The Government states that no effect has yet been given to this Convention, and that it will therefore be necessary to organise sickness insurance for agricultural workers on the basis of the principles laid down in the Convention, in so far as rural conditions in the country permit. The Government adds that the Convention is based on certain aspects of the European agrarian problem which differ entirely from the situation in Uruguay, and that it may therefore prove impossible for Uruguay to comply with the

<sup>1</sup> See, however, p. 4.

<sup>1</sup> See, however, p. 4.

obligations which ratification would involve. The Committee feels obliged to recall the fact that by its ratification of the Convention the Government assumed an express obligation to ensure its application.

26. *Minimum wage-fixing machinery.*

Number of reports due : 18.

Number of reports received : 16.

Reports missing : *Germany*<sup>1</sup>, *Nicaragua*.

*Bulgaria.* — This is the first report which the Government has been called upon to supply on the application of this Convention. The report is of an extremely summary character. It supplies no information on the practical application of the Convention, nor does it contain the specific information which ratifying countries undertake to supply annually under Article 5 of the Convention. The Committee suggests, therefore, that the Government might be asked to supply detailed information on the application of each Article of the Convention in accordance with the report form prescribed by the Governing Body.

*Canada.* — See under Convention No. 1.

*China.* — With reference to the observations made in previous years with regard to the scope of the relevant Chinese legislation, the Government this year supplies, in addition to its annual report, the text of a Minimum Wage Act promulgated by the national Government on 23 December 1936. This Act confers upon the local authorities general powers for the fixing of minimum wages in the case of trades or parts of trades where no system of fixing minimum wages by collective agreement has been introduced and where wages are exceptionally low. The promulgation of this Act clearly represents an important step forward towards the full application of the Convention. The Committee notes this progress with satisfaction, and at the same time ventures to express the hope that next year's report will contain full details of the practical application of the new Act.

*Colombia.* — No steps appear to have been taken so far for the application of the Convention, though its provisions have been taken into account in the draft Labour Code which has not yet been adopted. The Committee ventures to express the hope that the Government may find it possible to adopt the necessary legislation at an early date.

*Hungary.* — Under Article 5 of the Convention, ratifying countries undertake to supply annually in summary form figures for the approximate numbers of workers covered by the minimum wage-fixing machinery, the minimum rates of wages fixed and the more important of the other conditions established, if any, relevant to the minimum rates. The Committee considers that it might be advisable to draw the attention of the Government to the fact that such information is not contained in this year's report.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Uruguay.* — The Government states that draft legislation has been prepared to ensure the complete application of the Convention. The Committee takes note of this statement, and at the same time ventures to express the hope that the Government will keep the Office informed of the progress of the draft legislation.

27. *Marking of weight (packages transported by vessels).*

Number of reports due : 29.

Number of reports received : 26.

Reports missing : *Germany*<sup>1</sup>, *Lithuania*, *Nicaragua*.

*General observation.* — The Committee drew attention last year to the fact that the interpretation given in the various countries to the term "package or object" does not appear to be identical in all the ratifying countries. The reports supplied this year show that difficulties continue to arise over this divergency of interpretation. Thus, the report of the Netherlands Government states that "in sixty-five cases the Inspection Service was concerned with consignments of tree trunks and girders, and in none of these cases was the weight marked, although the heaviest trunks weighed 13,000 kgs. It was observed that the loading of these heavy weights had involved the use in ports of hoisting apparatus which were by no means appropriate, with the result that such apparatus had been seriously overloaded".

The attention of the Governing Body has been drawn to the general observation made by the Committee of Experts last year, and the Governing Body has instructed the Office to open a correspondence with certain of the Governments concerned, in order to elucidate the question of how far such difficulties as are reported are due to a difference of interpretation and how far they are due to a definite failure to apply the Convention strictly, independently of any question of interpretation.

The Committee ventures to hope that the results of the enquiry undertaken by the Office will give a more exact idea of the difficulties which appear to stand in the way of the practical application of the Convention.

*Bulgaria.* — This is the first annual report that the Government has been called upon to submit. The report states that the Convention has been presented to the competent authorities in order that a Bill may be drawn up or other measures may be taken for its application. As the Convention came into force for Bulgaria on 4 June 1936, the Committee ventures to hope that the Government will lose no more time in taking steps for its full application.

*Chile.* — The report declares that the reports of the labour officials in charge of the Maritime Section of the inspection services in the ports state that all the heavy packages transported by vessels both Chilean and foreign have their gross weight marked visibly upon them. There is thus no doubt as to the practical application of the Convention. The Government does not, however, communicate with its report the text of the Regulations (issued under § 246 (2) of the Legislative Decree of 13 May 1931) by which application of the Convention is secured. The Committee suggests that the Government might be asked to supply the text of these Regulations.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Venezuela.* — The Government states that until the Labour Act of 15 July 1936 came into force Venezuelan legislation did not contain any provisions designed to ensure the application of the Convention, but that the new Labour Act lays down the necessary principles and the Federal Government is preparing the corresponding regulations in accordance with the provisions of the Convention. The Committee takes note of this

<sup>1</sup> See, however, p. 4.

<sup>1</sup> See, however, p. 4.

statement, and ventures to express the hope that the Government will keep the Office informed of the progress of the projected regulations.

28. *Protection against accidents (dockers).*

Number of reports due : 3.

Number of reports received : 2.

Report missing : *Nicaragua*.

*Irish Free State.* — The Committee notes the statement of the Government to the effect that the possibility of ratifying the revised Convention of 1932, and thereby denouncing the ratification of this Convention, is still under consideration.

*Nicaragua.* — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

29. *Forced labour.*

Number of reports due : 16.

Number of reports received : 14.

Reports missing : *Liberia, Nicaragua*.

*Australia.* — Last year the Committee pointed out that no reference was made in the report on *Papua* to the legislation under which Natives may be required to act as porters or to cultivate useful fruits and trees. The information is given in this year's report. It is stated that except in cases of great emergency portage is limited to twenty-one days and that the carriers are paid and fed, while as regards compulsory cultivation, that it is only authorised in accordance with Article 19 of the Convention.

The report in respect of the *Mandated Territory of New Guinea* also gives an account of compulsory cultivation; the report indicates that this is the only form of forced labour treated by the Convention which is permitted in the Territory.

The information supplied by the Government of *Australia* on this Convention now covers all the points raised by the Committee.

*Great Britain.* — The British reports on this Convention have always included *Northern Rhodesia* among the territories in which there is no law or custom permitting the exaction of forced labour as defined by the Convention. The Native Authority Ordinance, 1936, however, repeats previous provisions which permit the issue of orders by the Native authorities for various purposes, including the engagement of paid labour for essential public work and services, and as these provisions are similar to those existing in other British dependencies in respect of which information is always forwarded under the Forced Labour Convention, it would be of value if the British Government could state in future reports whether, and to what extent, the application of the provisions of the Native Authority Ordinance involves compulsory labour within the meaning of the Convention.

*Bechuanaland* is also included in the territories in which no law or custom exists permitting the exaction of forced or compulsory labour. Last year the Committee drew attention to the Bechuanaland Protectorate Native Administration Proclamation, 1934, which contains provisions regarding personal services to chiefs. The Committee suggested that it would be of value to know if these services 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, and, in the latter case, if information could be given as regards such services, their regulation and the measures taken to prevent abuses. The Committee ventures to hope that the British Government will now be able to give information on this matter.

From the separate reports on the *Gold Coast, Kenya, Nigeria, North Borneo, the Mandated Territory of Tanganyika* and *Sierra Leone*, the Committee notes with much interest that the

administrations appear to be continuing to pursue the policy of reducing the forced or compulsory labour permitted under the Convention.

In this connection the following information appears to be of particular importance :

In *Sierra Leone*, the period under review marked the abolition of unpaid labour on road maintenance work. In the previous period a daily average of about 1,500 men had been employed on such labour, and between 1 October and 31 December 1935, when such labour was still unpaid, the report states that 35,525 men were employed in the Northern Province and 79,924 in the Southern Province. Since 1 January 1936, the work has been performed by voluntary paid labour, and the report states that no difficulty was experienced in recruiting the required numbers.

In *Uganda*, where the right to commute labour dues is in operation in all districts except one, an experiment has been made to provide effective opportunities of commutation by offering paid work under the Native Government to any person who had not the means to pay tax. As a result of the success of this experiment, a law is under consideration by the *Uganda Native Government* by which the labour obligations will become a tax.

*Italy.* — The Italian Government's report refers to the first report submitted last year. As was noted by the Committee, the first report gave a full account of the legislation adopted to secure application of the Convention in the Italian possessions. In order to complete this information, it would be useful if it were stated in future reports whether, and to what extent, recourse has been had to compulsory labour, and what measures have been taken by the Governors of the various colonies in accordance with § 13 of the Decree of 18 April 1935.

*Liberia.* — No report has yet been received from *Liberia*.

It will be remembered that, in respect of the period ended 30 September 1934, the *Liberian Government* submitted a detailed and interesting report. On this report the Committee submitted a number of comments with a view to assisting the *Liberian Government*. For the year ended 30 September 1935, the Government's report merely referred to its previous statement, and the Committee observed, *inter alia*, that "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".

The Conference Committee at the Twentieth Session (1936) associated itself with the observations of the Committee of Experts and expressed its regret that the *Liberian Government* should have failed to take into account the observations made in the Committee of Experts' Report.

In these circumstances, the Committee ventures to express serious regret that the report of the *Liberian Government* should be outstanding, and the hope that a report, which will take account of the previous comments of the Committee, will be communicated before the opening of the next Session of the Conference.

*Netherlands.* — The Government's policy for the gradual purchase of the *particuliere landerijen* in *Java*, in regard to which a reservation was made by the *Netherlands* on ratifying the Convention, has developed further, through the establishment of a limited company to purchase the estates. Through the company, the report states, it will be possible, pending State purchase, which depends on financial considerations, to see that the estates are humanely managed and to attempt gradually to reduce the services required of persons living on them. It is of interest to note that the company has already embarked on the purchase of private estates. Further progress will be watched with interest.

Detailed information is also given in the report concerning *heerendiensten* in the *Outer Provinces*

of the *Netherlands Indies*. It is stated that these services gave rise to no particular difficulties or complaints during the year under review and that in none of the provinces was full use made of the statutory maximum number of days of labour.

In the case of the Native States, it was reported last year that with one exception all the self-governing authorities in the autonomous territories outside Java and Madura had given effect to the invitation to bring their *heerendiensten* regulations into conformity with the Convention, and that negotiations with the Native principalities of Java had also led to agreement. The Committee of Experts, in welcoming this information, remarked that the regulations were no doubt numerous and probably existed only in the Native languages, but that it would be of value if any samples could be supplied in future reports. The report for this year states that the agreement with the Native States of Java has led to the establishment of Ordinances which have repealed previous regulations and replaced them by provisions in complete agreement with the requirements of the Convention.

In this connection, the Government has supplied the texts of several Ordinances in Java and the Outer Provinces. These consist of an Order of 17 December 1934 for the State of *Soerakarta (Java)*, an Order of 22 November 1927 for the autonomous territory of *Kotawaringin (Borneo)*, Regulations of 10 June 1933 for the autonomous territories of *Poso, Todjo, Lore and Oena-Oena (Celebes)*, and an Order of 28 January 1936 for the State of *Mangkoenagoro (Java)*. These laws define in detail the services which may be required as *heerendiensten*, the persons liable and the maximum duration. It is to be noted that the Mangkoenagoro Order provides for the complete abolition of forced or compulsory labour as defined by the Convention.

*Anglo-Egyptian Sudan*. — The Committee has once again to thank the Government of the Anglo-Egyptian Sudan for submitting a voluntary report on this Convention.

### 30. *Hours of work (commerce and offices)*.

Number of reports due : 5.

Number of reports received : 4.

Report missing : *Nicaragua*.

*Bulgaria*. — The legislation mentioned in the report as applying the Convention is Order No. 1,408 of 29 June 1934, issued by the Ministry of National Economy. It would appear, however, that this Order has now been repealed and that the legislation by which the Convention is at present applied is a Decree of 30 May 1936, amended by Decree of 20 July 1936. The latter legislation appears in general to be in harmony with the provisions of the Convention. The Committee suggests that the Government might be asked to supply in its next report a detailed analysis of the new legislation under the various Articles of the Convention, as, until this is done, it is difficult to form an exact idea of the manner in which the Convention is applied.

*Mexico*. — The report states that workers in the postal and telegraph services are covered by special administrative regulations. The Committee suggests that the Government might be asked to supply the text of these regulations.

*Nicaragua*. — In the absence of any report from the Government this year, the Committee is unable to form an opinion as to any action that may have been taken in response to the observation made by it last year.

*Uruguay*. — 1. Article 5 of the Convention allows a strictly limited increase in daily hours of work for the purpose of making up hours lost in case of a general interruption of work due to : (a) local holidays, or (b) accidents or *force majeure*. § 12 of the Decree of 15 May 1935 allows such increases where *special circumstances* make it

necessary. This provision appears to go beyond the limits defined by Article 5. Further, under the Uruguayan Decree there is no limit to the possible daily increase of hours provided that the weekly limit of forty-four or forty-eight hours is not exceeded. The Committee suggests that the attention of the Government might be drawn to these two discrepancies.

2. As regards the application of Article 7 of the Convention, the report supplies no information on the manner in which paragraph 3 of this Article is applied. Further, paragraph 4 of this Article lays down that the rate of pay for permitted overtime shall not be less than  $1\frac{1}{4}$  times the regular rate, whereas the report states, under Article 11 (2) (c) of the Convention, that no special rate of overtime is paid in Uruguay, since such payments are not required by the legislation, all compensation being given in the form of time off. Such a provision does not appear to be in harmony with the terms of the Convention, and the Committee therefore suggests that the attention of the Government might be drawn to these two points.

### 32. *Protection against accidents (dockers) (revised)*.

Number of reports due : 5.

Number of reports received : 5.

*Mexico*. — The report shows that the text of the Convention has been promulgated by Decree applied under the supervision of the Ministry of Communications, and that its text has been communicated to subordinate departments of the Ministry for due observance. The report adds, however, that the Ministry of Communications proposes to incorporate the provisions of the Convention in the amendment now under consideration to the Act on public means of communication and the relevant Regulations.

As various Articles of the Convention leave certain questions to be regulated direct by the national authorities, it is clear that the promulgation of the text of the Convention is not alone sufficient to secure its full application. The Committee therefore ventures to suggest that the Government be asked to keep the Office informed concerning the progress made towards the amendment of the Act on public means of communication, and of the Regulations.

*Uruguay*. — The report states that in general the legislation of Uruguay is not in accordance with the Convention, which is more complete and wider in scope. It adds that there is no reason why the text of the Convention should not be used as a basis for the new regulations on the subject. The Committee ventures to express the hope that the Government may find it possible to issue such new regulations at an early date.

### 33. *Minimum age (non-industrial employment)*.

Number of reports due : 4.

Number of reports received : 4.

*Uruguay*. — The report indicates that no legislation has yet been passed to secure the application of the main principles of the Convention, and adds that it would therefore be desirable to introduce the provisions of the Convention into Uruguayan legislation.

The Committee ventures to hope that the Government may find it possible at an early date to take the necessary measures for this purpose.

### 42. *Workmen's compensation (occupational diseases) (revised)*.

Number of reports due : 2.

Number of reports received : 2.

No observations.

## A. APPLICATION OF CONVENTIONS TO COLONIES, PROTECTORATES, POSSESSIONS AND TERRITORIES UNDER MANDATE

As was stated in last year's Report, which gave a complete survey of the application of the Conventions to the colonies, it is proposed to limit this note this year to comments on the progress made during the period under review and to any observations thereon which may appear necessary.

*Australia.* — The report does not state whether a decision has been taken regarding the application of *Convention No. 8 (Unemployment indemnity, shipwreck)* to *New Guinea* and *Papua*, which was stated last year to be under consideration.

*Belgium.* — There has been no change in the situation in the *Belgian Congo* and *Ruanda Urundi*. Renewed consideration of the maritime Conventions has confirmed the decision not to apply them. Nevertheless, the Belgian Act of 5 June 1928, containing provisions corresponding to those of these Conventions, covers native young persons employed on Belgian ships.

As regards *Conventions Nos. 5 and 6 (Minimum age, industry, and Night work, young persons)* it was suggested last year that the Belgian Government might consider that existing legislation does in fact constitute an application of these Conventions with modifications adapting their provisions to local conditions. The reports do not, however, refer to this suggestion.

In the case of *Conventions No. 4 (Night work, women)*, *No. 12 (Workmen's compensation, agriculture)*, *No. 16 (Workmen's compensation, accidents)*, and *No. 18 (Workmen's compensation, occupational diseases)*, it was stated last year that these Conventions were made applicable to both territories as from 1 April 1935 and that Decrees were being drafted bringing the legislation of the Colony into agreement with the provisions of these Conventions. An Ordinance of 5 October 1935 appears to effect this in the case of *Convention No. 4*. The Ordinance is not, however, mentioned in the report, nor is any information given on the progress of the study of other modifications in the legislation. It would be of value if supplementary information on these points could be supplied by the Belgian Government.

It would be of interest to learn whether any decision has been taken in regard to *Convention No. 27 (Marking of weight, packages transported by vessels)*, the application of which was stated last year to be under consideration.

*France*<sup>1</sup>. — Once again the report on *Convention No. 2 (Unemployment)* contains information on the work of public employment exchanges in *Algeria*, *Morocco* and *Tunis*.

There is no change in respect of the following Conventions: *No. 8 (Unemployment indemnity, shipwreck)*, *No. 13 (White lead, painting)*, *No. 15 (Minimum age, trimmers and stokers)*, *No. 16 (Medical examination of young persons, sea)*, *No. 18 (Workmen's compensation, occupational diseases)*, *No. 22 (Seamen's articles of agreement)*, and *No. 23 (Repatriation of seamen)*.

The first report on *Convention No. 27 (Marking of weight, packages transported by vessels)* states that no special measures have been taken in regard to colonies. In view of the nature of this Convention, it would be of value to know whether, in the absence of special measures, the Convention is in fact applied in the colonies, or whether application is being considered.

<sup>1</sup> For the supplementary information furnished by a representative of the French Government, see Appendix II B.

The report on *Convention No. 12 (Workmen's compensation, agriculture)* states that difficulties have been encountered in the application in *Indo-China* of the Decree of 9 September 1934, which had been mentioned previously. The report indicates, however, that the administration will try as soon as possible to effect the necessary modifications, and that the extension of workmen's compensation legislation to the other colonies and protectorates is under consideration.

The reports on *Conventions No. 11 (Right of association, agriculture)* and *No. 26 (Minimum wage-fixing machinery)*, the application of which to the colonies was reserved (except that the former Convention is applied to *Algeria*, *Guadeloupe*, *Martinique* and *Reunion*), record no change, but mention that far-reaching reforms of French colonial labour legislation are being examined.

Reports on the following five Conventions have not been received in time for examination: *No. 4 (Night work, women)*, *No. 6 (Night work, young persons)*, *No. 9 (Placing of seamen)*, *No. 14 (Weekly rest, industry)*, and *No. 19 (Equality of treatment, accident compensation)*.

*Great Britain.* — In the case of *Conventions No. 4 (Night work, women)*, *No. 6 (Night work, young persons)*, and *No. 12 (Workmen's compensation, agriculture)*, new legislation has been recorded. This legislation, however, does not affect the number of territories to which the Conventions apply. In the case of *Convention No. 6*, the new *Kenya* legislation applies the prohibition of night work in industry to all persons under eighteen years of age.

*Conventions No. 5 (Minimum age, industry)* and *No. 7 (Minimum age, sea)* have been applied with modifications to *Kedah*, and new legislation is recorded for other territories where *Convention No. 5* already applies.

*Conventions No. 8 (Unemployment indemnity, shipwreck)*, *No. 15 (Minimum age, trimmers and stokers)*, and *No. 16 (Medical examination of young persons, sea)*, have been applied with modifications to *Hong Kong*.

The first report on *Convention No. 32 (Protection against accidents, dockers)* (revised) records application to the *Gold Coast* and *Tonga*.

*Convention No. 26 (Minimum wage-fixing machinery)* has received a measure of application in *Malta*. Legislation of a simple character permitting the fixing of minimum wages has now been reported for thirty-one dependencies, and it would be interesting to learn to what extent the machinery has been put into operation.

There is no change in regard to the other Conventions.

In reviewing the legislation mentioned in previous reports in connection with the application of various Conventions to colonies, it is not clear whether the following laws have been brought into force: *Malta*, Act No. 21 of 1926; *British Guiana*, Ordinance No. 14 of 1933; *Grenada*, Ordinance No. 8 of 1934; *St. Lucia*, Ordinance No. 22 of 1934; *St. Vincent*, Ordinance No. 20 of 1935. Supplementary information on this point would be of value.

In reply to the new question concerning the re-examination of the possibility of applying Conventions to colonies, the British Government states:

"His Majesty's Government in the United Kingdom are fully alive to the necessity for reviewing the position in the Colonial dependencies having regard to social and industrial developments. The Government of each of the Colonial dependencies is required to furnish His Majesty's Government with an annual report on the progress made in applying the provisions of the Conventions. The question of the application in the light of changing circumstances is therefore constantly under review."

*Italy.* — No change is recorded.

In the case of *Conventions No. 7 (Minimum age, sea)*, *No. 9 (Placing of seamen)*, *No. 15 (Minimum age, trimmers and stokers)*, and *No. 16 (Medical examination of young persons, sea)*, reference is made to previous reports. No further information is given in regard to the legislative measures which were reported last year to have been drafted by the Minister for the Colonies to bring these Conventions into effect.

*Japan.* — Once again the reports on *Conventions No. 2 (Unemployment)* and *No. 9 (Placing of seamen)* contain information on the work of public employment exchanges in *Chosen*, *Karafuto* and *Kwantung*.

Attention was drawn last year to the fact that the application of *Conventions No. 7 (Minimum age, sea)*, *No. 15 (Minimum age, trimmers and stokers)*, and *No. 16 (Medical examination of young persons, sea)* to dependencies other than *Taiwan* (where they are already applied) had been under consideration for some years. The decision has now been taken that local circumstances do not permit of their application to the other dependencies.

There is no change in the case of the other Conventions.

*Netherlands.* — The reports in respect of the *Netherlands Indies* record no change in the measures of application of Conventions. Information is, however, supplied about the permits issued and convictions recorded in respect of the employment of women during the night (*Convention No. 4*), the convictions in respect of the prohibition of the employment of children (*Convention No. 5*) and the number of employment exchanges and agents (*Convention No. 2*).

In regard to *Conventions No. 12 (Workmen's compensation, agriculture)* and *No. 17 (Workmen's compensation, accidents)*, it is stated that the introduction of the final Bill is to be expected in the near future, and that the Bill will cover agricultural workers when employed under penal sanction contracts.

The first report on *Convention No. 33 (Minimum age, non-industrial employment)* states that, since the financial circumstances of the *Netherlands Indies* prevent effective supervision of the observance of this Convention, its application is for the present suspended.

For *Curaçao* it is stated that the Order concerning workmen's compensation (*Conventions Nos. 12, 17, 18 and 19*) has been approved by the Colonial Council and ratified by the Governor, but not yet promulgated.

There is no change in *Surinam*.

*Portugal.* — No change.

*Union of South Africa.* — No change.

*General observation.* — Only the British Government has specifically replied to the new question concerning the re-examination of the possibility of applying Conventions to colonies. The *Netherlands Government* indicates that a reply from the Governor-General of the *Netherlands Indies* is expected. It would be of value if renewed attention were drawn to the question when the forms for annual reports are next communicated to the Governments.

B. SUMMARY OF A STATEMENT BY MR. MAURICE BESSON, FRENCH GOVERNMENT REPRESENTATIVE, TO THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS (6 April 1937).

The effort towards social reform undertaken by the French Government in the French Colonies since June 1936 has been directed as much towards the group of "old colonies" (*Martinique*, *Guade-*

*loupe* and *Reunion*) as towards the native labour colonies.

In the first group, the European population allows of social legislation almost identical with that of the home country; for example, Books I and II of the metropolitan Labour Code were extended to *Martinique*, *Guadeloupe* and *Reunion* by Decrees enacted between 1912 and 1917, and, in addition, the metropolitan legislation with regard to occupational trade unions was also made applicable to them. The social conditions in these old colonies was such as to allow the application to them of the important social reforms achieved in the home country; thus, by three Decrees of 14 December 1936, the three Acts of 20, 21 and 24 June 1936 concerning respectively the forty-hour week, holidays with pay, and collective agreements, were extended to *Martinique*, *Guadeloupe* and *Reunion*, and also to *Guiana* and *New Caledonia*.

In the colonies where native labour predominates, the activities of the Ministry of Colonies had a two-fold purpose, i.e.: on the one hand, to equip the European and assimilated elements of the population with social legislation similar to that in the home country, and, on the other hand, to provide the Native workers with guarantees in regard to wages, contracts of employment, etc., and to ensure the necessary development of their working conditions. With regard to the Europeans, mention should be made in particular of the promulgation on 21 August 1936 of the Decree of 2 April 1932 to regulate industrial accidents in French West Africa, and also of a Decree of 24 February 1937 for Indo-China, which equipped the European and assimilated workers with a veritable labour charter; in addition, mention should be made of the Decree of 9 September 1934 for Indo-China to regulate industrial accidents occurring to Europeans and assimilated persons, which was put into force on 1 January 1937.

With regard to native labour properly so called, the following legislative texts, adopted during the last few months, are of special importance:

*French West Africa.* — A Decree of 11 March 1937 determined the conditions of application of Chapters I and III of Book III of the Labour Code (trade unions); this Decree, which lays down the principle of freedom of association, nevertheless only throws trade unions open to Natives with a certain degree of education. A Decree of 20 March 1937 concerning occupational associations determined the methods by which the occupational interests of Native workers, who are not yet in a condition to become members of a trade union, may be represented. Two further Decrees of 20 March 1937 concern respectively collective labour agreements in commerce and industry and methods of conciliation and arbitration in cases of collective labour disputes.

*Indo-China.* — The Decree of 19 January 1933 which regulates free native labour and provides, in particular, for the protection of women and children, was put into effect on 15 August 1936. A second Decree, of 13 October 1936, has shortened hours of work from ten to nine hours, has abolished night work for women and children, and has made an annual holiday compulsory. But it is above all the Decree of 30 December 1936 which constitutes a veritable Labour Code for Natives: in particular, it regulates apprenticeship, establishes collective labour agreements, abolishes fines, provides for minimum wages, admits company stores, subject to three reservations, protects women and children, reduces hours of work, grants holidays with pay, etc. Legislation with regard to the right of association is at present under consideration.

In *French Somaliland*, labour regulations adapted to local needs form the subject of a Decree of 22 May 1936. In *French India*, comprehensive regulations with regard to labour have just been issued. In *French Equatorial Africa* and *Madagascar*, the whole question is being considered.



This important movement towards reform will facilitate the application, to most of the French Colonies, of the following international labour Conventions: *Night work, women*; *Night work, young persons*; *White lead, painting*; *Right of association, agriculture*; *Workmen's compensation, accidents*; *Minimum wage-fixing machinery*; *Holidays with pay*; and the Conventions which relate to *hours of work*. It should be noted that several of these Conventions have already been in force since 1933 in the old colonies.

### APPENDIX III.

#### LIST OF ANNUAL REPORTS NOT RECEIVED BY THE OFFICE BY 3 APRIL 1937.

##### *Convention No. 1. Hours of work (industry):*

Argentine Republic.  
Dominican Republic.  
Nicaragua.

##### *Convention No. 2. Unemployment:*

Argentine Republic.  
Germany<sup>1</sup>.  
Nicaragua.

##### *Convention No. 3. Childbirth:*

Argentine Republic.  
Brazil.  
Germany<sup>1</sup>.  
Nicaragua.

##### *Convention No. 4. Night work (women):*

Albania.  
Argentine Republic.  
Brazil.  
France.  
Nicaragua.

##### *Convention No. 5. Minimum age (industry):*

Albania.  
Argentine Republic.  
Brazil.  
Dominican Republic.  
Nicaragua.

##### *Convention No. 6. Night work (young persons):*

Albania.  
Argentine Republic.  
Brazil.  
France.  
Nicaragua.

##### *Convention No. 7. Minimum age (sea):*

Argentine Republic.  
Brazil.  
Dominican Republic.  
Germany<sup>1</sup>.  
Nicaragua.

##### *Convention No. 8. Unemployment indemnity (shipwreck):*

Argentine Republic.  
Germany<sup>1</sup>.  
Nicaragua.

##### *Convention No. 9. Placing of seamen:*

Argentine Republic.  
France.  
Germany<sup>1</sup>.  
Nicaragua.

##### *Convention No. 10. Minimum age (agriculture):*

Argentine Republic.  
Dominican Republic.  
Nicaragua.

##### *Convention No. 11. Right of association (agriculture):*

Argentine Republic.  
Germany<sup>1</sup>.  
Nicaragua.

##### *Convention No. 12. Workmen's compensation (agriculture):*

Argentine Republic.  
Germany<sup>1</sup>.  
Nicaragua.

##### *Convention No. 13. White lead (painting):*

Argentine Republic.  
Nicaragua.

##### *Convention No. 14. Weekly rest (industry):*

Argentine Republic.  
France.  
Irish Free State.  
Nicaragua.

##### *Convention No. 15. Minimum age (trimmers and stokers):*

Argentine Republic.  
Germany<sup>1</sup>.  
Nicaragua.

##### *Convention No. 16. Medical examination of young persons (sea):*

Argentine Republic.  
Brazil.  
Germany<sup>1</sup>.  
Nicaragua.

##### *Convention No. 17. Workmen's compensation (accidents):*

Nicaragua.

##### *Convention No. 18. Workmen's compensation (occupational diseases):*

Germany<sup>1</sup>.  
Nicaragua.

##### *Convention No. 19. Equality of treatment (accident compensation):*

France.  
Germany<sup>1</sup>.  
Nicaragua.

##### *Convention No. 20. Night work (bakeries):*

Nicaragua.

##### *Convention No. 21. Inspection of emigrants:*

Albania.  
Nicaragua.

##### *Convention No. 22. Seamen's articles of agreement:*

Germany<sup>1</sup>.  
Nicaragua.

##### *Convention No. 23. Repatriation of seamen:*

Germany<sup>1</sup>.  
Nicaragua.

##### *Convention No. 24. Sickness insurance (industry, etc.):*

Germany<sup>1</sup>.  
Nicaragua.

##### *Convention No. 25. Sickness insurance (agriculture):*

Germany<sup>1</sup>.  
Nicaragua.

##### *Convention No. 26. Minimum wage-fixing machinery:*

Germany<sup>1</sup>.  
Nicaragua.

<sup>1</sup> See, however, p. 4.

<sup>1</sup> See, however, p. 4.



*Convention No. 27. Marking of weight (packages transported by vessels) :*

Germany<sup>1</sup>.  
Lithuania.  
Nicaragua.

*Convention No. 28. Protection against accidents (dockers) :*

Nicaragua.

*Convention No. 29. Forced labour :*

Liberia.  
Nicaragua.

*Convention No. 30. Hours of work (commerce and offices) :*

Nicaragua.

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<sup>1</sup> See, however, p. 4.

List showing, by countries, the number of reports not received :

*Albania* : 4 reports (out of 4 reports due).

*Argentine Republic* : 16 reports (out of 16 reports due).

*Brazil* : 6 reports (out of 6 reports due).

*Dominican Republic* : 4 reports (out of 4 reports due).

*France* : 5 reports (out of 17 reports due).

*Germany*<sup>1</sup> : 17 reports (out of 17 reports due).

*Irish Free State* : 1 report (out of 21 reports due).

*Liberia* : 1 report (out of 1 report due).

*Lithuania* : 1 report (out of 7 reports due).

*Nicaragua* : 30 reports (out of 30 reports due).

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<sup>1</sup> See, however, p. 4.



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