

INTERNATIONAL LABOUR CONFERENCE

TWENTY-FOURTH SESSION

GENEVA, 1938

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



INTERNATIONAL LABOUR OFFICE

GENEVA, 1938

09661

C. 1938. (XXIV) R22

INTERNATIONAL LABOUR CONFERENCE

TWENTY-FOURTH SESSION

GENEVA, 1938

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, 1938

09661

C.1938.XXIV. R22 A.

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 the respective Members of the Organisation, met at Geneva from 4 to 9 April, 1938.

The following members of the Committee were present:

Mr. Raphael ERICH (Finnish),
Minister Plenipotentiary at Rome, former Professor of Constitutional and International Law in the University of Helsingfors, former President of the Council of Ministers (1920-21), former Minister at Berne and at Stockholm, Member of the Institute of International Law;

Mr. Arnold D. McNAIR, C.B.E., LL.D.,
(British),
Vice-Chancellor of the University of Liverpool;

Mr. Otakar QUADRAT (Czechoslovak),
Doctor of Applied Science (Engineering), Professor at the Prague School of Technical Studies, former Secretary-General of the Masaryk Academy of Applied Sciences;

Mr. William RAPPARD (Swiss),
Professor in the University of Geneva, Director of the Graduate Institute of International Studies;

Mr. Georges SCELLE (French),
Professor in the Faculty of Law of the University of Paris, Associate Member of the Institute of International Law, former Professor in the University of Geneva, and in the Graduate Institute of International Studies, Deputy Secretary-General of The Hague Academy of International Law;

Mr. Paul TSCHOFFEN (Belgian),
Advocate at the Court of Appeal of Liège, Senator, former Minister of Justice, Labour and Colonies;

Mr. Ilia YANOULOFF (Bulgarian),
Professor in the Free University of Sofia, Honorary Professor at the State University of Sofia, Member of the Bulgarian Academy of Science.

Certain changes in the composition of the Committee have taken place. Mr. Georges SCELLE has been appointed by the Governing Body to fill the place made vacant by the death of Mr. Jules Gautier. Mr. Ilia YANOULOFF has been nominated to another vacancy, and his presence affords the Committee, for the first time, the valuable opportunity of collaboration with an expert familiar with conditions in the Balkans. Professor Tomasso PERASSI (Italian) resigned from the Committee on 23 December 1937. The Committee, much to their regret, were deprived of the collaboration of Sir Atul CHATTERJEE (Indian) and Professor Wacław MAKOWSKI (Polish) owing to illness. Mr. César CHARLONE (Uruguayan) and Mr. Shunzo YOSHISAKA (Japanese) were prevented by other personal reasons from attending. The Committee notes with pleasure that Mr. Charlone has recently been elected Vice-President of the Republic of Uruguay.

The Committee elected Mr. TSCHOFFEN as Chairman and Mr. McNAIR as Reporter.

The total number of annual reports due this year is 702, and the number received at the time of the closing of the present session of the Committee is 580, which leaves 122 reports missing. (See also Appendix III.)

This last figure includes reports in respect of the seventeen Conventions ratified by Germany who ceased to be a Member of the Organisation on 21 October 1935. The juridical questions to which the absence of these reports gives rise, and which were noted by the Committee last year are still under examination by the Governing Body. 20 reports from the Italian Government which gave notice of withdrawal from the Organisation on 15 December 1937, and 30 from Nicaragua whose notice of withdrawal from the League is due to expire on 27 June 1938, are also included in the number of reports missing.



This leaves a balance of 43 (not counting 12 reports outstanding from Spain where abnormal conditions prevail) missing reports, a number which is made up as follows :

Countries	Reports missing
Albania	4 (Conventions Nos. 4, 5, 6 and 21).
Argentine Republic	16 (Conventions Nos. 1 to 16).
France	2 (Conventions Nos. 18 and 19).
Hungary	3 (Conventions Nos. 7, 15 and 16).
Lithuania	1 (Convention No. 27).
Rumania	17 (Conventions Nos. 1 to 11, Nos. 13 to 16, Nos. 24 and 27).

The Committee has reason to expect that before the Conference meets in June the number of missing reports will be greatly reduced, and it ventures to suggest that the Conference Committee on the Application of Conventions be requested to examine any reports which reach the Office between now and the date of the Conference.

It is worth mentioning that for the first time the *Dominican Republic* appears amongst the States which have submitted reports.

On 1 April 1937 *Burma* ceased to be part of India as the result of the new Government of India Act. Nevertheless, the Office has received an intimation to the effect that *Burma* continues to be bound by the 14 Conventions which had been ratified by the Government of India (Conventions Nos. 1, 2, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 27 and 41), and a report on the application of these Conventions in *Burma* during the period 1 April to 30 September 1937 has been communicated to the Office by the Ministry of Labour of the United Kingdom. The Office was also informed that in future the reports of the Government of *Burma* will be forwarded through the same channel. In the opinion of the Committee, this incident is also noteworthy from a general point of view because it constitutes, so far as the Committee is aware, the first instance of a part of the territory of a Member separated from it and placed under a new Government, continuing to be bound by its obligations under the Constitution of the Organisation.

It was with particular interest that the Committee learned that, in pursuance of the suggestion made by it in 1934, a second Regional Conference of representatives of factory inspection services was held at Vienna from 24 to 28 May 1937. This Conference was attended by 26 delegates representing the inspection services of the following countries : *Austria, Czechoslovakia, Estonia, Hungary, Latvia,*

Lithuania, Poland, Rumania, Yugoslavia. The Bulgarian and Turkish Governments were represented by observers, and the Netherlands and Sweden, who had previously taken part in the first Regional Conference at The Hague in 1935, sent representatives to this Conference. A representative of the Japanese Government also attended the Conference.

The Committee understands in this connection that the Governing Body has decided to ask the Office to submit to it definite proposals for the convening of a preparatory technical Conference in 1939 with a view to the adoption by the International Labour Conference at a later session, of a draft Convention on the principles of labour inspection. The Committee of Experts attaches the greatest importance to the holding of this preparatory Conference. The existence of a strong inspection service, keenly alive to the necessity of the strict application of these Conventions, constitutes one of the most important guarantees for their efficacy.

In this connection, the Committee has noted that the Governing Body has under consideration the addition to the annual report forms of another question which would be directed towards ascertaining the exact numerical strength of the factory inspection service in each country. This suggestion was made by the Committee of the Conference on the Application of Conventions last year, and the Committee of Experts begs to endorse it and commend it to the favourable attention of the Governing Body.

There have been two somewhat remarkable developments in the work of the International Labour Organisation to which the Committee desires to call attention.

The first of these relates to the countries of Latin America. The Committee is glad to note a greatly increased concern in these countries to bring their national legislation into harmony with the provisions of the Conventions they had ratified. One after another these countries are adopting by legislation new Industrial Codes, and it is no exaggeration to say that the Conventions of the International Labour Organisation are forming the pattern and the basis of these Codes. This is clear both from the annual reports from these countries examined by the Committee and also from the examination of the new legislation of these countries which has been made by the services of the Office. This constitutes a new and very important development overseas in the work of the International Labour Organisation.

The second development is this. It will be recalled that, whereas a Convention once ratified by a Member State is obligatory upon the metropolitan territory of that State, in the case of colonies,

protectorates and other possessions, no such unconditional obligation exists, and the application of the Convention depends upon its applicability to the local conditions there prevailing. The experience of recent years shows a rapidly increasing spread of the policy of applying Conventions in colonial and similar territories as well. In its report last year, the Committee stated that it proposed to make a comprehensive report on the application of Conventions to colonies and similar territories only once every three years, and such a report will be due next year. The annexed report on the application of Conventions to colonies, protectorates, possessions and territories under mandate (Appendix II) only records the progress which has been made in the course of the past year.

The action taken for the application of Conventions to colonial and similar territories is one of the most interesting developments of international labour legislation with which the Committee has to deal. Although legislative and administrative measures already taken on the basis of the Conventions are in many cases mainly of precautionary value at the present early stage of colonial industrialisation, this fact should not be regarded as minimising their ultimate practical importance. Moreover, in some instances immediate practical effects have followed, as for instance, in the adoption of workmen's compensation schemes and the establishment of minimum wages. Not infrequently, too, the legislation marks the beginnings, of a wide programme of social progress which might possibly have been neglected but for the attention focussed on particular aspects of the protection of labour through consideration of the Conventions. The legislation represents in most cases not the consolidation of achieved labour reform, but the initiation of a new movement and its development towards levels fixed in the Conventions.

The Committee noted that the Governing Body has under consideration the question mentioned by the Committee in its report a year ago whether it would not be desirable that the Office should have the opportunity of submitting information to national courts in proceedings before such courts in which questions are raised concerning the Constitution of the International Labour Organisation or the Conventions adopted.

The Committee find it necessary to repeat an observation which they made in 1935. They realise that it is not necessary for the purpose of enabling them to fulfil their task that Members of the Organisation should answer in detail year after year all the questions contained in the report form. There are however three questions which require a specific reply each year and the Committee beg to draw the express attention of the Members of the Organisation to them. They are as follows :

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

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

With regard to the information on the practical application of Conventions, it is not always clear from the reports how the number of infractions referred to in them is calculated : for instance, whether an infraction which affects one hundred persons is counted as one infraction involving one hundred persons, or as one hundred separate infractions. It would be helpful to the Committee if the reports could make this point clear.

The Committee, as the number of reports requiring to be examined by them continues to grow, find themselves more and more in the debt of the officials of the Members of the Organisation and of the staff of the International Labour Office itself for their collaboration in the preparation and the examination of the annual reports.

Geneva, 9 April 1938.

(Signed) Paul TSCHOFFEN,
Chairman.

(Signed) Arnold D. McNAIR,
Reporter.

APPENDIX I.

A. GENERAL OBSERVATIONS ON THE REPORTS SUPPLIED BY CERTAIN COUNTRIES.

Canada. — The report of the Canadian Government this year on the application of Conventions No. 1 (ratified 21.3.35), No. 14 (21.3.35), and No. 26 (24.4.35), takes the form of a letter dated 8 January 1938 which is as follows :

".....
With regard to the remaining three Conventions which have been ratified by Canada concerning: (1) hours of work in industry, (2) weekly rest in industry; and (3) minimum wage-fixing machinery, copies were furnished to the International Labour Office under date of 7 October 1936, of three statutes which had been enacted by the Parliament of Canada to give effect to these respective Conventions. The accompanying letter also mentioned the fact that a reference had been made to the Supreme Court of Canada with respect to the jurisdiction of the Parliament of Canada to enact these statutes and that an appeal from the Judgment of the Supreme Court of Canada was taken subsequently to the Judicial Committee of the Privy Council in London. The text of the Judgment of the Judicial Committee of the Privy Council, declaring all three of these Acts *ultra vires* of the Parliament of Canada, was communicated to the International Labour Office by letter of 4 May last.

In respect of the present position of these matters, I would state that in view of economic and social developments which have occurred since the adoption in 1867 of the British North America Act, providing for the confederation of certain provinces into the Dominion of Canada, and for the distribution of legislative powers between the Federal Parliament and the Provincial Legislatures, a Royal Commission on Dominion-Provincial Relations was appointed by Order in Council of 14 August 1937, and is now conducting hearings in different parts of the country. One of the recommendations of this Order in Council is in the terms following: 'That it is expedient to provide for a re-examination of the economic and financial basis of confederation and of the distribution of legislative powers, in the light of the economic and social developments of the last seventy years.' A copy of this Order in Council is attached hereto and information will be communicated to the International Labour Office in due course as to any recommendations the Royal Commission may make regarding jurisdiction in respect of conditions of labour and any steps which may be taken to give effect thereto."

The Committee takes note of the above statement and ventures to express its earnest hope that the constitutional difficulties to which the Government has referred in its report will be solved in a satisfactory way in the near future and that the Government will soon be in a position to supply information on the measures that have been taken to ensure the application of the three Conventions in question (Nos. 1, 14 and 26).

Spain. — The Spanish Government in the covering letter dated 12 March 1938 forwarding the annual reports on the application of Conventions Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 20, 22, 23, 30 and 33, makes the following observations :

It is thought that the exceptional circumstances at present existing in this country amply justify any omissions or defects in the annual reports.

Although our statistical services are working normally they are unable to compile exact data at regular intervals and their present activities are necessarily devoted mainly to the preparation for a return to normal conditions.

The factory inspectorate is working busily

throughout the whole of the area which has remained loyal, and its activities are entirely normal. Nevertheless, it meets with obvious difficulties in collecting the information required for the preparation of its report.

The replies sent to the questionnaires are therefore considered merely as a proof of the undiminished desire of Spain to fulfil its obligations towards the International Labour Organisation and as a proof of its respect for the Committee on Article 408.

The Committee takes note of the information contained in the above letter and in reports forwarded thereunder, which it welcomes as a sign of the Spanish Government's desire to fulfil its obligations under Article 22 of the Constitution of the Organisation.

*Burma*¹. — The report states that "as regards the period 1 April-30 September 1937 the method of application of these Conventions has remained the same under the Government of Burma as it was under the Government of India and nothing of substance has occurred in Burma during that period in relation to the Conventions in question".

The Committee takes note of this statement.

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 : 15.

Reports missing : *Argentine Republic, Nicaragua, Rumania.*

Canada (Ratification : 21.3.1935).

See under A (General observations on the reports supplied by certain countries).

Cuba (Ratification : 20.9.1934).

In 1936 and 1937 the Committee called attention to certain divergencies between the provisions of Cuban legislation and those of the Convention (Articles 1, 2, 3 and 6). In response to those observations a representative of the Cuban Government made an explanatory statement to the Committee on the Application of Conventions set up by the Conference at its Twenty-third Session. While taking note with interest of the information supplied by the Cuban Government representative the Committee ventures to point out that the formal discrepancies between the provisions of Cuban legislation and those of Articles 2, 3 and 6 of the Convention would still seem to exist. The Committee, however, takes note with satisfaction of the statement in the Cuban Government's report that the competent authorities have been notified of the desirability of amending Decree No. 2513 with a view to making overtime payment at 25 per cent. above the normal rate.

In these circumstances while noting with appreciation the important steps that Cuba has taken towards the establishment of an 8-hour day and 48-hour week, the Committee ventures to express the hope that the divergencies which still seem to exist will be removed at an early date.

Dominican Republic (Ratification : 4.2.1933).

The Committee welcomes this first report from the Government of the Dominican Republic.

The report mentions the Act of 21 June 1935 concerning hours of work as the legislation applying the Convention. This Act would seem to be in general harmony with the provisions of the Convention. The Committee ventures to point out, however, that the Act does not apply to small

¹ See above on p. 4.

undertakings situated in rural areas whereas the Convention does not provide for any such exception.

As this discrepancy between Dominican legislation and the Convention seems to be of some importance, the Committee ventures to express the hope that the Government will take the necessary steps at an early date to remove it.

Greece (Ratification : 19.11.1920).

The Committee notes with satisfaction the considerable progress made in the application of the 8-hour day to all industrial undertakings and in particular to the textile industry.

(1) The Committee however ventures to point out that the excess of hours of work authorised by the legislation in conformity with Article 3 of the Convention, though limited in principle to 60 per year may be extended to 180 per year in the textile industry in case of great pressure of work duly recognised. This provision is to be in force for 3 years. The Committee would be glad to have information on the practical importance of this provision.

(2) The decree of 13 April 1937 lays down that in bakeries not worked by machinery the workers shall at least be present for ten hours per day. The report states that the competent authorities are endeavouring to remove this discrepancy.

India (Ratification : 14.7.1921).

The Committee notes with satisfaction the statement in the report that in a Notification dated 23 March 1937 the Government of India promulgated their decision extending the Hours of Employment Regulations to the *Bengal and North West Railway* with effect from 1 October 1937.

2. *Unemployment.*

Number of reports due : 30.

Number of reports received : 24.

Reports missing : *Argentine Republic, Germany*¹, *Italy, Nicaragua, Rumania, Spain.*

Chile (Ratification : 31.5.1933).

1. Last year the Committee considered that the attention of the Chilean Government might be called to the fact that under Article 1 of the Convention ratifying States undertake to supply "all available information statistical or otherwise concerning unemployment, including measures taken or contemplated to combat unemployment". The Committee notes with satisfaction that in its report this year the Government states that instructions have been issued to the services concerned that along with the three monthly statistics regarding unemployment they should supply all the information specified by Article 1 of the Convention. It notes that the International Labour Office has begun to receive such information.

2. The Government's report last year, in response to a previous observation by the Committee stated that draft regulations had been prepared with a view to the setting up of the committees provided for in Article 2 of the Convention. In its report this year the Chilean Government states that on account of other urgent work the Minister of Labour has not yet been able to issue the regulations in question. 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 without further delay.

Colombia (Ratification : 20.6.1933).

Last year the Committee noted with satisfaction the measures taken by the Colombian Government for the application of the Convention, and in particular the establishment of the first official

labour exchange by the municipality of Bogota. The Committee ventures to express the hope that in its next report the Government will be in a position to supply information on the working and results of this labour exchange.

Greece (Ratification : 19.11.1920).

The Committee takes note of the creation of employment exchanges and of the intention of the Government to set up in the near future in the Ministry of Labour a statistical section which would enable the Government to supply to the International Labour Office next year statistical information concerning unemployment.

India (Ratification : 14.7.1921).

Last year the Committee took note of the statement in the report of the Government of India that all Port Trusts in India had been asked to examine the possibility of verifying a scheme of registration (of dock workers) in consultation with the interests concerned and their replies were being examined by the Government. The report added that the delay in coming to a decision in the matter was due to the fact that the authorities in the major ports in India were opposed to the proposal and that the view was held that the system proposed would not be beneficial to the workers.

As this year's report contains no information on this point, the Committee can only reiterate the hope it expressed last year that the Government will continue its efforts to arrive at a satisfactory solution of the problem.

Uruguay (Ratification : 6.6.1933).

The Government stated in its report last year that it had not so far proved possible to organise the collection of unemployment statistics on a scientific basis or to establish a national system of employment exchanges in accordance with the legislation which has already been adopted. It added however that a Bill had 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.

As this year's report does not contain any fresh information in this connection the Committee can only reiterate the hope that it expressed last year 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 : 12.

Reports missing : *Argentine Republic, Germany*¹, *Nicaragua, Rumania.*

Brazil (Ratification : 26.4.1934).

The Brazilian Government recognises in its report that § 7 of Act No. 21417 of 17 May 1932 concerning the employment of women which prohibits the employment of women four weeks before and four weeks after confinement is not in harmony with Article 3 of the Convention and that there are also other points upon which the national legislation is not in conformity with the Convention. Attention was called to these discrepancies in an observation which the Committee of Experts made in 1936. On the other hand, according to a communication from the Brazilian Minister of Foreign Affairs received by the Office on 8 January 1938, steps have been taken to secure the adoption of amendments with a view to bringing the national legislation into harmony with the Conventions ratified by Brazil.

The Committee takes note of the above communication with satisfaction and ventures to express the hope that the next report of the Brazilian Government will contain full information on the

¹ See above on p. 3.

¹ See above on p. 3.

legislation which has been adopted to carry out the provisions of the Convention.

Bulgaria (Ratification : 14.2.1922).

The Committee notes that a recent legislative Decree (No. 200 of 5 September 1936) contains certain provisions regarding maternity leave and would be glad to know the bearing of this Decree on the application of the Convention.

Chile (Ratification : 15.9.1925).

1. With regard to an observation made by the Committee in 1935 concerning the desirability of providing for the payment of maternity benefits entirely out of public funds or by means of a system of insurance, the report this year states that the Government sent to Congress on 13 August 1936 a message submitting a Bill for the purpose of establishing a system of maternity benefits in conformity with the Convention.

The Committee ventures to suggest that the Government might be requested to keep the Office informed of the progress of this Bill.

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 report states that the Superior Labour Council has been asked to examine the above observations and prepare amendments which would bring the national legislation into complete harmony with the Convention.

The Committee takes note of this statement with satisfaction.

Colombia (Ratification : 20.6.1933).

The Committee takes note of the Bill for establishing a system of insurance which will be used primarily for insured persons in case of childbirth. It ventures to express the hope that this system will provide for the granting to the persons covered by the Convention the benefits provided for in it before, during and after childbirth.

It also expresses the hope that along with these measures legislative provisions will be adopted for ensuring to the workers concerned the right to maternity leave prescribed in paragraphs (a) and (d) of Article 3 as well as the protection against dismissal laid down in Article 4 of the Convention.

Uruguay (Ratification : 6.6.1933).

Last year the Committee expressed the hope that the Government would lose no time in bringing its legislation into harmony with the Convention. The Government states that during the year under review Bills were submitted to Parliament with a view to bringing the national legislation into complete harmony with the provisions of the Convention, and that measures are also being taken intended, *inter alia*, to amend Chapter XVII of the Children's Code and to so extend the scope of § 37 of this Code, which at present only partially fulfils the provisions of the Convention, that these provisions are fully applied.

The Committee ventures to hope that the projected measures will be enacted in the near future.

4. *Night Work (Women).*

Number of reports due : 30.

Number of reports received : 25.

Reports missing : *Albania, Argentine Republic, Italy, Nicaragua, Rumania.*

Brazil (Ratification : 26.4.1924).

In 1936 the Committee made an observation noting in particular the absence of any provision in Brazilian legislation that the term "night" shall mean a period of eleven consecutive hours. The report for this year states that steps have been taken to amend Brazilian legislation in order to bring it into harmony with the provisions of the Conventions ratified by Brazil.

The Committee ventures to express the hope that these measures will be brought into effect at an early date.

The Committee also notes that Brazil has ratified Convention No. 41 and denounced the present Convention.

Chile (Ratification : 8.10.1931).

The Government states in its report that Chilean legislation applies only to working women and not to all women employed in an industrial undertaking (Article 3). The Committee however ventures to point out that Chilean legislation would seem to be in harmony with the provisions of Convention No. 41 which allows certain exceptions particularly in respect of women employed in positions of management, etc...

Colombia (Ratification : 20.6.1933).

The Committee takes note of the fact that there has been no change in the situation since the statement made by the Government last year and the year before, that there is no legislation in Colombia relating to the Convention and that the Government intends to make a preliminary study of the Convention with a view to applying it. The Committee takes note of the statement made by the representative of the Government at the Committee on the Application of Conventions set up by the Twenty-third Session of the Conference and ventures to express the hope that the Government will soon complete its examination of the local difficulties recalled and be in a position, before the next report, to realise its desire to fulfil the obligations devolving on it as a result of the ratification of the Convention.

Uruguay (Ratification : 6.6.1933).

In 1936 and 1937 the Committee took note of the absence of legislation in Uruguay on the night employment of women. The report this year mentions that a Bill on the subject has been submitted to Parliament.

The Committee notes this fact with appreciation and expresses the hope that the Bill in question will be adopted in the near future.

Yugoslavia (Ratification : 1.4.1927).

The Government states that a final decision has not yet been taken with regard to the question of ratifying Convention No. 41 with which the national legislation is in harmony. The Committee ventures to express the hope that this decision will be taken without further delay.

5. *Minimum Age (Industry).*

Number of reports due : 27.

Number of reports received : 23.

Reports missing : *Albania, Argentine Republic, Nicaragua, Rumania.*

Colombia (Ratification : 20.6.1933).

As the report refers to the situation set out in the reports for previous years the Committee can only reiterate its hope that the legislation will be amended in order to ensure the complete application of the Convention. It understands however that the proposed codification of the labour legislation, with which the Senate was occupied during the year under review, improves the legislation on one point as it envisages, particularly for young persons covered by certain provisions of the labour legislation, the provision of a work-book indicating age, occupation, etc.

Dominican Republic (Ratification : 4.2.1933).

This is the first report submitted by the Dominican Government and the Committee takes note of it with much interest.

The Committee considers that the attention of the Government might be called to the following points :

Article 1. — Act No. 929 does not contain any definition of the term "industrial undertaking".

It would be useful to know whether any definition of this term is contained in any administrative provisions.

Article 3. — The report states that in arts and craft schools manual work forming a part of the school instruction and carried out by children is supervised by the school authorities. It would be useful to know whether trade schools which are not managed by the State are subjected to supervision by the public authorities.

Article 4. — Act No. 929 does not specifically prescribe the obligation to enter the age of the workers in the register kept by the undertaking. The report mentions certain instructions which the Labour Department would apply in cases where the ages of young workers seem doubtful. The Committee ventures to point out that under Article 4 every employer in an industrial undertaking is required to keep a register of all persons under the age of sixteen years employed by him and the dates of their births.

The Committee ventures to express the hope that the Government will be good enough in its next report to clarify the above points.

Greece (Ratification : 19.11.1920).

The Committee takes note of the statement of the Greek Government that the ratification of the Convention confirms the provision fixing the age of admission of children to industrial employment at 14. It takes note also of the fact that the projected revision of the legislation has not yet been effected and ventures to express the hope that it will be completed before the Government submits its report next year.

Uruguay (Ratification : 6.6.1933).

The Committee notes with satisfaction that a Bill is being drafted with a view to bringing the provisions of the Child Labour Code into complete harmony with the Convention. The Committee ventures to express the hope that this Bill will be adopted at an early date.

Yugoslavia (Ratification : 1.4.1927).

As in previous years the Government states that no information can be supplied as regards the progress made in the revision of the Factories Act in connection with the employment of young persons. The Committee while noting a previous statement of the Government that Circular No. 43,238 ensures the practical application of the Convention by prohibiting the use of the exceptions laid down in the Act of 1931, regarding the employment of apprentices under 14 years of age in industry, ventures to express the hope that in conformity with this practice it will soon be possible to bring the legislation into harmony with the provisions of the Convention.

6. *Night Work (Young Persons).*

Number of reports due : 31.

Number of reports received : 26.

Reports missing : *Albania, Argentine Republic, Italy, Nicaragua, Rumania.*

Brazil (Ratification : 26.4.1934).

The Government states that measures have been taken to amend the national legislation with a view to bringing it into harmony with the Convention. The Committee hopes that the necessary changes will be put into effect at an early date.

Chile (Ratification : 15.9.1925).

In 1936 and 1937 the Committee noted the Government's statement that regulations to determine the industries and processes to which exceptions under Article 2, paragraph 2, of the Convention apply were in course of preparation. This year the report states that the Minister of Labour was prevented by other urgent work from undertaking the final revision of the above-mentioned regulations.

The Committee considers that the delay caused in connection with the issuing of these regulations is to be regretted especially in view of the fact that it would appear from the report itself that the need for such regulations is particularly urgent in glass works. It is hoped that the regulations in question will be issued without further delay and that next year's report will contain full information on their application.

Latvia (Ratification : 3.6.1926).

Last year the Government stated that a provision to prevent a child from being employed up to 10 p.m. on one day and from 6 a.m. on the next morning would be introduced into the new legislation which was being drafted. The Committee notes that this year's report does not contain any information on this point and would be grateful if the Government would state whether any progress has been made in connection with the projected legislation.

Mexico (Ratification : 20.5.1937).

This is the first report due from the Mexican Government and the Committee takes note of it with much interest.

The report indicates that Mexican legislation only prohibits the night employment of children under 16 years of age, and also that it is possible to employ children during a part of the period (10 p.m.—5 a.m.) prohibited by the Convention when they are employed under a system of what is called the "mixed day".

The Committee notes with satisfaction that the necessary amendments to remove these discrepancies are under consideration and ventures to express the hope that they will be adopted at an early date.

Uruguay (Ratification : 6.6.1933).

In 1936 the Committee on the Application of Conventions set up by the Conference pointed out that under § 231 of the Child Labour Code the term "night" means the period between 9 p.m. and 6 a.m., i.e., a total of nine consecutive hours whereas the Convention provides for a minimum of eleven consecutive hours.

This year's report states that a Bill is being prepared to amend the Child Labour Code in order to bring it into harmony with the Convention. The Committee ventures to express the hope that the projected amendment will be made without further delay.

7. *Minimum Age (Sea).*

Number of reports due : 32.

Number of reports received : 26.

Reports missing : *Argentine Republic, Germany¹, Hungary, Italy, Nicaragua, Rumania.*

Brazil (Ratification : 8.6.1936).

See under Convention No. 6.

Dominican Republic (Ratification : 4.2.1933).

The Committee welcomes this first report but notes from it that masters of vessels do not keep a register or other record of persons under 16 years of age as required by Article 4 of the Convention.

The Committee ventures to express the hope that steps will be taken by the Government as soon as possible to rectify this discrepancy.

Uruguay (Ratification : 6.6.1933).

The Committee notes from the report of the Government that a Bill is being prepared to bring the provisions of the Child Labour Code into complete harmony with the Convention.

The Committee ventures to express the hope that these new provisions which are required to implement the Convention will be enacted at an early date.

¹ See above p. 3.

8. Unemployment Indemnity (Shipwreck).

Number of reports due : 26.

Number of reports received : 21.

Reports missing : *Argentine Republic, Germany¹, Italy, Nicaragua, Rumania.*

Cuba (Ratification : 6.8.1928).

The Committee notes that Conventions Nos. 8 and 23 are applied in Cuba by the same Legislative Decree (No. 660 of 6 November 1934). For the purpose of the application of both these Conventions the scope of the Legislative Decree is defined, as regards *vessels*, as excluding "ships of war, Government vessels not engaged in trade, vessels engaged in coasting trade, pleasure yachts, fishing vessels and vessels of less than 100 tons gross", and as regards *seamen*, as excluding "masters, pilots, cadets and pupils on training ships, and duly indentured apprentices, and persons in the permanent service of the Government". This corresponds to the scope of Convention No. 23 as defined by that Convention but not to Convention No. 8. The latter Convention applies as regards *vessels*, to "all ships and boats of any nature whatsoever engaged in maritime navigation, whether publicly or privately owned excluding ships of war", and as regards *seamen*, to "all persons employed in any such vessel".

The Committee therefore ventures to repeat the observation it has made in the past as to this divergence between Cuban legislation and Convention No. 8 in respect of its scope of application.

The Committee also ventures to repeat the observation it has made in the past that there appears to be no provision in Cuban legislation corresponding to the provisions of Article 3 of Convention No. 8.

Estonia (Ratification : 3.3.1923).

The Committee takes note of the supplementary information supplied by the Government (letter dated 9 June 1937) in response to the observation made last year. The report for this year mentions three cases of shipwreck and states that indemnities were paid only in one case. The Committee ventures to suggest that the Government might be asked whether, in the remaining two cases no indemnities were paid because the shipowners had not been insured. The Government might also be asked why as stated in the above-mentioned letter sailing boats are not insured.

Greece (Ratification : 16.12.1925).

It would be appreciated if the Greek Government could supply in future reports some statistics of the number of vessels shipwrecked and the number of persons to whom the shipwreck indemnity was paid.

Mexico (Ratification : 20.5.1937).

The Committee notes from this report that the Mexican Government intends to secure the amendment of the Labour Act of 18 August 1931 in order to bring its provisions into complete harmony with those of the Convention. The Government might be requested to be good enough to keep the International Labour Office informed of the progress made in this connection.

Uruguay (Ratification : 6.6.1933).

The Committee notes that in a letter of 31 May 1937 from the Uruguayan Government it was stated that there exists some foreign going shipping in the country (in addition to coastal shipping) and that there was a proposal to appoint a Committee of experts to draw up national legislation in harmony with the provisions of the maritime labour Conventions. It further notes that in its latest report the Government has indicated that Parliament is still examining a Bill or Bills submitted to it for implementing these Conventions. The Committee ventures to express the hope

that the Bill or Bills in question will be adopted at an early date and that next year's report will contain information on the application of the enacted provisions.

9. Placing of Seamen.

Number of reports due : 24.

Number of reports received : 19.

Reports missing : *Argentine Republic, Germany¹, Italy, Nicaragua, Rumania.*

Cuba (Ratification : 6.8.1928).

The Committee ventures to repeat its observations of last year and suggests that the Government might be asked for supplementary information as to whether any special seamen's employment exchanges have actually been set up and are in operation.

Greece (Ratification : 16.12.1925).

The Committee ventures to suggest that the Government might be asked whether with reference to Article 8 of the Convention the Greek seamen's employment exchanges are available to the seamen of other countries which have ratified the Convention.

Latvia (Ratification : 3.6.1926).

With reference to the application of Article 8 of the Convention, the Committee last year called attention to the fact that according to the Government's report "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 in Latvia".

The report this year repeats the statement contained in the report for 1935-36 that "seamen's employment exchanges are also at the disposal of seamen subjects of countries which have ratified the Convention".

In these circumstances the Committee assumes that the discretion which appears to be left to the Seamen's Employment Exchange Committee under § 11 of the Instruction of 11 September 1935 no longer exists. It would seem desirable to have confirmation of this by the Government.

Uruguay (Ratification : 6.6.1933).

See under Convention No. 8.

10. Minimum Age (Agriculture).

Number of reports due : 20.

Number of reports received : 16.

Reports missing : *Argentine Republic, Italy, Nicaragua, Rumania.*

Bulgaria (Ratification : 6.3.1925).

The Committee ventures to suggest that the Government might be asked with reference to the application of Article 2 of the Convention, whether the total annual period of school attendance is not less than eight months as laid down in this Article.

Chile (Ratification : 18.10.1935).

Last year the Committee noted that the wording of § 76 of the Labour Code seemed to indicate that the limitation placed upon child labour in agriculture applies only to hired labour whereas the Convention applies also to work on the family farm.

As the report throws no fresh light on the point noted above the Committee ventures to repeat its suggestion of last year that the Government might be requested to supply further information on it.

Cuba (Ratification : 22.8.1935).

The report of the Cuban Government is of a somewhat summary character and it is difficult

¹ See above page 3.

¹ See above, p. 3.

for the Committee to form an exact idea of the extent to which the Convention is applied. The Committee would accordingly be grateful if the Government would in its next report supply information on the following points:

(1) to what extent is school attendance compulsory in the countryside in Cuba;

(2) under what conditions can children be exempted from such compulsory attendance;

(3) what is the net length of the school year not including holidays in rural elementary schools?

Dominican Republic (Ratification: 4.2.1933).

The Committee takes note of the first report submitted by the Government with interest. It notes however that § 2 (3) of the Executive Order No. 114 of 29 December 1927 concerning compulsory education provides that in cases where the child is "under the imperative necessity" of earning his own living the Inspector of Schools or in his absence the President of the Communal School Board may at the request of the parents or guardian issue a written certificate exempting the parents or the guardian from the obligation laid down in § 1 of the Order as to compulsory school attendance.

The Committee ventures to point out that this provision does not seem to be in conformity with Article 1 of the Convention.

Japan (Ratification: 19.12.1923).

The report refers, as that last year, to an observation received from the Japanese Trade Union Congress to the effect that the present Ordinance on elementary schools is not sufficient to comply fully with the provisions of the Convention and that a new law on the minimum age of admission of children to employment in agriculture should be enacted. The Committee would be glad to have additional particulars as regards this observation and the comments if any thereon of the Government.

Uruguay (Ratification: 6.6.1933).

The Government states that the National Labour Institute will shortly submit to the Minister of Industry and Labour a Bill for the purpose of bringing the provisions of the Children's Code into full harmony with the Convention. The Committee ventures to express the hope that the Bill will be adopted in the near future.

11. *Right of Association (Agriculture).*

Number of reports due: 30.

Number of reports received: 25.

Reports missing: *Argentine Republic, Germany¹, Italy, Nicaragua, Rumania.*

China (Ratification: 27.4.1934).

This year's report states that the Judicial Yuan has not yet given an official interpretation of the question raised by the Committee last year and referred to it by the Executive Yuan whether agricultural workers in China are entitled to form trade unions under the same conditions as industrial workers. The Committee takes note of this statement and hopes that the interpretation in question will in due course be communicated to the International Labour Office.

12. *Workmen's Compensation (Agriculture).*

Number of reports due: 21.

Number of reports received: 16.

Reports missing: *Argentine Republic, Germany¹, Italy, Nicaragua, Spain.*

Colombia (Ratification: 20.6.1933).

The report shows that the situation as regards legislation for implementing the provisions of the

Convention remains unchanged. The Committee therefore can only repeat its previous observations and express the hope that the contemplated extension of Act No. 57 of 1915 to cover agricultural workers may be made in the near future.

Cuba (Ratification: 22.8.1935).

The Government states in its report that Cuban legislation covers under the same conditions all categories of workers save those specified in Article 3 of Decree No. 2687 and points out that agricultural workers are not among the exceptions specified. On the other hand the only positive provision for the inclusion of agricultural workers is § 2 (8) of the same Decree which refers to workers engaged "in the exploitation of the products of agriculture and forestry". The Committee ventures to suggest that the fact that agricultural workers are covered by the Decree might be expressed more definitely by a reference to workers engaged "in agriculture and forestry".

Poland (Ratification: 21.6.1924).

In previous reports the Polish Government had stated that in accordance with the Act of 28 March 1933 the insurance of agricultural workers against invalidity or death would be regulated by a special Act and that a Bill on the subject was submitted to the Diet. In a letter of 29 May 1936 the Government stated that the Bill in question had lapsed on account of the closing of the Parliamentary Session to which it was submitted and that the Government was undertaking a fresh study of the whole problem.

The Committee would be glad to have information as to the progress made in respect of this study.

13. *White Lead (Painting).*

Number of reports due: 23.

Number of reports received: 20.

Reports missing: *Argentine Republic, Nicaragua, Rumania.*

Bulgaria (Ratification: 6.3.1925).

In reply to the observations of the Committee last year the report states that the Bulgarian Government has always realised the necessity of consulting employers' and workers' organisations in regard to Articles 3 and 6 of the Convention. Nevertheless, no instances have so far been notified of women or young persons under 18 being employed on processes in industrial painting involving the use of white lead, sulphate of lead or products containing these pigments.

While the above explanation would seem to cover the requirements of Article 3 which relates to the employment of women and children the Committee ventures to point out that it does not seem to cover Article 6 whose provisions are general in scope.

The Committee also notes that the report contains no information on the practical application of the Convention (Point VI).

Chile (Ratification: 15.9.1925).

In 1936 and 1937 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. This year's report states that the Minister of Labour was prevented by other urgent work from undertaking the final revision and promulgation of the regulations in question.

The Committee while taking note of this statement ventures to express the hope that the above-mentioned regulations will be issued without further delay so that the Convention can be fully applied.

Colombia (Ratification: 20.6.1933).

In its report last year the Colombian Government stated that the National Health Department was aware of the provisions of the Convention and that it would certainly take the necessary

¹ See above on p. 3.

steps for their application. The report this year does not contain any fresh information. The Committee accordingly ventures again to express the hope that the provisions necessary for the application of the Convention will be adopted in the near future.

Czechoslovakia (Ratification : 31.8.1923).

The Committee notes with appreciation the statistical information regarding the practical application of the Convention (Point VI) which the Government has been good enough to supply in its report this year in response to the request made by the Committee last year.

Greece (Ratification : 22.12.1926).

The report states that an Act concerning the prohibition of the employment of lead pigments approved by the legislative authority will regulate certain details of application of the provisions of Articles 2, 5 and 6 of the Convention. The Committee ventures to express the hope that this Act will be promulgated in the near future and that next year's report will contain information on the application of the enacted legislation.

Uruguay (Ratification : 6.6.1933).

The Committee notes with satisfaction the Resolution of 3 March 1937 adopted by the Executive Power for the purpose of regulating the use and handling of lead. The Committee would be glad if the Government would take the necessary steps to supplement this Resolution by including in it provisions relating to the prohibition of the employment of women in painting work of an industrial character involving the use of white lead, as well as including provisions relating to the employment of apprentices. The Committee ventures to suggest that in order to meet the requirements of Article 6 of the Convention the attention of the Government might be drawn to the necessity of taking measures for the purpose of applying the Resolution of 3 March 1937 after consulting the organisations of employers and workers concerned.

Venezuela (Ratification : 28.4.1933).

The report states that at present no statistics are available relative to the workers covered by the Convention but that the National Labour Office intends to prepare such statistics and that the Government will not fail to include them in future reports.

The Committee takes note of this promise with appreciation.

14. *Weekly Rest (Industry).*

Number of reports due : 28.

Number of reports received : 24.

Reports missing : *Argentine Republic, Italy, Nicaragua, Rumania.*

Canada (Ratification : 21.3.1935).

See under A (*General observations on the reports supplied by certain countries*).

India (Ratification : 11.5.1923).

See under Convention No. 1.

15. *Minimum Age (Trimmers and Stokers).*

Number of reports due : 32.

Number of reports received : 26.

Reports missing : *Argentine Republic, Germany¹, Hungary, Italy, Nicaragua, Rumania.*

China (Ratification : 2.12.1936).

The Committee notes from the report of the Chinese Government that the Convention is applied on the basis of the provision of paragraph

(c) of Article 3 which allows young persons of less than 16 years of age, if found physically fit after a medical examination, to be employed as trimmers or stokers on vessels exclusively engaged in the coasting trades of India and Japan. The Chinese Government considers that in view of the similarity of the conditions in China to those of India and Japan this paragraph may be regarded as applicable to China: as Chinese ships are not engaged in trades other than the coasting trade the Government has accordingly taken account of the provision of this paragraph in its legislation implementing the Convention and considers that these measures adequately ensure the protection of trimmers and stokers in that country.

The Committee readily recognises that there may be good practical grounds for treating the Chinese coasting trade in this matter on the same footing as the coasting trades of India and Japan. It feels bound to observe, however, that no specific exception for the Chinese coasting trade is provided for in the Convention.

Cuba (Ratification : 7.7.1928).

In the absence of any fresh information in the report the Committee feels obliged to repeat the observation that it made in 1936 and 1937 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 (Ratification : 8.9.1922).

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. In a subsequent letter of 13 May 1937, the Government stated that the existing form of agreement had not yet been revised. The Committee ventures to express the hope that the revision in question will be made without further delay.

Sweden (Ratification : 14.7.1925).

The report supplies information, with reference to Article 1 of the Convention, on the interpretation given in Sweden to the term "maritime navigation". It would appear that not only "inland navigation" strictly so called, but also navigation in certain maritime waters, as for instance round the archipelago, is excluded from the scope of the term. It may be asked whether such an interpretation does not go beyond the scope of the Convention.

Uruguay (Ratification : 6.6.1933).

The Committee notes from the report that a Bill is being prepared to bring the provisions of the Child Labour Code into complete harmony with those of the Convention. The Committee ventures to express the hope that these new provisions which are required to implement the Convention will be enacted at an early date.

16. *Medical Examination of Young Persons (Sea).*

Number of reports due : 31.

Number of reports received : 25.

Reports missing : *Argentine Republic, Germany¹, Hungary, Italy, Nicaragua, Rumania.*

Brazil (Ratification : 8.6.1936).

(1) The report does not indicate whether the medical certificate must be signed by a doctor approved by the competent authority (Article 2).

(2) The report does not contain any information as to the repetition of the medical examination at intervals (Article 3).

¹ See above on p. 3.

¹ See above on p. 3.

The Committee however takes note with satisfaction of the statement of the Government that steps have been taken to amend the Brazilian legislation in order to bring it into harmony with the provisions of the Conventions ratified by Brazil.

China (Ratification : 2.12.1936).

It would appear from the report of the Chinese Government that the national legislation intended to implement the Convention applies only to mechanically propelled vessels whereas the Convention applies to all ships or boats thus including sailing vessels. The report also indicates that there is no provision in Chinese legislation corresponding to Article 3 of the Convention (annual renewal of the medical certificate).

The Committee ventures to suggest that these two points might be brought to the attention of the Chinese Government.

Sweden (Ratification : 14.7.1925).

See under Convention No. 15.

Uruguay (Ratification : 6.6.1933).

The Committee notes from the report that a Bill is being prepared to bring the provisions of the Child Labour Code into complete harmony with those of the Convention. The Committee ventures to express the hope that these new provisions which are required to implement the Convention will be enacted at an early date.

17. *Workmen's Compensation (Accidents).*

Number of reports due : 17.

Number of reports received : 15.

Reports missing : *Nicaragua, Spain.*

Chile (Ratification : 8.10.1931).

The Government states in its report that it has not yet been possible to introduce the amendments necessary to provide for the compensation of cases of permanent partial incapacity in the form of periodical payments (Article 5 of the Convention).

The Committee ventures to express the hope that the adoption of the amendments in question will not be further delayed.

Colombia (Ratification : 20.6.1933).

In 1936 the Committee took note of the fact that a Bill concerning workmen's compensation for industrial accidents had been laid before the Legislative Chambers. The Committee would be grateful if the Government would keep the International Labour Office informed of the progress made in connection with the adoption of this Bill.

Mexico (Ratification : 12.5.1934).

The Government points out in this year's as in the previous report that the Federal Labour Act is at variance with certain Articles of the Convention, viz., Article 5 (the form of compensation in case of permanent incapacity and death), Article 7 (additional compensation in cases where constant help is required), Article 10 (the supply and normal renewal of artificial limbs and surgical appliances) and Article 11 (guarantees).

The Committee is glad to observe that the Government intends to remove these discrepancies and has included the necessary provisions to this effect in a Bill to amend the Federal Labour Act.

Uruguay (Ratification : 6.6.1933).

Last year the Committee noted certain divergencies between Uruguayan legislation and the Convention. These divergencies relate to Article 6 (the waiting period), Article 7 (additional compensation when the constant help of another person is required), Article 9 (surgical aid) and Article 10 (the supply and normal renewal of artificial limbs and surgical appliances).

A communication dated 23 September 1937 states that the National Labour Institute has sub-

mitted to the Minister of Industry and Labour a Bill concerning workmen's compensation which would establish conformity with the provisions of the Convention.

The Committee takes note of this communication.

18. *Workmen's Compensation (Diseases).*

Number of reports due : 28.

Number of reports received : 23.

Reports missing : *France, Germany¹, Italy, Nicaragua, Spain.*

Belgium (Ratification : 3.10.1927).

The revision of the legislation concerning workmen's compensation for occupational diseases for the purpose of bringing its provisions into harmony with those of the consolidated legislation regarding industrial accidents from the point of view of the amount of compensation to be paid has not yet been taken up for consideration by Parliament.

The Committee while taking note of this situation ventures to express the hope that the necessary amendments to the legislation in question will be made without delay.

Colombia (Ratification : 20.6.1933).

The report shows that the legislation necessary for the application of the Convention has not yet been passed. The Committee therefore can only repeat its previous observations to the effect that it ventures to hope that the Bill which has been drafted for this purpose may be adopted in the near future.

Uruguay (Ratification : 6.6.1933).

The Committee notes with satisfaction that by Decree of 9 September 1937 anthrax infection has been included in the schedule of occupational diseases giving the right to compensation.

The Committee would be grateful if the Government would be good enough in its next report to supply information on the practical application of the relevant legislation.

19. *Equality of Treatment (Accident Compensation).*

Number of reports due : 35.

Number of reports received : 30.

Reports missing : *France, Germany¹, Italy, Nicaragua, Spain.*

Bulgaria (Ratification : 5.9.1929).

In response to an observation by the Committee last year the Bulgarian Government in a letter dated 28 May 1937 stated that under §7 of the Act concerning social insurance foreign workers and employees are compulsorily insured against accidents at work and as a result have the same rights as national workers and that as to the provisions of §17 of the Act equality of treatment is applied to national and foreign workers.

The Committee takes note of this information with satisfaction and suggests that the Government might be requested to be good enough to embody it in future annual reports.

Greece (Ratification : 30.5.1936).

According to the report workmen's compensation in Greece is regulated principally by the following measures :

(1) Royal Decree of 24 July 1920 ;

(2) Decree of 23 March 1925 ; and

(3) Act No. 6298 of 1934 respecting social insurances.

¹ See above on p. 3.

The Government itself, however, recognises in the report that §13 of the Decree of 23 March 1925 is not in harmony with the Convention in so far as foreigners and their surviving dependants are entitled to a pension only if they are resident in Greece. The pensioner of foreign nationality who leaves Greece is only entitled in final settlement to a lump sum equal to three times the value of the annual pension.

The Committee ventures to express the hope that the Government will take the necessary steps at an early date to remove the discrepancy to which it has itself called attention.

20. *Night Work (Bakeries).*

Number of reports due : 11.

Number of reports received : 10.

Report missing : *Nicaragua*.

Cuba (Ratification : 6.8.1928).

As the report contains no information in reply to the observation made by the Committee in 1936 and 1937 with regard to the consultation of workers' organisations the Committee feels obliged to repeat that observation.

Ireland (Ratification : 15.3.1937).

This is the first report due from the Irish Government on the application of this Convention and the Committee takes note of it with much interest.

The Night Work (Bakeries) Act 1936 appears to conform to the Convention whose terms are reproduced with only slight changes in the Act.

The Committee considers, however, that it would be desirable to request the Government to supply supplementary information on two points :

(1) the Convention requires that any " permanent exception necessary for the execution of preparatory and complementary work as far as it must necessarily be carried on outside the normal hours of work " should stipulate that " no more than the strictly necessary number of workers shall be employed in such work " (Article 3 (a)). No corresponding limitation is included in §5 (1) of the Irish Act which deals with this question ;

(2) the Night Work (Bakeries) (Exceptional Work) Order 1937 classifies " flour blending, dough making and sponge making " as exceptional work. The Irish Government for these categories of work therefore avails itself of the possibility provided in Article 3 (a) of the Convention of granting " 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 ". Dough making and sponge making would seem to constitute an important part of the manufacture of bread or flour confectionery and the Committee feels some doubt whether it is justifiable to regard these processes as preparatory work.

Uruguay (Ratification : 6.6.1933).

In view of the fact that certain documents connected with the report of the Uruguayan Government have not yet been received the Committee is unable to undertake an examination of the report. As, however, these documents are expected to reach the Office in the near future the Committee suggests that the Conference Committee on the Application of Conventions be requested to examine the report in question.

21. *Inspection of Emigrants.*

Number of reports due : 16.

Number of reports received : 14.

Reports missing : *Albania, Nicaragua*.

No observations.

22. *Seamen's Articles of Agreement.*

Number of reports due : 21.

Number of reports received : 18.

Reports missing : *Germany*¹, *Italy, Nicaragua*.

Mexico (Ratification : 12.5.1934).

The Committee has noted the statement contained in the Report that the Convention, having been promulgated by Decree of the President of the Republic in the *Diario Oficial*, has acquired force of law throughout the country. It is also grateful to the Mexican Government for the additional information supplied in the Report on the provisions of existing legislation dealing with certain Articles of the Convention.

The Committee ventures at the same time to suggest that the Government might be asked whether it contemplates making any changes in existing legislation in pursuance of the provisions of Articles 5, 13 and 14 of the Convention. In particular, it would seem doubtful whether the provisions of the Labour Act of 18 August 1931 requiring an employer to give a testimonial of service to a worker, if the latter asks for it when he leaves the employment, is sufficient to comply with the requirement of Article 5 as to supplying seamen with a document (seaman's book or certificate) intended to contain a record of their services, to be drawn up in a form approved by the Government, and in accordance with Article 14, to have the reason for the termination or rescission of the agreement entered in it with an endorsement (at the request of either party, by the competent public authority).

In addition, the Committee would be grateful if in its next year's report the Mexican Government would be good enough to include a copy of the Ship's Regulations which are referred to in this year's report in connection with Articles 7 and 8 of the Convention, and which are drawn up by the shipowner and approved by the Department of Communications, in accordance with Article 391 of the Act of 10 September 1932 respecting Public Lines of Communication.

Uruguay (Ratification : 6.6.1933).

The Committee notes with satisfaction from the report of the Government that a Bill intended to implement this Convention in national law is under consideration by Parliament.

23. *Repatriation of Seamen.*

Number of reports due : 17.

Number of reports received : 14.

Reports missing : *Germany*¹, *Italy, Nicaragua*.

General Observations.

The Committee has noted that it is not always possible to obtain from the annual reports a sufficiently clear idea of the practical working of the Convention with respect to certain of its provisions, namely : (1) the treatment under Article 3 of foreign seamen engaged in their own countries, particularly when they are landed in the country to which the vessel belongs ; and (2) the carrying out of the obligation contained in Article 6 to advance to the seaman, where necessary, his expenses of repatriation. With a view, therefore, to obtaining further information on these points in the future, the Committee proposes to the Governing Body that the questions contained in the annual report from under these Articles should be changed on some such lines as the following :

Question under Article 3.

" In addition, with reference to the last paragraph of this Article, please give full particulars as to the provisions of national law or the practice

¹ See above on p. 3.

regarding the rights to repatriation of a foreign seaman in the following cases :

- (1) when he is engaged in a country other than his own ;
- (2) when he is engaged in a port of his own country and is landed, whether during the term or on the expiration of the agreement,
 - (a) in the country to which the vessel belongs, or (b) in some other country."

Question under Article 6.

"Please state, with reference to this Article, what authority (a) in the home country, and (b) abroad, is responsible for seeing to the repatriation of seamen, both national and foreign, in the cases covered by the Convention, and whether these authorities have instructions to advance, where necessary, the expenses of repatriation to both national and foreign seamen."

Estonia (Ratification : 9.7.1928).

The Committee notes that in its reports as furnished hitherto on the application of this Convention the Estonian Government has referred only to certain sections of the Seamen's Act of 1928 as giving effect to the Convention as a whole. The Committee notes, however, that these sections of the Act give effect only to some of the provisions of the Convention and that there are other sections in the Act which give effect to other provisions of the Convention. The Committee ventures to suggest that the Government might be asked to supply supplementary information showing in detail the different sections of the Act which apply the respective articles of the Convention.

The Committee has also noted that as regards the treatment of foreign seamen in the matter of repatriation the Estonian Government in its reports hitherto has referred to §42 of the Seamen's Act. This section provides that in the cases of discharge due to sickness or injury and of the agreement being terminated by the loss of the vessel, the Government may extend to foreign seamen the rights conferred on Estonian seamen in these cases, on the basis of reciprocity. The effect of Articles 3 and 4 of the Convention, however, is that in these cases foreign seamen engaged in their own country (in contradistinction to those engaged elsewhere) are entitled to the same rights to repatriation as nationals. While appreciating that the Estonian law is in some respects more liberal towards foreign seamen generally than the provisions of the Convention, the Committee suggests that the Government might be asked for supplementary information on the point noted above.

Mexico (Ratification : 12.5.1934).

It is not clear from the report of the Government whether in accordance with the last sentence of Article 3 and with the provisions of Article 4 of the Convention, foreign seamen engaged in their own country have the same rights to repatriation as Mexican seamen, particularly if they are landed outside Mexico in any of the cases mentioned in Article 4.

The Committee suggests that the Government might be asked if it could supply additional information on this point in next year's report.

Poland (Ratification : 8.8.1931).

The Committee would appreciate it if the Government could see its way in future to give some indication of the number of seamen repatriated during the year covered by each report.

Uruguay (Ratification : 6.6.1933).

The Committee notes with satisfaction from the report of the Government that a Bill intended to implement this Convention in national law is under consideration by Parliament.

24. Sickness Insurance (Industry, etc.).

Number of reports due : 16.

Number of reports received : 12.

Reports missing : *Germany*¹, *Nicaragua*, *Rumania*, *Spain*.

Bulgaria (Ratification : 1.11.1930).

As the report this year indicates no change as compared with previous years, the Committee feels bound to repeat once more 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. The Committee takes note of the statement that the Government intends to suppress this qualifying period as soon as the finances of the sickness fund are stabilised, and ventures to express the hope that such stabilisation will be realised at an early date.

Chile (Ratification : 8.10.1931).

The Committee records its appreciation of the measures taken by the Government as regards sickness insurance and notes with satisfaction that the Administration of the Compulsory Insurance Fund has been requested to take the necessary steps to ensure that in practice, medical benefit is given in conformity with the provisions of the Convention without the imposition of a qualifying period.

As regards the waiting period, the Government refers to the statement included in its report for 1934/1935 that the question of shortening the waiting period from four to three days is being considered in connection with an amending Bill which is in course of preparation. The Committee ventures to express the hope that the Bill will soon be adopted.

Colombia (Ratification : 20.6.1933).

The report states that the Social Insurance Bill concerning the risk of sickness for wage-earners in all occupations, the submission of which to Parliament was mentioned by the Government in last year's report, has been approved by the Senate.

The Committee takes note of the progress made in this respect and ventures to hope that the Bill in question will be adopted in the near future.

Luxemburg (Ratification : 16.4.1928).

The Government states in its report that the amendment of the Social Insurance Code, which had been mentioned in previous reports, for the purpose in particular of extending compulsory sickness insurance to domestic servants, will be made during the year 1938. The Committee takes note of this statement with satisfaction.

Uruguay (Ratification : 6.6.1933).

The report this year refers to the report supplied last year from which it is seen that no system of compulsory sickness insurance has yet been set up, though the necessity for introducing such legislation within the shortest possible period is admitted.

The Committee in these circumstances ventures to express the hope that the necessary steps may be taken at an early date.

25. Sickness Insurance (Agriculture).

Number of reports due : 11.

Number of reports received : 8.

Reports missing : *Germany*¹, *Nicaragua*, *Spain*.

¹ See above on p. 3.

Bulgaria (Ratification : 1.11.1930).
See under Convention No. 24.

Chile (Ratification : 8.10.1931).
See under Convention No. 24.

Colombia (Ratification : 20.6.1933).
See under Convention No. 24.

Luxemburg (Ratification : 16.4.1928).

The Government states in its report that it was not possible during the past year to undertake the amendment of the Social Insurance Code, which had been mentioned in previous reports, for the purpose *inter alia* of extending compulsory sickness insurance to agricultural workers, but that such amendment would in all probability be made during the year 1938.

The Committee takes note of this statement.

Uruguay (Ratification : 6.6.1933).

The Government simply refers to the annual report supplied for 1935/1936. The Committee can therefore only repeat its observation of last year by recalling the fact that by its ratification of the Convention the Government assumed an express obligation to organise a system of compulsory sickness insurance in conformity with the provisions of the Convention.

26. Minimum Wage Fixing Machinery.

Number of reports due : 19.

Number of reports received : 15.

Reports missing : *Germany*¹, *Italy*, *Nicaragua*, *Spain*.

Australia. (Ratification : 9.3.1931).

The Committee notes that no report has so far been received in respect of *South Australia*.

Bulgaria. (Ratification : 4.6.1935).

The information given in the report under Articles 3 and 5 would seem to show that the minimum wage-fixing machinery proper (provided for in §21 of the legislative Decree of 5 September 1936) is not yet in effective operation, and that the requirements of the Convention are consequently not fully met. The Committee ventures to express the hope that means may be found to establish and operate some machinery to fix minimum rates of wages, at least for the types of workers with which the Convention is more particularly concerned.

As regards collective contracts of the type referred to under Article 5, the Government might be asked in future to supply information as to the minimum rates of wages fixed and the numbers of workers covered (as provided for in Article 5 of the Convention).

Canada (Ratification : 25.4.1935).

See under *A. General observations concerning certain countries*.

Chile (Ratification : 31.5.1933).

There is no indication in the report that representatives of employers and workers concerned were consulted before minimum wage committees were set up for the industries mentioned under Article 5. The Committee ventures to suggest that the attention of the Government should be called to the desirability of bearing in mind this requirement of the Convention when consideration is being given to the possibility of extending minimum wage regulation to other industries.

China (Ratification : 5.5.1930).

The report states that owing to economic and political difficulties no progress has been made in connection with the bringing into force and application of the Minimum Wage Act of 1936.

The Committee takes note of this statement.

Colombia (Ratification : 20.6.1933).

The Committee notes that the requirements of the Convention are still not being met. The only sign of progress which is recorded is the preparation of a Minimum Wage Bill. The Committee ventures to express the hope that in view of the obligations which Colombia has incurred by ratifying the Convention, every effort will be made to expedite the consideration of legislation to provide for the creation of minimum wage-fixing machinery.

Cuba (Ratification : 24.2.1936).

The Committee welcomes this first report from the Cuban Government.

It ventures to call attention to the following points :

(1) There is no indication that representatives of employers and workers were consulted before minimum wages were fixed for the industries listed in the passage of the report relating to Article 5 of the Convention. It would be desirable in future to bear in mind this requirement of the Convention when consideration is being given to the possibility of extending minimum wage regulation to other industries.

(2) No information is given as to the approximate numbers of workers covered by the relevant regulations. The report merely states that it is not at present possible to furnish such information and does not indicate that any steps are being taken with a view to complying at a later date with this requirement of the Convention. The Committee ventures to think that the Government should, however, be in a position to supply estimates of the numbers of workers covered at least in the principal industries (e.g. tobacco and sugar industries, tanneries and salt manufacture).

Hungary (Ratification : 30.7.1932).

The Committee notes with satisfaction that the Hungarian Government has in the present report supplied detailed information with regard to the minimum rates of wages fixed in a wide range of industries, together with an estimate of the total number of workers covered.

It would, however, be interesting to have information not merely as to the total number of workers covered but also as to the numbers in each of the trades for which minimum rates of wages have been fixed. This information is apparently not at present available but if arrangements can be made to collect it, it might be incorporated in future reports.

It is not clear from the report whether or not any of the minimum rates of wages fixed apply to home workers. It seems likely that some of them do relate to this group, but in view of the special reference to home workers in the Convention it would be of interest to have specific information on this point, together with some indication of the approximate number of home workers covered.

Mexico (Ratification : 12.5.1934).

The Committee ventures to suggest that the Mexican Government might be requested in accordance with Article 5 of the Convention to supply information as to the approximate numbers of workers covered etc. by the minimum wage regulations. It would be useful to have such information for the end of 1937, the date at which the third revision of the minimum rates of wages was to be made.

Uruguay (Ratification : 6.6.1933).

In view of the fact that certain documents connected with the report of the Uruguayan Government have not yet been received, the Committee is unable to undertake an examination of the report. As, however, these documents are expected to reach the Office in the near future, the Committee suggests that the Conference Committee on the Application of Conventions be requested to examine the report in question.

¹ See above on p. 3.

27. *Marking of Weight (Packages Transported by Vessels).*

Number of reports due : 31.

Number of reports received : 25.

Reports missing : *Germany*¹, *Italy*, *Lithuania*, *Nicaragua*, *Rumania*, *Spain*.

General Observations.

The Committee notes with pleasure that this important Convention has so far received 34 ratifications.

The Committee has every reason to think that in the vast majority of the countries which have ratified, the provisions of the Convention are fully and satisfactorily applied. In 1936 and 1937, however, the Committee called attention to a certain lack of uniformity in the application of the Convention due to the difficulties which arose out of the fact that in one or two countries the interpretation given to the term "package or object" did not appear to be identical, and in one case at least out of a definite failure to apply the Convention strictly (i.e., only packed objects being covered to the exclusion of unpacked objects). The Committee requested the Governing Body to examine this question with a view to finding a satisfactory solution.

The Committee understands that the enquiry undertaken by the Office by instruction of the Governing Body with a view to ascertaining by correspondence the precise nature of the difficulties which have been encountered in the countries concerned, has made progress and that the Governing Body is due to consider the Office's report at its forthcoming autumn session.

The Committee accordingly ventures to express the hope that the result of the Office's enquiry will enable the Governing Body to obtain a clear idea of the difficulties which have to some extent impeded the uniform practical application of this Convention and to find an early solution of those difficulties.

The Committee notes with regret that except for *Austria*, *Belgium*, *Chile*, *China*, *Estonia*, *Finland*, *Ireland*, *Luxemburg*, *Netherlands*, *Sweden* and *Switzerland*, the reports supplied do not contain any information as regards the practical application of the Convention.

Czechoslovakia. (Ratification 26.3.1934).

The report contains no information on the practical application of the Convention (Point VI) but refers to the annual reports of the factory inspectorate for 1935 and 1936. The report for 1936 has not yet been received but the report for 1935 has nothing to say about the application of the Convention.

Uruguay (Ratification : 6.6.1933).

The Committee notes that the Uruguayan Parliament continues to study the drafts submitted to it with a view to incorporating in the legislation the provisions rendered necessary by ratification. The Committee ventures to express the hope that complete harmony between the national legislation and the Convention will soon be established.

Venezuela (Ratification : 17.12.1932).

The report of the Government mentions §§83, 84 and 87 of the Labour Act of 1936 as the legislation applying the Convention. These provisions lay down certain broad principles with regard to the protection of workers in general and of those employed in dangerous or unhealthy occupations in particular but do not seem to contain specific provisions for the purpose of carrying out the requirements of the present Convention. The report states, however, that regulations under the Act are in course of preparation.

The Committee ventures to express the hope that the Government will be in a position to issue the regulations in question at an early date and that next year's report will contain full information on their application.

¹ See above on p. 3.

28. *Protection against Accidents (Dockers).*

Number of reports due : 3.

Number of reports received : 2.

Report missing : *Nicaragua*.

Ireland (Ratification : 5.7.1930).

The Committee takes note of the statement of the Irish Government to the effect that the possibility of ratifying the revised Convention of 1932 and thereby denouncing the ratification of a present Convention is still under consideration.

29. *Forced Labour.*

Number of reports due : 17.

Number of reports received : 14.

Reports missing : *Italy*, *Nicaragua*, *Spain*.

The Committee notes once more this year with satisfaction that the Government of the Anglo-Egyptian Sudan has submitted a *voluntary* report on the Convention.

Great Britain (Ratification : 3.6.1931).

Once again the separate reports submitted by the British Government for the *Gold Coast*, (including *Togoland* under British Mandate), *Kenya*, *Nigeria*, (including the Cameroons under British Mandate), *North Borneo*, *Nyasaland*, Mandated Territory of *Tanganyika*, *Sierra Leone* and *Uganda* suggest that, in addition to applying the provisions of the Convention which prohibit, restrict or regulate the various forms of forced or compulsory labour, the local administrations are pursuing a policy of suppressing the use of forced or compulsory labour in all its forms in accordance with Article 1 of the Convention.

In this connection it is of interest to note that, in the West African dependencies and in *Nyasaland* no "forced or compulsory labour" was employed during the period under review. The work done on minor communal services or to prevent the spread of sickness are forms of labour which are excepted from the definition of forced or compulsory labour under Article 2 of the Convention. Thus, according to the reports, forced or compulsory labour as defined but as permitted by the Convention was only exacted during the year in *Kenya*, *North Borneo*, the Mandated Territory of *Tanganyika* and *Uganda*.

Last year the Committee raised certain points regarding the position in Northern Rhodesia and in Bechuanaland.

In the case of Northern Rhodesia, the British Government, in a letter dated 17 June 1937 to the Committee on the Application of Conventions appointed by the 1937 Session of the International Labour Conference, stated that the provisions of the Native Authority Ordinance, to which the Committee of Experts had referred, permit recourse to labour which "is employed only on such minor communal services as are exempted from the stipulations of the Convention by Article 2 (c)".

It would thus appear that in practice section 8 (j)¹ of the Native Authority Ordinance is inter-

¹ The text of section 8 (j) is as follows :

"8. Subject to the provisions of any law for the time being in force, and to the general or special directions of the Governor, a native authority may, subject to the general or special directions of the native authority, if any, to which it is subordinate, issue orders to be obeyed by natives within the local limits of its authority...

(j) providing for the engagement of paid labour for essential public works and services. A certificate by a Provincial Commissioner as to any public works or services being essential shall be conclusive evidence of such fact :

Provided always that no person shall be engaged for work under the provisions of this section : (i) for a longer period than sixty days in any one year ; (ii) if he be fully employed in any other work or has been so employed during the year for a period of three months ; (iii) if he be otherwise exempted under directions issued by the Governor".

preted as permitting the Native authorities to have recourse to labour for minor communal services only.

In the case of Bechuanaland, the Committee of Experts asked whether the provisions regarding personal services to Chiefs, contained in the Native Administration Proclamation, 1934, were 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 about such services, their regulation, and the measures taken to prevent abuses.

In a letter dated 28 January 1938 the British Government stated :

"...the most important of the personal services to which a Chief is entitled is that in accordance with which, after the first rains, the Chief calls out certain of his people to plough a part of his fields.

"It is understood that the ceremony is a traditional one and that no native of the tribe may plough his own land until it has been performed.

"There are also other personal services which a Chief can require his tribesmen to perform, namely, hoeing and reaping of the Chief's land ; herding the Chief's cattle, and the building of the Chief's kraal ; tending of kgotla fire ; hunting for the Chief or presenting him with part of the game killed ; and building the Chief's house."

These personal services, the British Government stated, are not "regarded as forced or compulsory labour within the meaning of the Convention. With few and minor exceptions the services are general throughout the Bechuanaland Protectorate. Few cases of abuse have occurred during the last five years and it is considered that sufficient safeguards are furnished by the provisions of Proclamation No. 74 of 1934. The matter is being carefully watched by the local Government and no further legislation would appear to be necessary at present".

The Committee takes note with satisfaction of this information and ventures to express the hope that it will be informed in future reports of the results of the vigilance of the local Administration.

Liberia (Ratification : 1.5.1931).

The Committee welcomes the 1936 legislation summarised in the report of the Government of Liberia. There are, however, two points in regard to which there is some ambiguity.

At its 1935 session, the Committee noted that it appeared that the Government regarded the labour which could be imposed for the construction and maintenance of roads as falling within the scope of the exceptions to the Convention's definition of "forced or compulsory labour". The Committee added that it would appear that the road labour for main highways and trade routes should be regarded as subject to Articles 11 *et seq.* of the Convention and that it would be useful to have information in future reports on the maximum period of forced labour permissible, the classes of persons liable, the actual rates of pay enforced, and other conditions of labour.

In its present report the Government of Liberia states, with reference to Article 2 of the Convention, that the Government views road labour for main highways and trade routes as falling under subparagraph 2 (b) of this Article. This subparagraph exempts from the definition of forced or compulsory labour "any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country". Under subsequent articles, however, the Government gives useful information concerning compulsory labour for road work and refers in particular to Administrative Regulations, approved in 1936, for Governing the Hinterland of the Republic. The Committee would be glad to know whether the road labour for main highways and trade routes is an obligation which falls equally on all the citizens of the Republic, or whether it is exacted only from those inhabitants of the Hinterland who

are affected by the above-mentioned Administrative Regulations.

The second point arises in connection with Article 34 of the new Administrative Regulations, which provides that (1) any traveller or trader requiring porters shall apply to the Chief of the village for the required number, and (2) should the Chief upon the reasonable application of any traveller refuse to furnish porters as required, a complaint against him shall be made to the District Commissioner, who upon proof of said refusal shall fine the Chief for a sum not exceeding \$30. This Article is open to the interpretation that Chiefs may be required to give instructions involving the compulsory engagement of workers for the transport of any traveller or trader. On the other hand, in its reply under Article 4 of the Convention, the Government of Liberia states that forced or compulsory labour for private persons, companies or associations has always been illegal within this Republic. The Committee would be glad to be informed of the practical application of Article 34 of the Administrative Regulations in view of the reply under Article 4 of the Convention.

Netherlands (Ratification : 31.3.1933).

The report contains further information on the progress made in the gradual redemption of the *particuliere landerijen* in Java in regard to which a reservation was made by the Netherlands on ratifying the Convention. It appears that the company which has been formed to buy these estates from their private owners permits the commutation of these labour dues by the tenants on any estates acquired by it.

Information is also given in the report concerning *heerendiensten* in the Outer Provinces. It is stated that in some cases it has proved possible to lighten these dues, and that it is to be expected that, with the economic revival, more and more use will again be made of the right to commute the obligations collectively. It is noted, however, that this year's report does not refer to the statistical information concerning the incidence of *heerendiensten* which has been a valuable feature of reports in the past. Although this information becomes available from other sources, the Committee would much appreciate the continuance of the practice of annexing it to the annual report on the application of the Forced Labour Convention.

30. Hours of Work (Commerce and Offices).

Number of reports due : 8.

Number of reports received : 7.

Report missing : *Nicaragua*.

Bulgaria (Ratification : 22.6.1932).

The Committee takes note with satisfaction of the detailed analysis of the provisions of the Decree of 26 May 1936, as amended and supplemented by the Decree of 20 July 1936 that the Government has been good enough to supply in its report in accordance with the desire expressed by the Committee last year.

The Committee ventures to point out, however, that under the terms of §25 of the Decree it would appear that the staff of the undertakings covered may, if they agree, be employed regularly for more than 8 hours per day subject to a maximum of 10 hours, provided overtime work is remunerated at time and a quarter the normal rate. The Committee ventures to point out that the exceptions provided for in Articles 4, 5, 6 and 7 of the Convention do not appear to have been embodied in the Regulations.

The Committee, further, ventures to point out that Bulgarian legislation does not seem to require as prescribed in Article 11 of the Convention that the employer shall enter in a register the additional hours worked as a result of the temporary exceptions granted.

The Committee suggests that the Government might be requested to supply particulars on the above points.

Chile (Ratification : 18.10.1935).

(1) It would appear from the terms of §109 paragraph 2 of the Labour Code that the employees of State railways are not covered by the general regulations but that their hours of work are regulated by special legislation. The Committee suggests that the Government might be requested to supply in its next report the text of the special legislation in question.

(2) §126 of the Code provides that the normal hours of work may be raised to 56 hours per week for salaried workers in telegraph, telephone, lighting water-supply, tramway and other similar undertakings, where in the opinion of the General Labour Inspectorate the business done during the day is obviously not great and where the salaried employees are obliged to be constantly at the service of the public. It would appear that in virtue of this provision it would be possible to extend the hours of work of important categories of workers beyond the limits laid down by the Convention and outside the cases in which the Convention provides for exceptions. The Committee suggests that the attention of the Government might be called to this point.

Cuba (Ratification : 24.2.1936).

(1) Under §239 of the Organic Law of the Executive Power the 8-hour day is not applicable to persons attending machines, motor-drivers, barge-men, watchers, messengers, cartmen, and other staff employed by the State, whose services by their very nature are constantly in demand and at all hours of the day and night. This provision would seem to exempt from the application of the regulations certain categories such as bargemen, cartmen and messengers in the service of the State who do not fall within the scope of the permanent exceptions or exemptions authorised by the Convention.

(2) Article 5 of the Convention provides for a strictly limited prolongation of the working day in compensation for the hours of work lost in certain clearly defined cases. §3 of the Decree No. 2513 provides for such prolongation if rendered necessary by *special circumstances* and without fixing any limit for the daily hours of work, but subject only to the condition that the maximum of 48 hours during a period of 7 days is not exceeded.

(3) §14 of the Decree No. 2513 provides for overtime in connection with the drawing up of the balance sheets and other special work, a compensatory rest period instead of an extra cash payment as required by the Convention.

(4) It does not appear that the employer is required to enter in the register provided for in §15 of the Decree No. 2513 all prolongations of working hours made by way of temporary exceptions and the amount of compensation paid.

The Committee suggests that the attention of the Government might be called to these points.

Finland (Ratification : 13.1.1936).

(1) Article 1 : The Act of 8 December 1934 does not seem to have defined 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) Article 5 : No regulations seem to exist as regards the making up of hours lost, as provided in this Article.

(3) Article 7 : The Act provides for permanent exemption for the staff of chemists' shops which does not seem to be covered by the categories mentioned in the Convention.

(4) Article 8 : It does not appear either from the Act or from the report that the organisations of employers and workers have been consulted for the purpose of determining the permanent exemptions.

The report states that the employers' and workers' organisations have submitted proposals with a view to making the supervision of the appli-

cation of the legislation more strict and that the necessary new instructions have been given to the inspectors for this purpose. It would be interesting to have information on the exact nature of the proposals referred to above and the instructions in question.

Mexico (Ratification : 12.5.1934).

The Committee last year suggested that the Government might be requested to supply the text of the special administrative regulations which govern the hours of work of workers in the postal and telegraph services. The report this year states that the provisions in force are to be found in a number of instructions and circulars but that they are to be printed in the form of a single text, a copy of which will be communicated to the Office. The report adds that these provisions are in conformity with the basic principles of the Convention.

The Committee takes note of this statement with satisfaction and expresses the hope that it will be possible for the Government to supply the text of the regulations with its report next year.

Uruguay (Ratification : 6.6.1933).

The report of the Government this year does not contain any information on the observations made by the Committee last year concerning the application of Articles 5 and 7 of the Convention. The Committee ventures to express the hope that the report for next year will contain full information on the points raised by the Committee last year.

32. *Protection Against Accidents (Dockers) (Revised).*

Number of reports due : 7.

Number of reports received : 5.

Reports missing : *Italy, Spain.*

Chile (Ratification : 18.10.1935).

This is the first report of the Chilean Government on this Convention. The Committee appreciates the care that the Government has taken in replying to the various questions contained in the report form.

From the information furnished, it would appear that while Chile possesses the necessary administrative machinery for the proper enforcement of the relevant regulations, the main body of regulations dealing with matters covered by the Convention date from 1926, and that no special regulations have been issued to implement the detailed technical provisions of the Convention. In particular, there would seem to be no regulations at all giving effect to the provisions of Articles 6, 8, 9, 12, 14, 16 and 18 of the Convention.

The Committee ventures to suggest that the attention of the Chilean Government should be drawn to the desirability of issuing as soon as possible further regulations so as to bring the relevant national legislation into complete harmony with the provisions of the Convention.

China (Ratification : 30.11.1935).

The Committee has examined a translation of the Chinese Docks Regulations which do not appear to contain provisions corresponding to those of Articles 5 (2) (d), 5 (3) and 11 (4). It also notes the statement in the report that the provisions of Article 9 (1, 2, 3 and 4) are to be incorporated in separate regulations to be issued by the Chinese Ministry of Communications.

Great Britain (Ratification : 10.1.1935).

The report states that the provisions of the Convention have been embodied into the established industrial law of the United Kingdom and that a high standard of observance is secured, although serious irregularities are reported from time to time and a number of prosecutions are necessary. The report adds that inspectors refer to an increasing interest in safety amongst dock workers, and safety committees have been set up by a number of dock authorities and associations of shipowners.

The Committee takes note of this information with much satisfaction.

Mexico (Ratification : 12.5.1934).

The report of the Government 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 transmitted to its subordinate departments the text of the Convention for due observance. At the beginning of the 1937 Parliamentary session the Ministry of Communications laid before Congress draft amendments of the Act on Public Means of Communication.

The Government adds that it is hoped that these amendments will be passed and make it possible to apply the provisions of the Convention in a more precise manner, and also to issue the necessary regulations, thus meeting the suggestion made by the Committee of Experts regarding the Government's previous annual report.

The Committee takes note of this statement with much satisfaction.

Uruguay (Ratification : 6.6.1933).

The Government states that Parliament continues to study the drafts laid before it with a view to incorporating in the national legislation the provisions rendered necessary by ratification.

The Committee takes note of this statement and ventures to express the hope that the provisions in question will be enacted at an early date and that next year's report will contain full information on their application.

33. *Minimum Age (Non-Industrial Employment).*

Number of reports due : 6.

Number of reports received : 6.

Cuba (Ratification : 24.2.1936).

The Committee takes note of the statement contained in the report of the Cuban Government that no specific legislation exists for the application of the Convention. It also notes certain provisions which deal in a partial manner with the subject matter of the Convention as well as of the intention of the Cuban Government to fill the gaps in the national legislation to which it has itself called attention, and ventures to express the hope that the next report will contain full information on the measures which have been taken to secure the full application of the Convention.

Uruguay (Ratification : 6.6.1933).

The Committee notes with satisfaction that a Bill is being drafted with a view to bringing the provisions of the Child Labour Code into complete harmony with the Convention. The Committee ventures to express the hope that this Bill will be adopted at an early date, and also that the next report will contain full information on the practical application of the Convention.

34. *Fee-Charging Employment Agencies.*

Number of reports due : 4.

Number of reports received : 3.

Reports missing : *Spain.*

No observations.

41. *Night Work (Women) (Revised).*

Number of reports due : 7.

Number of reports received : 7.

Brazil (Ratification : 8.6.1936).

The Committee takes note of the statement in the report to the effect that Brazilian legislation does not contain a specific provision that the night period should consist of eleven consecutive

hours. It notes, however, with satisfaction that steps have been taken to amend the legislation and bring it into conformity with the provisions of the Convention.

42. *Workmen's Compensation (Occupational Diseases) (Revised).*

Number of reports due : 6.

Number of reports received : 6.

Brazil (Ratification : 8.6.1936).

This is the first report submitted by the Brazilian Government on this Convention. The report is of a summary character and the Committee ventures to express the hope that next year's report will be a complete one, drawn up in accordance with the form prescribed by the Governing Body.

45. *Underground Work (Women).*

Number of reports due : 3.

Number of reports received : 3.

No observations.

APPENDIX II.

APPLICATION OF CONVENTIONS TO COLONIES, POSSESSIONS, PROTECTORATES AND TERRITORIES UNDER MANDATE.

Australia.

Convention No. 8 (*Unemployment Indemnity, Shipwreck*), has been applied to the Mandated Territory of *New Guinea* and to *Papua*.

Belgium.

This year's reports content themselves with referring to the previous reports.

By letter, however, of 21 May 1937, the Belgian Government replied to questions raised last year by the Committee of Experts and from this reply the following conclusions may be drawn.

(1) *Convention No. 4 (Night Work, Women)* is now applied to the *Belgian Congo* and to the Mandated Territory of *Ruanda-Urundi* without modifications.

(2) *Convention No. 5 (Minimum Age, Industry)* has not been applied since in the Belgian dependencies the criterion of physical capacity for work replaces that of age.

(3) *Convention No. 6 (Night Work, Young Persons)* is also regarded by the Government as not applicable. It is to be noted, however, that the employment of young persons during the night is prohibited in industrial undertakings.

(4) *Conventions Nos. 12, 17 and 18* concerning workmen's compensation have been declared applicable, and the drafting of legislation to give effect to their terms has advanced, so that a solution may be shortly expected.

The Committee will be glad to be informed of the progress made with the preparation of this legislation concerning workmen's compensation.

France.

In regard to *Convention No. 12 (Workmen's Compensation, Agriculture)*, the main provisions of the Indo-China Decree of 9 September 1934 came into force on 1 January 1937, and a Decree of 30 December 1936 provides for the extension of workmen's compensation to Natives. In *French India* a Decree of 6 April 1937 entitles workers to workmen's compensation for accidents, whether employed in any branch of industry or in commerce, or in any agricultural undertaking.

In the case of many of the other Conventions ratified by France, it is stated that an enquiry

has been addressed to the administrations concerned regarding the application of the Conventions, and that the information received will be communicated to the International Labour Office at a later date. It will be recalled that at the last session of the Committee of Experts, Mr. Besson, French Government representative, gave an interesting account of social reforms in the French colonies, from which it appeared that the application of the following Conventions would in many cases become possible: 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, Hours of Work. The recent adoption, for example, of minimum wage-fixing legislation in several of the French colonies, possessions or protectorates suggests that positive progress may shortly be expected. In these circumstances, the special reports promised by the French Government will be looked forward to with great interest.

Great Britain.

Last year the Committee drew attention to five laws of different dependencies which had been mentioned in annual reports but which seemed not to have been brought into force. The British Government has now furnished information from which it appears that the *St. Lucia* Ordinance was brought into force on 1 January 1938, that the *St. Vincent* Ordinance is to be brought into force on 1 July 1938, that it is hoped the *Grenada* Ordinance will also be brought into force during 1938, that the *British Guiana* Ordinance is under consideration, and that the *Malta* Act is being revised on the lines of United Kingdom legislation.

The Committee also suggested, in last year's report, that it would be useful to know, in regard to *Convention No. 26 (Minimum Wage-Fixing Machinery)*, to what extent the machinery adopted in a large number of dependencies to promote the fixing of minimum wages had been put into effective operation. The British Government has supplied valuable information on this point. Minimum wages have been fixed for certain classes of workers in the following colonies, possessions or protectorates: *Bahamas, British Solomon Islands, Ceylon, Federated Malay States, Grenada, Malta, St. Lucia, St. Vincent, Straits Settlements, and Unfederated Malay States*. Enquiries are proceeding in *Ceylon* for other classes of workers than those at present covered, and in *Trinidad*. In *Nigeria*, where the Government is the largest employer of labour, a system of boards, established to co-ordinate wage rates for Government employees, is stated to have had a marked effect on the minimum wages offered by other employers. In addition, the British Government reports new legislation permitting the operation of minimum wage-fixing machinery of a simple character in the *Bahamas, Basutoland, Bechuanaland, and Swaziland* and amending legislation in *St. Lucia* and *St. Vincent*. It also reports the consideration of new legislation in the *Leeward Islands, North Borneo and Palestine*.

The Committee takes note with satisfaction of this information, which gives it an opportunity of appreciating the practical results of the permissive legislation adopted.

The following information regarding further progress in applying other Conventions to dependencies is also supplied by the British Government.

Conventions Nos. 4 and 6 (Night Work, Women and Young Persons). A new Ordinance in *Hong Kong* extends the night period by one hour. New legislation is reported to be under consideration in *Basutoland, Bechuanaland* and *Swaziland*.

Convention No. 5 (Minimum Age, Industry). The minimum age in *Hong Kong* has been raised from 12 to 14 years. The powers of the competent administrative authorities have been increased by a new Ordinance in the *Straits Settlements*. The report states that the possibility of enacting legislation is being considered in *Basutoland, Bechuanaland* and *Swaziland*; it is understood that the legislation has since been adopted and

that it fixes a minimum age of 12 years and restricts the employment of children between 12 and 14.

Convention No. 7 (Minimum Age, Sea). In the *Straits Settlements* a new Ordinance has extended the powers of the administrative authorities.

Conventions Nos. 8, 15 and 16 (Unemployment Indemnity, Shipwreck), (Minimum Age, Trimmers and Stokers), (Medical Examination of Young Persons at Sea). The provisions of these Conventions have been applied with certain modifications to the additional dependency of *Ceylon*, and in *Hong Kong* the application of *Convention No. 8* has been extended.

Conventions Nos. 12, 19 and 42 (Workmen's Compensation, Agriculture), (Equality of Treatment) and (Occupational Diseases). Legislation adopted in *Bechuanaland* applies the provisions of *Convention No. 19* and those of *Convention No. 42* with modifications, but does not cover agricultural workers. In *Mauritius* *Convention No. 42* has been applied with modifications.

Convention No. 32 (Protection against Accidents, Dockers). Legislation which will enable the provisions of this Convention to be applied has been enacted in the additional dependencies of *Gambia, Kenya, Mauritius, Nigeria* and *Uganda*, and will shortly be introduced in *Ceylon, Falkland Islands, Malta* and *Zanzibar*. Regulations concerning safety in docks have been issued for *Kenya* and *Uganda*, and *Mauritius*.

Japan.

Once again the reports on *Conventions Nos. 2 (Unemployment)* and *9 (Placing of Seamen)* contain information on the work of public employment exchanges in *Chosen, Taiwan, Karafuto* and *Kwantung*.

No new information is given in the case of the other Conventions.

Netherlands.

The *Curaçao* Ordinance of 1936 concerning Workmen's Compensation has now been promulgated. From the text of the Ordinance it would seem that workmen's compensation is not provided for in the case of agricultural employment (*Convention No. 12*); that *Convention No. 18 (Occupational Diseases)* is to be applied without modifications, and that *Conventions Nos. 17 (Workmen's Compensation, Accidents)* and *19 (Equality of Treatment, Accident Compensation)* are to be applied with modifications.

In respect of other Conventions, the following additional decisions are reported.

Convention No. 2 (Unemployment). For *Curaçao* there is said to be no occasion for the application of the Convention as there is no longer any unemployment.

Convention No. 27 (Marking of Weight, Packages transported by Vessels). The report states that the application of this Convention to the *Netherlands Indies* is possible only in ports which are generally open to foreign trade. Administrative regulations which are to be adopted in the matter have reached an advanced stage of preparation.

Convention No. 33 (Minimum Age, Non-Industrial Employment). It is proposed to consider in more detail how far it would be possible to apply the Convention to the *Netherlands Indies*.

Statistical information is also provided concerning the application of *Conventions Nos. 4, 5 and 41 (Night Work, Women)* and (*Minimum Age, Industry*) to the *Netherlands Indies*.

There has been no development in the application of Conventions to *Surinam*.

Portugal.

No change is reported in the situation.

Union of South Africa.

In regard to *Convention No. 45 (Underground Work, Women)* the Government reports that in the Mandated Territory of *South-West Africa*

no women are employed on underground work and that the necessity for regulations in the matter has not arisen. The Government might perhaps bear in mind the possibility, as a precautionary measure, of including a simple rule prohibiting the underground employment of women whenever any other amendment of the mining proclamations may be deemed necessary.

APPENDIX III.

LIST OF ANNUAL REPORTS NOT RECEIVED BY THE OFFICE BY 9 APRIL 1938.

Convention No. 1. Hours of work (industry) :

Argentine Republic.
Nicaragua.
Rumania.

Convention No. 2. Unemployment :

Argentine Republic.
Germany ¹.
Italy.
Nicaragua.
Rumania.
Spain.

Convention No. 3. Childbirth :

Argentine Republic.
Germany ¹.
Nicaragua.
Rumania.

Convention No. 4. Night work (women) :

Albania.
Argentine Republic.
Italy.
Nicaragua.
Rumania.

Convention No. 5. Minimum age (industry) :

Albania.
Argentine Republic.
Nicaragua.
Rumania.

Convention No. 6. Night work (young persons) :

Albania.
Argentine Republic.
Italy.
Nicaragua.
Rumania.

Convention No. 7. Minimum age (sea) :

Argentine Republic.
Germany ¹.
Hungary.
Italy.
Nicaragua.
Rumania.

Convention No. 8. Unemployment indemnity (shipwreck) :

Argentine Republic.
Germany ¹.
Italy.
Nicaragua.
Rumania.

Convention No. 9. Placing of seamen :

Argentine Republic.
Germany ¹.
Italy.
Nicaragua.
Rumania.

Convention No. 10. Minimum age (agriculture) :

Argentine Republic.
Italy.
Nicaragua.
Rumania.

Convention No. 11. Right of association (agriculture) :

Argentine Republic.
Germany ¹.
Italy.
Nicaragua.
Rumania.

Convention No. 12. Workmen's compensation (agriculture) :

Argentine Republic.
Germany ¹.
Italy.
Nicaragua.
Spain.

Convention No. 13. White lead (painting) :

Argentine Republic.
Nicaragua.
Rumania.

Convention No. 14. Weekly rest (industry) :

Argentine Republic.
Italy.
Nicaragua.
Rumania.

Convention No. 15. Minimum age (trimmers and stokers) :

Argentine Republic.
Germany ¹.
Hungary.
Italy.
Nicaragua.
Rumania.

Convention No. 16. Medical examination of young Persons (sea) :

Argentine Republic.
Germany ¹.
Hungary.
Italy.
Nicaragua.
Rumania.

Convention No. 17. Workmen's compensation (accidents) :

Nicaragua.
Spain.

Convention No. 18. Workmen's compensation (occupational diseases) :

France.
Germany ¹.
Italy.
Nicaragua.
Spain.

Convention No. 19. Equality of treatment (accident compensation) :

France.
Germany ¹.
Italy.
Nicaragua.
Spain.

Convention No. 20. Night work (bakeries) :

Nicaragua.

Convention No. 21. Inspection of emigrants :

Albania.
Nicaragua.

¹ See, however, p. 3.

¹ See, however, p. 3.

Convention No. 22. Seamen's articles of agreement :

Germany ¹.
Italy.
Nicaragua.

Convention No. 23. Repatriation of seamen :

Germany ¹.
Italy.
Nicaragua.

Convention No. 24. Sickness insurance (industry, etc.) :

Germany ¹.
Nicaragua.
Rumania.
Spain.

Convention No. 25. Sickness insurance (agriculture) :

Germany ¹.
Nicaragua.
Spain.

Convention No. 26. Minimum wage-fixing machinery :

Germany ¹.
Italy.
Nicaragua.
Spain.

Convention No. 27. Marking of weight (packages transported by vessels) :

Germany ¹.
Italy.
Lithuania.
Nicaragua.
Rumania.
Spain.

Convention No. 28. Protection against accidents (dockers) :

Nicaragua.

Convention No. 29. Forced labour :

Italy.
Nicaragua.
Spain.

Convention No. 30. Hours of work (commerce and Offices) :

Nicaragua.

Convention No. 32. Protection against accidents (dockers) (revised 1932) :

Italy.
Spain.

Convention No. 34. Fee-charging employment agencies :

Spain.

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).

France : 2 reports (out of 17 reports due).

Germany ¹ : 17 reports (out of 17 reports due).

Hungary : 3 reports (out of 15 reports due).

Italy : 20 reports (out of 20 reports due).

Lithuania : 1 report (out of 7 reports due).

Nicaragua : 30 reports (out of 30 reports due).

Rumania : 17 reports (out of 17 reports due).

Spain : 12 reports (out of 31 reports due).

¹ See, however, p. 3.

¹ See, however, p. 3.

PRINTED BY "SONOR" S. A., GENEVA.

INTERNATIONAL LABOUR CONFERENCE

TWENTY-FOURTH SESSION

GENEVA, 1938

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



INTERNATIONAL LABOUR OFFICE

GENEVA, 1938

F.341.2506X
C 1938 (XXIV) R22
c.5

C 1938. XXIV. 2

TABLE OF CONTENTS

	Page		Page
Introduction	3	Ninth Session (Geneva, 1926) . . .	169
First Session (Washington, 1919) . .	5	22. Convention concerning seamen's articles of agreement	169
1. Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week	5	23. Convention concerning the repatriation of seamen	179
2. Convention concerning unemployment	17	Tenth Session (Geneva, 1927) . . .	184
3. Convention concerning the employment of women before and after childbirth	29	24. Convention concerning sickness insurance for workers in industry and commerce and domestic servants . .	184
4. Convention concerning employment of women during the night	34	25. Convention concerning sickness insurance for agricultural workers . .	191
5. Convention fixing the minimum age for admission of children to industrial employment	45	Eleventh Session (Geneva, 1928) . .	197
6. Convention concerning the night work of young persons employed in industry	53	26. Convention concerning the creation of minimum wage fixing machinery . .	197
Second Session (Genoa, 1920) . . .	64	Twelfth Session (Geneva, 1929) . .	209
7. Convention fixing the minimum age for admission of children to employment at sea	64	27. Convention concerning the marking of the weight on heavy packages transported by vessels	209
8. Convention concerning unemployment indemnity in case of loss or foundering of the ship	70	28. Convention concerning the protection against accidents of workers employed in loading or unloading ships	217
9. Convention for establishing facilities for finding employment for seamen	77	Fourteenth Session (Geneva, 1930) .	218
Third Session (Geneva, 1921) . . .	87	29. Convention concerning forced or compulsory labour	218
10. Convention concerning the age for admission of children to employment in agriculture	87	30. Convention concerning the regulation of hours of work in commerce and offices	232
11. Convention concerning the rights of association and combination of agricultural workers	92	Sixteenth Session (Geneva, 1932) .	242
12. Convention concerning workmen's compensation in agriculture	97	32. Convention concerning the protection against accidents of workers employed in loading or unloading ships (revised) .	242
13. Convention concerning the use of white lead in painting	102	33. Convention concerning the age for admission of children to non-industrial employment	251
14. Convention concerning the application of the weekly rest in industrial undertakings	109	Seventeenth Session (Geneva, 1933) .	258
15. Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers	118	34. Convention concerning fee-charging employment agencies	258
16. Convention concerning the compulsory medical examination of children and young persons employed at sea	124	Eighteenth Session (Geneva, 1934) .	263
Seventh Session (Geneva, 1925) . .	131	41. Convention concerning employment of women during the night (revised 1934)	263
17. Convention concerning workmen's compensation for accidents	131	42. Convention concerning workmen's compensation for occupational diseases (revised)	272
18. Convention concerning workmen's compensation for occupational diseases	141	Nineteenth Session (Geneva, 1935) .	281
19. Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents	148	45. Convention concerning the employment of women in underground work in mines of all kinds	281
20. Convention concerning night work in bakeries	158	Appendix	
Eighth Session (Geneva, 1926) . . .	164	Report of the Committee of Experts appointed to examine the annual reports made under Article 22 of the Constitution of the International Labour Organisation.	
21. Convention concerning the simplification of the inspection of emigrants on board ship	164	(This appendix has been bound separately but accompanies the present volume.)	

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 Governments to make annual reports to the Office on the measures which have been taken to give effect to the provisions of Conventions to which their respective countries 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 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 the thirty-six Conventions in force for which reports have become due. The annual reports themselves have in most cases been regularly received from the Governments ; 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 1936-30 September, 1937 is formally laid before the Conference.¹

It should be explained, however, that by 1933 these summaries had become so voluminous and costly to print that it became necessary to secure economies by reducing the size of the summary notably by the introduction of a system of pu-

blishing a complete summary of the annual reports once in five years and giving in the intervening years only information additional to that contained in the last complete volume. A complete basic volume of this kind was accordingly last published in 1933. The English edition of this volume ran to 483 pages. The intermediary volume for 1937 ran to some 440 pages. The next complete volume would have fallen due to be published in 1938 and if published on the same scale and plan with some 600 reports to summarise would have run to somewhere between 800 and 1,000 pages.

The publication year by year of a volume running to such dimensions was becoming materially difficult and more and more expensive. Moreover, the volume itself by its very size was becoming increasingly unreadable. Consequently the Director has felt obliged to consider the best means of reducing the summary to manageable proportions while at the same time complying with the letter and spirit of Article 22 of the Constitution. This has been done as an experiment by preparing the present volume in accordance with the following principles :

(1) the list of national legislation given for each country mentions only the basic laws and regulations (Point I of the report form) ;

(2) the summary of the legislative provisions for the application of a given Convention is made only in the case of the first annual report received. In the case of subsequent reports information is given only on measures seriously modifying the situation in respect of the application of the Convention ;

(3) the information concerning the authorities responsible for the enforcement of the relevant legislation (Point IV of the report form) would under this system be given only on the occasion of the analysis of the first annual report (subject to the inclusion of fresh information when necessary) ; this applies also to the information concerning the application of the Convention to Colonies etc. (Point III) ;

(4) a full summary is given of the information contained in the annual reports under V (judicial decisions), and VI (practical application) of the report forms as this information by its very nature would change from year to year.

¹ In pursuance of a suggestion of the Committee of Experts appointed to examine the annual reports made under Article 22, the Governing Body 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.

The present volume read in conjunction with the 1933 volume and the intermediary volume for 1937 would thus give a complete summarised account of the measures which have been taken in the various countries to apply the Conventions in force.

Care has however been taken so far as possible to draft the summaries in the present volume in such a way that each one represents a separate item of information intelligible without reference to the previous volumes.

* * *

The report of the Committee of Experts appointed by the Governing Body, in accordance with a Resolution of the 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.¹

Any information under Article 22 received by the Office too late for inclusion in the present volume will be laid before the Conference by being reproduced in an early number of the *Provisional Record* of the Conference.

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

It may be noted that although under the new Government of India Act, *Burma* ceased to be part of India as from 1 April 1937 it is agreed that Burma remains bound by the 14 Conventions (Nos. 1, 2, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 27, 41) which India had ratified up to 31 March 1937. A report on the application of these Conventions in Burma during the period 1 April to 30 September 1937 has been communicated to the Office by the British Ministry of Labour. The information contained in this report is included in the present volume, under the relevant Conventions.

Germany ceased to be a Member of the Organisation on 21 October 1935. No reports for the year 1935-36 nor 1936-37 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.¹

¹ 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 1937, 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 1936-30 September 1937 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30. 11. 1933	21. 4. 1938
Belgium	6. 9. 1926	27. 10. 1937
Bulgaria	14. 2. 1922	27. 11. 1937
Canada	21. 3. 1935	1. 2. 1938
Chile	15. 9. 1925	5. 1. 1938
Colombia	20. 6. 1933	16. 3. 1938
Cuba	20. 9. 1934	7. 1. 1938
Czechoslovakia . .	24. 8. 1921	6. 12. 1937
Dominican Republic	4. 2. 1933	21. 10. 1937
Greece	19. 11. 1920	7. 3. 1938
India	14. 7. 1921	22. 12. 1937
Lithuania	19. 6. 1931	18. 1. 1938
Luxemburg	16. 4. 1928	17. 1. 1938
Nicaragua	12. 4. 1934	
Portugal	3. 7. 1928	23. 11. 1937
Rumania	13. 6. 1921	11. 4. 1938
Spain	22. 2. 1929 ¹	16. 3. 1938
Uruguay	6. 6. 1933	30. 11. 1937
* * *	* * *	* * *
Burma ²	14. 7. 1921	29. 11. 1937

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

² See the Introduction to the present volume, p. 4.

In a letter dated 8 January 1938, the Government of Canada states that With regard to the (remaining) three Conventions which have been ratified by Canada concerning: (1) hours of work in industry; (2) weekly rest in industry; and (3) minimum wage-fixing machinery, copies were furnished to the International Labour Office under the date of 7 October 1936 of three statutes which had been enacted by the Parliament of Canada to give effect to these respective Conventions. The accompanying letter also mentioned the fact that a reference had been made to the Supreme Court of Canada with respect to the jurisdiction of the Parliament of Canada to enact these statutes and that an appeal from the Judgment of the Supreme Court of Canada was taken subsequently to the Judicial Committee of the Privy Council in London. The text of the Judgment of the Judicial Committee of the Privy Council, declaring all three of these Acts *ultra vires* of the Parliament of Canada, was communicated to the International Labour Office by letter of 4 May last.

In respect of the present position of these matters, the Government states that in view of economic and social developments which have occurred since the adoption in 1867 of the British North America Act, providing for the confederation of certain provinces into the Dominion of Canada, and for the distribution of legislative powers between the Federal Parliament and the Provincial Legislatures, a Royal Commission on Dominion-Provincial Relations was appointed by Order in Council of 14 August 1937, and is now conducting hearings in different parts of the country. One of the recommendations of this Order in Council is in the terms following: "That it is expedient to provide for a re-examination of the economic and financial basis of confederation and of the distribution of legislative powers, in the light of the economic and social developments of the last seventy years." A copy of this Order in Council is forwarded by the Government, which adds that information will be communicated to the International Labour Office in due course as to any recommendations the Royal Commission may make regarding jurisdiction in respect of conditions

of labour and any steps which may be taken to give effect thereto.

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: "The Government and Parliament of Colombia are engaged in developing a system of social legislation in accordance with the plan outlined in last year's report. The Bill to establish a social insurance fund has been approved by the Senate of the Republic and it is hoped that the Chamber of Representatives will shortly pass the Bill. In the form in which it was submitted to the Senate, it contains, in addition to provisions concerning social insurance, certain sections dealing with the co-ordination and financing of the building of cheap dwellings for workers, so that when it finally passes into law it will do much to promote the solution of the social problems of the country. In view of the number of labour disputes that have occurred the Government is now seeking for a solution of this problem. It has submitted to the Chambers a Bill for the establishment of special labour tribunals to deal with individual labour disputes and for a system of conciliation and arbitration for collective disputes. Conciliation proceedings will be compulsory for every dispute, whereas arbitration will be optional except in the case of public services, in which strikes are prohibited and disputes must be settled by arbitration. Every strike for purposes other than economic ones is declared illegal, as is also any strike carried out by other than peaceful means. Lockouts are entirely prohibited..."

In a letter of 7 March 1938 which accompanies the annual reports, the *Greek* Government states that social policy in Greece is developing rapidly in accordance with the programme of the national Government of 4 August. Thus, labour problems which have existed for many years have been settled and new institutions of great importance to the material and spiritual life of the workers have been set up during the year under review. The Government states that as one of its principal aims is to establish social peace and obtain the collaboration of all the factors of production it has respected and encouraged freedom of association. Workers' and employers' representatives in committees which have to take important decisions on social policy have the same rights as the public officials. The Act of 1934 concerning social insurance has been brought into force and will shortly be extended to the country as a whole. The Government states further

that it has laid the foundations of several institutions for insurance against old-age, invalidity and death of employers (with the exception of large-scale industrialists) the two most important of which are the insurance fund for artisans and the owners of small undertakings, and the insurance fund for traders. These two institutions will begin to work as soon as the census of the future insurers is completed. Progress has also been made in the sphere of industrial relations which will henceforth be based on a system of collective agreements and compulsory arbitration. Such a system has shown itself to be in the interests of the parties concerned and in accordance with their outlook, and it has been instrumental in establishing social peace by bringing together capital and labour and thereby eliminating strikes and lock-outs. Collective agreements have by their number and importance radically changed the nature of industrial relations. The Government is glad to recognise the fact that collective agreements, till recently unknown in Greece, have now become the normal method of conciliation between the occupational interests. The authorities paid particular attention to the application of these agreements and have entrusted it to special officers in big towns as well as in small occupied areas. The Government states that under the Act concerning collective agreements a committee has been set up to re-adjust wages to the cost of living and that there is an appreciable improvement in the living conditions of workers and employees as shown by the rise in working class budgets. Finally, the Government states that it has made considerable efforts to reduce hours of work not only in industry but also in commerce, offices, etc. Further, provision for holidays with pay has been included in many of the collective agreements. Owing to the general reduction in hours of work the Government was forced to take measures to enable the worker to use profitably his spare time. For this purpose an institution called "Ergatiki Estia" (Workers' Home) has been set up. The Government points out that this autonomous institution set up under Act No. 5204 of 1930 began to work only after the advent of the national government. Its statutes were amended by Acts Nos. 96 and 191 of 1936 and 606 and 665 of 1937. This last Act which defined the aims of the institution is the basic Act in matters relating to the subject of spare time. The Government states that within a short time of its working the "Ergatiki Estia" has accomplished much. The Government further states that with a view to improving the working of the labour inspectorate this was divided, under the Royal Decree of 18 November 1937, into four sections each under a divisional inspector. The Government has set up a technical office to prepare the

technical regulations relating to the prevention of labour accidents and to organise an industrial safety museum. The Government states that thanks to the measures already taken Greek labour legislation is in harmony on certain points and will soon be in harmony on other points with the international legislation as embodied in international labour Conventions and Recommendations. In drafting several of the social laws, the Government took account of the Recommendations of the International Labour Conference, particularly with regard to employment exchanges, weekly rest in commercial undertakings, hotels, restaurants and similar establishments, hours of work in places of public amusements, and hospitals, as well as the organisation of labour inspection and the utilisation of spare time.

The Government of *Luxemburg* states in its report that the Act of 31 October 1919 on service agreements for private salaried employees has been amended by the Act of June 1937. Section 6 of this Act further strengthens the provisions relating to hours of work. An order in execution of the Act has been prepared and submitted by the occupational Chambers. The Order will be published shortly. The Government adds that the exemption provided under Article 5 of the Convention has been taken advantage of by the employers' and workers' organisations with regard to work in the building industry, by a collective agreement. This agreement has been given the force of law by the Order of 6 October 1937.

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

In its letter of 12 March 1938, which accompanies the reports on the application of the Conventions ratified by *Spain*, the Spanish Government states as follows: "It is thought that the exceptional circumstances at present existing in this country amply justify any omissions or defects in the annual reports. Although our statistical services are working normally they are unable to compile exact data at regular intervals and their present activities are necessarily devoted mainly to the preparation for a return to normal conditions. The factory inspectorate is working busily throughout the whole of the area which has remained loyal, and its activities are entirely normal. Nevertheless, it meets with obvious difficulties in collecting the information required for the preparation of its report. The replies sent to the questionnaires are therefore considered merely as a proof of the undiminished desire of Spain to fulfil its obligations towards the International Labour Organisation and as a proof of its respect for the Committee on Periodical Reports."

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, 31 August 1937.

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

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

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

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.

See 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).
- Resolution of the General Department of Labour concerning hours of work in bakeries.

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. 2309 of 29 July 1937 amending § 4 of Decree No. 2513 of 19 October 1933.
- 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).

Dominican Republic.

- Act No. 929 of 21 June 1935 respecting the hours of work in commercial and industrial establishments (L. S. 1935, Dom. 1).
- Act No. 1058 of 18 December 1935 empowering the Executive Authority to increase temporarily the length of the working day as fixed by Act No. 929 of 21 June 1935, in cases of general interest.

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.
- Act No. 199/1936 amending certain labour laws.
- Act. No. 547/1937 amending and supplementing certain labour laws.
- Act No. 646/1937 amending certain provisions concerning motor buses and lorries.
- Decree of 3/13 April 1937 regulating the hours of work in bakeries.
- Decree of 28/29 April 1937 to extend the provisions respecting the 8-hour day to the textile industry.
- Decree of 10/29 September 1937 to extend the provisions respecting the 8-hour day to all chemical industries as well as to the processes enumerated under §1 of Act No. 2269 of 24 June 1920 ratifying the Convention.
- Decree of 3/15 September 1937 fixing 60 hours as the maximum amount of overtime which may be allowed in tanneries and gut factories.

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 as amended by the Act of 7 June 1937.

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).

See also introductory note.

Portugal.

Decree No. 5516 of 7 May 1919, limiting the hours of work of workers and employees in commercial and industrial establishments (L. S. 1919, Por. 1).

Decree No. 8244 of 8 July 1922 of the Ministry of Labour concerning hours of work, approving the Regulations issued under Decree No. 5516 of 7 May 1919 (L. S. 1922, Por. 2).

Decree No. 10782 of 20 May 1925, to amend the Regulations concerning hours of work in order to ensure the better carrying out of the provisions laid down in Decree No. 5516 (L. S. 1925, Por. 2A).

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

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

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

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

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.

* * *

Burma.

(Report of the Government of Burma for the period 1 April-30 September 1937 communicated through the Government of the United Kingdom.)

The report states that as regards the Conventions (Nos. 1, 2, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 27, 41) ratified by India and by which Burma, even after separation from India on 1 April 1937 under the new Government of India Act remains bound, the method of application of these Conventions for the period 1 April to 30 September 1937 "has remained the same under the Government of Burma as it was under the Government of India, and that nothing of substance has occurred in Burma during that period in relation to the Conventions in question".

II.

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

ARTICLE 1.

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

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

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

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

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

The provisions relative to transport by sea and on inland waterways shall be determined by a special conference dealing with employment at sea and on inland waterways.

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

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

Canada. — See introductory note.

Dominican Republic. — Act No. 929 of 21 June 1935 fixes the hours of work in commercial and industrial establishments. The provisions of the Act do not apply to agricultural and rural work, small-scale undertakings situated in rural districts or persons employed in domestic service.

Greece. — The report states that a committee has been set up to draw the line of division between various occupations. The report also states that a Decree of 10/29 September 1937, extending the provisions of the 8-hour day to all processes enumerated under §1 of Act No. 2269 of 24 June 1920, ensures the complete enforcement of the Convention. The Decree of 13 April 1937 provides for a 10-hour day in bakeries not worked by power. The report adds that in point of fact the Act deals with hours of attendance rather than with hours of work, and that moreover the competent authorities are endeavouring to find a means of removing this divergency between the legislation and the provisions of the Convention.

Lithuania. — The report states that, as the line of division to which this Article refers has been defined by the terms of the Act relating to labour agreements, it has not been necessary to take any decisions in regard to the last paragraph of this Article.

Luxemburg. — See introductory note.

Uruguay. — The report states that § 13 of the Act of 22 November 1935 concerning the marking of shoes and leather articles provides that the employers of small shoe factories shall be considered as workers for the purposes of the relevant legislation concerning hours of work. A Decree of 3 August 1937 in application of the above-mentioned section of the Act of 22 November 1935, defines such employers as those employing not more than 25 persons.

ARTICLE 2.

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

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

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

(c) Where persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in any one day and forty-eight

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

Canada. — See introductory note.

Dominican Republic. — § 1 of Act No. 929 of 21 June 1935 provides that the normal hours of work of employees shall not exceed 8 in the day and 48 in the week. These provisions shall not apply to persons holding positions of supervision or management, nor to persons employed in a confidential capacity.

Greece. — The report states that §614 of Act No. 199/1936 which prescribes an 8-hour day for owners and joint owners of motor omnibuses and lorries does not apply to mechanics, enginemen and firemen unless they are employed in a confidential capacity. The report adds that in individual cases, on the other hand, a 9-hour day was permitted by Ministerial Order on condition that the persons concerned only work 7 hours on the following day.

Luxemburg. — See introductory note.

ARTICLE 3.

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

Canada. — See introductory note.

Dominican Republic. — It is provided in § 2 of Act No. 929 of 21 June 1935 that the limit of hours of work laid down in § 1 may be exceeded in case of accident, actual or threatened, or in case of work to be done to machinery or plant the stoppage of which would be injurious, or in cases where an interruption of work would entail the deterioration of raw materials 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. In these cases the hours of work may be increased up to ten hours in the day but the wage-earning and salaried employees shall be entitled by way of compensation for the two additional hours to work shorter hours on the following day or to receive one-eighth of their daily wage for each hour worked in excess of eight hours in the day at their choice. The additional hours worked shall not exceed ten hours in six working days so that the weekly total shall not exceed fifty-eight hours.

Luxemburg. — See introductory note.

ARTICLE 4.

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

Canada. — See introductory note.

Dominican Republic. — § 3 of Act No. 929 of 21 June 1935 provides that in the case of continuous processes, wage-earning and salaried employees shall work in shifts of eight hours; but in order to obviate any interference with the ordinary working of these processes the work of a shift may be prolonged for not more than one hour in order to enable the shift being relieved to give necessary instructions to the relieving shift. In establishments where this system applies, this condition shall be deemed to be accepted by the wage-earning and salaried employees, who shall not be entitled to additional pecuniary remuneration but to one extra rest day with pay each month which may be accumulated by the employee concerned.

Luxemburg. — See introductory note.

ARTICLE 5.

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

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

Canada. — See introductory note.

Dominican Republic. — Dominican legislation does not contain provisions of this nature.

Luxemburg. — See introductory note.

ARTICLE 6.

Regulations made by public authority shall determine for industrial undertakings:

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

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

These regulations shall be made only after consultation with the organisations of employers

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

Canada. — See introductory note.

Dominican Republic. — (a) The report states that no regulations of this kind exist under Dominican legislation. (b) § 1 of Act No. 1058 of 18 December 1935 empowers the executive authority to increase temporarily in the manner in which it considers necessary the length of the working day as fixed by Act No. 1929 of 21 June 1935, in cases of general interest. The report states that by way of compensation for additional hours worked, wage-earning and salaried employees are entitled to work shorter hours on the following day or to receive one-eighth of their daily wage for each hour worked in excess of 8 hours in the day. The report adds that the Department of Labour in its quarterly report (April, May and June 1937) proposes that hours worked in excess of the legal working day shall be paid at twice the normal rate.

Greece. — The report states that by Ministerial Decree the labour inspectors were asked to grant an extension of the hours of work in cases of absolute necessity. Under § 2 of a recent Royal Decree the labour inspection service may grant authorisations to textile undertakings to work longer than the 8-hour day in cases of great pressure of work, but such extra hours may not exceed 180 in the year. Overtime under these conditions is authorised for a period of three years at the end of which the textile industry will be subject to the general system.

Luxemburg. — See introductory note.

ARTICLE 8.

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

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

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

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

It shall be made an offence against the law to employ any person outside the hours fixed in

accordance with paragraph (a) or during the intervals fixed in accordance with paragraph (b).

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

Canada. — See introductory note.

Dominican Republic. — § 5 of Act No. 929 of 21 June 1935 provides that every commercial and industrial establishment shall be bound to post up a notice in a conspicuous place, showing the hours at which work begins and ends, the breaks (which shall not be less than one and a half hours after four hours' work, or two hours after five hours' work, and may be fixed according to the custom of the locality in question), and the weekly rest day of the wage-earning and salaried employees if the establishments in question are covered by §§ 3 and 4 of this Act. It is also bound to keep a register in accordance with the models approved by the Ministry of Agriculture and Labour, in which the interruptions of work of each employee shall be entered, together with the causes thereof, the number of hours lost and all the prolongations of the hours of work authorised in accordance with this Act, and the amount of the remuneration due to him.

Greece. — The report states that the labour inspectors prescribe a uniform time-table for all establishments. § 5 of Act No. 199/1936 provides that the table showing the hours at which work begins and ends, the hours at which shifts begin, etc. shall be binding on the workers only if it has been brought to their notice previously.

Lithuania. — Specimen copies of notices and forms specified in this Article are annexed by the Government to the report.

Luxemburg. — See introductory note.

ARTICLE 10 (*British India only*).

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

India. — The Government of India states in its report that by a Notification dated 23 March 1937 the Hours of Employment Regulations were extended to the Bengal and North Western Railway with effect from 1 October 1937.

ARTICLE 12 (*Greece only*).

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

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

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

(1) Mechanical industries: Machine shops for engines, safes, scales, beds, tacks, shells (sporting), iron foundries, bronze foundries, tin shops, plating shops, manufactories of hydraulic apparatus;

(2) Constructional industries: Lime-kilns, cement works, plasterers' shops, tile yards, manufactories of bricks and pavements, potteries, marble yards, excavating and building work;

(3) Textile industries: Spinning and weaving mills of all kinds except dye works;

(4) Food industries: Flour and grist-mills, bakeries, macaroni factories, manufactories of wines, alcohol, and drinks, oil works, breweries, manufactories of ice and carbonated drinks, manufactories of confectioners' products and chocolate, manufactories of sausages and preserves, slaughterhouses, and butcher shops;

(5) Chemical industries: Manufactories of synthetic colours, glassworks (except the blowers), manufactories of essence of turpentine and tartar, manufactories of oxygen and pharmaceutical products, manufactories of flaxseed oil, manufactories of glycerine, manufactories of calcium carbide, gasworks (except the firemen);

(6) Leather industries: Shoe factories, manufactories of leather goods;

(7) Paper and printing industries: Manufactories of envelopes, record books, boxes, bags, bookbinding, lithographing, and zinc-engraving shops;

(8) Clothing industries: Clothing shops, underwear and trimmings, workshops for pressing, workshops for bed coverings, artificial flowers, feathers, and trimmings, hat and umbrella factories;

(9) Woodworking industries: Joiners' shops, coopers' sheds, wagon factories, manufactories of furniture and chairs, picture-framing establishments, brush and broom factories;

(10) Electrical industries: Power houses, shops for electrical installations;

(11) Transportation by land: Employees on railroads and street cars, firemen, drivers, and carters.

ARTICLE 14.

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

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

Canada. — See introductory note.

Dominican Republic. — The report does not refer to this Article of the Convention.

Lithuania. — The report states that there has been no necessity to effect the suspension provided for in this Article.

Luxemburg. — See introductory note.

III.

Article 7 of the Convention is as follows:

Each Government shall communicate to the International Labour Office:

(a) A list of the processes which are classed as being necessarily continuous in character under Article 4;

(b) Full information as to working of the agreements mentioned in Article 5; and

(c) Full information concerning the regulations made under Article 6 and their application.

The International Labour Office shall make an annual report thereon to the General Conference of the International Labour Organisation.

Please give

(a) A list of the processes which are deemed to be necessarily continuous in character for the purposes of Article 4.

(b) Full information as to working of the agreements mentioned in Article 5, i.e. a list of such agreements, showing the industries and classes of workers covered, together with, as far as possible, the texts of such agreements.

(c) Full information concerning the regulations made under Article 6 and their application, i.e. a list of such regulations, together with the texts thereof, in so far as they may not already have been communicated under I of this report, at the same time stating what method was adopted for the consultation of organisations of employers and workers.

Belgium. — The report of the Belgium Government gives the following information which regard to the list of temporary exceptions made under Article 6:

(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 industries shown in the following table:

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	15	179	11,689	6	141	8,875	21	320	20,564
Woodwork and furnishing ..	6	442	16,890	9	122	6,612.5	15	564	23,502.5
Food and drink	3	84	4,109	1	114	5,814	4	198	9,923
Textiles	33	1,286	39,052	31	1,080	51,704	64	2,366	90,756
Metals	34	1,096	53,476.5	10	233	8,953	44	1,329	62,429.5
Clothing	1	7	182	17	378	13,559	18	385	13,741
Mines	2	150	12,800	—	—	—	2	150	12,800
Artistic and fine work ...	5	67	3,174	3	30	1,801	8	97	4,975
Book printing, binding, etc.	7	803	77,434	2	23	1,264	9	826	78,698
Hides and skins	1	240	7,969	11	214	11,203	12	454	19,172
Tobacco	1	104	3,536	2	220	9,196	3	324	12,732
Chemicals ...	2	580	20,880	—	—	—	2	580	20,880
Paper	2	62	3,178	1	95	2,470	3	157	5,648
Special	11	1,601	59,109	10	347	20,106	21	1,948	79,215
Ceramics	1	7	357	3	95	4,070	4	102	4,427
Quarries	—	—	—	1	3	66	1	3	66
Glass	2	105	1,424	1	30	1,560	3	135	2,984
Transport ...	—	—	—	—	—	—	—	—	—
Total	126	6,813	315,259.5	108	3,125	147,253.5	234	9,938	462,513

Canada. — See introductory note.

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 1936 and 1 January to 30 September 1937. The figures which refer to the latter period are given in brackets. Permits were granted to 116 (386) undertakings (0.005) (0.016) per cent. of the total number of undertakings covered by accident

insurance, or 0.016 (0.054) per cent. after deduction of agricultural undertakings); the total number of workers employed in these 116 (386) undertakings was 42,907 (197,404) (0.96 (4.44) per cent. of the total number of wage-earners); the number of workers who worked overtime was 3,297 (17,377) (0.07) (0.39) per cent. of the total number of wage-earners); the total number of hours of overtime expressed in working days of eight hours was 30,488 (103,203) or 5,081 (17,201) working weeks.

Greece. — The report states that a list of continuous processes will be given in a Decree which has already been drafted. This list includes:

1. electricity works and gas works;
2. machine workshops and factories for the upkeep of waterworks;

3. telephone installations ;
4. cement factories ;
5. glass works ;
6. breweries ;
7. blast furnaces.

The provision with regard to consulting the occupations is observed. The workers and employers are represented by their unions which together form general occupational associations which in their turn send representatives to the superior labour councils. All decrees and regulations referring to these questions must be approved before publication by this council on which the employers and workers have four votes respectively.

India. — The report supplies the following information :

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

Article 4 is not applicable to India.

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

Article 5 is not applicable to India.

(c) *Regulations made under Article 6.*

(1) Lists of exceptions made by local Governments for preparatory, complementary or essentially intermittent work have been communicated to the International Labour Office for the following provinces : Madras, Bombay (including Sind), Bengal, the United Provinces, the Punjab, Burma, Bihar and Orissa, Assam, the Central Provinces, the North West Frontier Provinces, Ajmer-Merwara, Delhi, and Coorg.

Lithuania. — The report gives the following information :

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

The compulsory limit of hours of work has not been exceeded.

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

During the period under review it has not been necessary to give force of law to regulations of the kind mentioned in this paragraph.

(c) *Regulations made under Article 6.*

The report states that as no regulations have been made under this Article, it has not been necessary to consult the employers' and workers' organisations.

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.

The reports supplied do not contain any fresh information on this point.

V.

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

Canada. — See introductory note.

Dominican Republic. — The report states that in order to ensure the supervision of the application of social legislation, and in particular of the Act respecting hours of work in commercial and industrial establishments, the Government set up, under the Secretary of State for Commerce, Industry and Labour, the Department of Labour including an inspection service specially entrusted with this work. The inspectors pay visits to factories, workplaces, commercial and industrial establishments, etc. ; they supply the head of each undertaking with an inspection certificate, and enter particulars of their visits in a form which has been duly approved (a specimen of which is appended to the report). They also submit weekly reports to the Department of Labour. When an inspector is satisfied that an infringement of the relevant legislation has occurred, he prepares a report, a copy of which he leaves with the offender. The original is forwarded to the Department of Labour for any action which may be necessary before the courts. The mayor (justice of peace) is competent to take cognizance of contraventions of the Act, and the offender is liable to a fine of from

five to thirty dollars or to imprisonment for five to thirty days.

Greece. — The labour inspectorate is divided into four divisions, each under a divisional inspector. The divisional inspectors supervise the work of the labour inspectors and the assistant-inspectors. They inspect once in three months every labour inspectorate under their charge. The labour inspection service is assisted in its work by the police.

Lithuania. — The supervision and enforcement of the Act on hours of work is entrusted to the Labour Inspection Service and to the Courts. The former General Labour Inspection and Social Welfare Service has recently been replaced by the Directorate of Labour and Social Assistance in which there is a Labour Inspection Section consisting of a chief inspector and ten district inspectors.

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.

Canada. — See introductory note.

Colombia. — The report states that as no special labour courts have so far been set up the National Department of Labour has frequently been obliged to give decisions on legal questions.

Czechoslovakia. — The report states that, with regard to the application of the Convention and of the legislation which implements it, the Minister of Social Welfare can only refer to the judgments of the Supreme Court on civil and administrative questions. These judgments, however, contain details relating solely to the national legislation and have no bearing on the principles of the international regulations.

Dominican Republic. — The Government submits as an appendix to its report copies of three legal decisions regarding sentences and fines for infringements of the provisions of the regulations.

Lithuania. — The Government forwards, as an annex to its reports copies of 84 decisions given by the courts regarding the application of the Convention.

Spain. — The report states that the joint boards have given decisions on several occasions obliging undertakings

and employers to make corresponding payment to their employees for overtime worked in excess of the hours laid down in the Act relating to hours of work.

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 during the period 1 October 1936-30 September 1937 for breaches of the law was 109,030 paper pesos, and the number of fines was 1,899.

Belgium. — During the period under review, 934 cases of proceedings for infringements of the Eight-Hour Day Act were instituted. The total number of staff employed by the undertakings visited by the Labour Inspection Service during the twelve months covered by the report was 489,479. 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 1,123. 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. — The reports of the Labour Inspection Service show that the regulations are applied in a satisfactory manner throughout the whole country. The number of workers to whom the eight-hour day and the 48-hour week apply in industrial undertakings is 321,051. The number of workers covered by the provisions concerning hours of work in private railway undertakings is 6,626 of whom 1,440 are salaried employees and 5,186 are workers. The number of persons employed by the State railways is 19,846, of whom 2,813 are salaried employees and 17,033 are workers. The number of offences against the provisions of the Convention was 199. The report states that 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 legislation which implements it.

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

Cuba. — During the first six months of the year 1937, 1245 visits of inspection were made. Of this number, 173 did not give rise to any special observations and in 112 cases fines were inflicted. The number of cases awaiting judgment is 960. The total amount of fines was 3,980 dollars. Neither the employers' nor the workers' organisations concerned have made any observations with regard to the Convention.

Czechoslovakia. — The Ministry for Social Welfare states that detailed information regarding the action taken by the factory inspection services in the course of their duties in supervising the application of the provisions relating to the eight-hour day is contained in the report of the industrial inspection service for 1935, which has been transmitted to the Office, and adds that the report for 1936 will be forwarded to the Office as soon as possible.

Dominican Republic. — A report of the Department of Labour for the period April-June 1937 (a copy of which is appended to the Government's report) states that during this period the inspectors paid 1,815 visits to the undertakings covered by the Act. Practically all the heads of the undertakings visited had complied strictly with the provisions of Act No. 929, but in a few instances, however, there had been breaches of the regulations which had been committed with the complete agreement and sometimes the encouragement of the employees

themselves. The total number of infringements was 132.

Greece. — The report states that the reports of the labour inspectors show that both the Convention and the laws relating to it are applied. During the year 1937 labour inspectors of the first and second divisions granted 4,221 permits to extend the 8-hour day. The permits in question concerned 30,685 men and 14,522 women, and the total number of hours granted was 54,752. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention. 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 1936-1937" contains detailed information with regard to the number of employees covered by the Regulations, the extent of inspection, the adjustment of hours of employment and periods of rest, the classification of staff, temporary exceptions, continual night duty, payment of overtime, etc. The Government of India has not received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention.

Lithuania. — The report states that the number of industrial workers protected by legislation on hours of work during the period under review amounted to 25,470. The number of infringements was 330, and of this number 217 cases were settled by the labour inspectors and 113 were referred to the courts. The Inspection Service has not granted any permits to work overtime except in the cases covered by law and in certain exceptional cases mostly in industries which only work during certain seasons of the year.

No observations have been received from employers' or workers' organisations with regard to the application of the Convention.

Luxemburg. — The Government states in its report that as regards hours of work the collective agreements which are becoming more and more general in scope are all based on the legislation in force. One such agreement, for insurance, covering 550 workers provides for increasing the daily hours of work to 9, with two days' rest in the week. The Government adds that the report of the factory inspectorate does not record any cases of infringement of the relevant legislation during the period under review.

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 Twenty-third Session, to the effect that the application of the Convention is ensured by Legislative Decree No. 24,402 of 24 August 1934 amended by Legislative Decree No. 26,917 of 24 August 1936 the provisions of which correspond even more closely to the provisions of the Convention. The principle of the eight-hour day is firmly established in Portugal not only in industry, but also throughout the whole field of economic activity.

Rumania. — The report states that during the year 1937 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 572.

Spain. — The report states that owing to the civil war which has been going for more than a year it is not possible to supply the detailed reports and statistics required under this point of the report form. It adds however that the reports of the factory inspection service show that, during the past year, there has been such a decrease in the number of infringements of the Act respecting hours of work that it can be stated that its provisions are being strictly observed. See also introductory note.

Uruguay. — During the year 1936 the labour inspection services made 50,810 visits (as against 50,439 in 1935). Infringements reported numbered 349 (261 in 1935); fines inflicted amounted to 8,922 pesos (3,380 in 1935). No overtime has been worked. During the year 1937 the labour inspection services made 26,874 visits. Infringements reported numbered 219; fines inflicted amounted to 5,036 pesos. 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 1937, 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 1936-30 September 1937 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	21. 4.1938
Austria	12. 6.1924	8.11.1937
Belgium	25. 8.1930	27.10.1937
Bulgaria	14. 2.1922	27.11.1937
Chile	31. 5.1933	5. 1.1938
Colombia	26. 6.1933	16. 3.1938
Denmark	13.10.1921	9.12.1937
Estonia	20.12.1922	22.10.1937
Finland	19.10.1921	6.11.1937
France	25. 8.1925	23.12.1937
Great Britain . . .	14. 7.1921	17.11.1937
Greece	19.11.1920	7. 3.1938
Hungary	1. 3.1928	23.12.1937
India	14. 7.1921	22.12.1937
Ireland	4. 9.1925	9.11.1937
Italy	10. 4.1928	
Japan	23.11.1922	1. 2.1938
Luxemburg	16. 4.1928	17. 1.1938
Netherlands . . .	6. 2.1932	1.10.1937
Nicaragua	12. 4.1934	
Norway	23.11.1921	16.10.1937
Poland	21. 6.1924	17.11.1937
Rumania	13. 6.1921	11. 4.1938
Spain	4. 7.1923	
Sweden	27. 9.1921	17.11.1937
Switzerland	9.10.1922	1.11.1937
Union of South Africa	20. 2.1924	16.11.1937
Uruguay	6. 6.1933	30.11.1937
Yugoslavia	1. 4.1927	18.11.1937
* * *	* * *	* * *
Burma ¹	14. 7.1921	27.11.1937

¹ See the Introduction to the present volume, p. 4.

The Government of *Colombia* refers to its report for the period 1 October 1935 to 30 September 1936 in which it stated that during the period covered by the report there was 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. The report added that moreover, this Decree had 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. The first official labour exchange had been established by the municipality of Bogota. The report added that, in view of the circumstances mentioned, it had been impossible to reply to the various points contained in the report form. For the general information supplied by the Colombian Government in its letter of 28 February 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

For the general information supplied by the *Greek* Government in its letter of 1 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

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

The Government of *South Africa* states in its report that "an Act to provide for the payment of benefit to workers in certain industries who are capable of and available for work but are unemployed, and for incidental matters was adopted by Parliament in 1937. This Act (the Unemployment Benefit Act 1937) provides for the equality of treatment of national and foreign workers as regards the payment of unemployment benefit. It has not yet been brought into operation, but will be in the near future."

The report of the Government of *Spain* has not yet been received. For the general information supplied by this Government in its letter of 12 March 1938, 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. 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 and Order No. VII issued in 1937 in pursuance of the above Act.

Decree of the Federal Government (B.G.Bl. No. 428/1936) concerning emergency benefit.

Act (B.G.Bl. No. 31/1937) instituting provisional measures with regard to social insurance for persons belonging to insurance funds for employees in agricultural and forestry undertakings.

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.

Notices of the General Inspection Service, Nos. 9095 of 1936, 3699, 5211 and 5566 of 1937 concerning the supervision of the collective placing of workers.

Colombia.

See introductory note.

Denmark.

Act of 20 May 1933 concerning employment exchanges and unemployment insurance (L. S. 1933, Den. 7) as amended by the Acts of 31 March 1937 and 14 April 1937.

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.

Act of 23 July 1936 concerning the finding of employment, which repeals the Act of 27 March 1926.

Order of 23 July 1936 to implement the above Act.

Order of 23 July 1936, concerning placings effected by the Society of Hospital Nurses.

Act of 23 March 1934 concerning unemployment exchanges entitled to a subsidy from public funds, amended by the Order of 30 December 1936.

Order of 23 March 1934, as amended by the Order of 30 December 1936, for the bringing into force and application of the above Act.

France.

Act of 14 March 1904 concerning the finding of employment for employees and workers of both sexes and in all occupations: Book I, Part IV, of the Labour Code (French text in B.B. 1904, Vol. III, p. 46).

Act of 2 February 1925 to amend § 85 of Book I, Part IV of the Code of Labour and Social Welfare with regard to employment exchanges and departmental employment offices (L. S. 1925, Fr. 4).

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

Act of 16 March 1928 concerning the finding of employment in the theatrical profession, amending § 98 of Book I of the Labour Code.

Act of 19 July 1928 to amend §§ 79, 81, 82, 83, 88 and 102 of Book I of the Labour Code.

Decree of 28 March 1922, as amended by Decrees of 18 December 1927, 25 September 1933, and 9 January and 10 June 1934, concerning grants to public employment exchanges.

Decree of 28 December 1926 as amended by a series of Decrees concerning the conditions to be fulfilled by municipal or departmental unemployment funds which grant subsidies to workers wholly unemployed, in order to obtain grants from the national Fund.

Decree of 22 October 1932 concerning the conditions to be fulfilled by partial unemployment relief funds.

Decree of 9 September 1905, as amended, concerning subventions for unemployment societies (B.B. 1906, Vol. I., p. 14).

Various Decree of 1931, 1932, 1933, 1935 and 1937 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 and consolidated in the Unemployment Insurance (Northern Ireland) Act of 1936.

Greece.

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

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

Act No. 394 of 1936 regulating conditions of employment of persons engaged in hotels (§2).

Ministerial Decree No. 42.901 of 1937 concerning the establishment of employment exchanges.

Various legislative measures relating to unemployment benefit, the organisation of occupations, protection of ex-service men, etc.

Hungary.

Act No. XVI of 1916 respecting official employment bureaux for industry, mining and commerce (B.B. Vol. XVI, 1916, p. 225).

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

Ministerial Orders and Decisions concerning the organisation of placing: Order No. 92815 of 1916: Ministerial Decisions of 2 February 1919, Orders Nos. 77,000 of 1926, 85,237 of 1928 (L. S. 1928, Hung. 5), and No. 27,600 of 1930.

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.

Ireland.

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).

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 1921 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).

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.

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 a uniform procedure in the finding of employment.

Order of the Federal Council of 11 November 1924 respecting public employment exchanges (L. S. 1924, Switz. 5).

Federal Act of 17 October 1924 respecting the payment of subsidies for unemployment insurance (L. S. 1924, Switz. 3).

Orders of 9 April 1925, 20 December 1929, 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.

Federal Order of 20 June 1936 concerning assistance for internal settlement and settlement in foreign countries.

Order of 14 December 1936 to encourage internal settlement and to facilitate the establishment of Swiss citizens in other European countries.

Federal Order of 23 December 1936 regulating the distribution of emergency relief to the unemployed.

Federal Order of 23 December 1936 replacing in part the Federal Order of 21 December 1934.

Order of 19 January 1937 relating to the Federal Act of 17 October 1924 which concerns the payment of subsidies for unemployment insurance.

Order of 12 February 1937 to give effect to the Federal Order concerning the campaign against the depression and the creation of openings for employment.

Order of the Federal Council of 28 May 1937 supplementing the Order of 23 October 1933 which regulates the distribution of relief funds to the unemployed.

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.

Legislative Decree of 23 February 1933.

Decree of 23 February 1933 issuing regulations in application of the above Decree.

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.

Act of 11 May 1934.

Act of 20 June 1934.

Decree of 21 August 1934.

Act of 26 November 1934.

Act of 3 January 1935.

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.

* * *

Burma.

(Report of the Government of Burma for the period 1 April-30 September 1937 communicated through the Government of the United Kingdom.)

See under Convention No. 1 (*Hours of work, industry*), point I.

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.

Chile. — The report states that the Government has given the necessary instructions to the respective services for the supply of the information requested under this Article in addition to the statistics regarding unemployment supplied every three months.

Great Britain. — The Unemployment Insurance Scheme was amended by the Unemployment Insurance Private Gardeners Inclusion Order, 1936, which, as from 1 February 1937, brought private gardeners within the agricultural unemployment insurance scheme, and by the Unemployment Insurance Additional Days and Waiting Period Order, 1937, which improved the conditions under which days additional to the minimum of 156 are granted and reduced the waiting period which must be served in certain circumstances before benefit can be paid from six days to three. The Unemployment Assistance (Temporary Provisions) Act, 1935, terminated on 15 November 1936 and new Regulations governing the assessment of needs under the Unemployment Assistance scheme came into force on 16 November 1936. The Unemployment Assistance Act, 1934, came into full operation on 1 April 1937.

Greece. — The report states that the Ministry of Labour is not yet in a position to supply statistical information concerning unemployment. It is hoped that from next year onwards it will be possible to collect this information with the assistance of the employment exchanges which are now operating, and also of the statistical office which will be set up in the Ministry.

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. — During the period 1 October 1936-30 September 1937 the Employment Registry received 51,044 notices of vacancies and 25,115 applications for employment and effected 22,264 placings.

Austria. — The report states that in 1936 the number of applications for employment was on an average 349,663; the number of vacancies notified during the same period was 224,986 and the number of posts filled was 217,499.

Belgium. — The general organisation of employment exchanges remains the same as in previous years, but it should be noted that the National Employment and Unemployment Office closed 11 of its regional employment and unemployment offices on 1 October 1937. During the period 1 October 1936 to 31 August 1937 the regional employment exchanges received notification of 99,631 vacancies and filled 72,426 of these vacancies. The free employment exchanges between 1 October 1936 and 30 June 1937 received notification of 49,818 vacancies and filled 23,390 of these vacancies.

Chile. — The report states that, owing to other important work, the Ministry of Labour has not yet been able to issue Regulations authorising the setting up of the Committees prescribed under Article 2 of the Convention, but that draft Regulations on the subject have been prepared

by the National Placing Service attached to the General Inspectorate of Labour. During the year 1 September 1936-31 August 1937, the official employment exchanges have received each month an average of 3,994 applications for employment (3,176 skilled and unskilled workers; 683 salaried employees; 135 domestic servants). The average number of vacancies filled each month by these exchanges was 1,201 (1,062 skilled and unskilled workers; 77 salaried employees; 62 domestic servants). Each month an average of 30 per cent. of the applicants were found employment.

Denmark. — The report states that on 1 April 1936 there were 29 free employment offices. During the period 1 April 1935-31 March 1936 these offices received 885,555 applications for employment; the number of vacancies notified amounted to 96,743 and the number of posts filled 88,854.

Estonia. — The report states that the number of employment exchanges was 17. During the period 1 August 1936-31 July 1937, the number of applications for employment received by the employment exchanges was 29,720, the number of vacancies notified was 29,392 and the number of vacancies filled was 21,110.

Finland. — a) The Act of 23 July 1936 stipulates that the employment exchanges shall not undertake duties in connection with unemployment relief or partake in any activity not directly related to placing.

France. — (a) . . . The report states that in 1937 the number of employment offices and exchanges in France was as follows: 90 departmental offices (1 in each department); 1,160 municipal exchanges (as against 1,146 last year), 682 of which are attached to departmental offices and operate as sections of these offices. In addition, 88 departmental offices have appointed approximately 20,000 local correspondents. The number of vacancies filled in 1936 by the public employment exchanges was 1,156,466 (as compared with 1,193,817 in 1935).

Great Britain. — The number of free employment agencies was 1,656 (Great Britain 1,628, Northern Ireland 28); the average number of applicants registered for employment was 1,580,189 (Great Britain 1,510,171, Northern Ireland 70,018); the number of vacancies notified was 3,190,927 (Great Britain 3,162,207, Northern Ireland 28,720); the number of vacancies filled was 2,667,942 (Great Britain 2,642,571, Northern Ireland 25,371).

Greece. — The report states that under Ministerial Decree No. 42901 of 1937, six free employment exchanges were set up at Athens, the Piraeus, Salonica, Patras,

Volo and Cavalla. Two of these exchanges, namely, at Athens and the Piraeus, are already operating. The report adds that the advisory committees of the employment exchanges at Athens, the Piraeus and Salonica consist of 7 members, three of whom represent the workers and three the employers. These committees meet under the chairmanship of the district labour inspector. The advisory committees in other towns are composed of five members. The exchanges are to operate as public services and the committees will only be called upon to give advisory opinions concerning their working. No fresh decision has been taken concerning the private fee-charging employment exchanges for domestic servants in Athens and other towns. They will continue to operate for a period of one year from the date of the opening of the public free employment exchanges.

Hungary. — (a) The report states that in Budapest and in the neighbouring districts the placing of workers is entrusted to the Hungarian Royal Employment Exchange. There are in addition 7 public employment exchanges with 320 branch offices; the number of free private employment agencies is 128. During the period 1 October 1936 to 30 September 1937 the free public employment exchanges received 604,489 applications for employment and 217,017 notices of vacancies, and effected 75,018 placings. During 1936 the free agricultural employment exchanges received 86,766 applications for employment and 123,872 notices of vacancies and effected 128,202 placings.

Ireland. — The total number of workers on the live register was 71,743 on 26 October 1936; 110,859 on 30 November 1936; 98,340 on 21 December 1936; 100,177 on 25 January 1937; 91,680 on 22 February 1937; 93,426 on 30 March 1937; 92,363 on 26 April 1937; 88,480 on 31 March 1937; 64,011 on 28 June 1937; 63,288 on 26 July 1937; 65,670 on 30 August 1937; and 68,928 on 27 September 1937. During the twelve months from October 1936 to September 1937 inclusive 140,849 vacancies were notified and 132,960 vacancies filled.

Japan. — The report states that on 30 September 1937 there were in Japan 762 public employment exchanges. During the period 1 October 1935 to 31 August 1937, the public employment exchanges registered, so far as ordinary workers are concerned, 2,530,600 vacancies 1,674,812 employment, and 817,876 placings effected. The corresponding figures for the casual workers are as follows: 10,475,705 offers vacancies; 11,197,793 request for employment; and 10,079,690 placings effected. The Employment Exchange Commission held its first meeting on 17 September 1936.

Luxemburg. — (a).... in 1936, the Luxemburg Labour Exchange registered 9,610 offers of and 13,604 applications for employment, and effected 6,650 placings. The corresponding figures for labour exchanges in Esch-sur-Alzette and Diekirch are as follows: 6,792; 7,348; and 5,355; 5,777; 6,297; and 4,867.

Poland. — During the period under review, the system of employment exchanges included, 17 regional exchanges attached to the Employment Fund, 26 subsidiary offices, 67 communal exchanges in Upper Silesia, 1 employment exchange for dockers and 1,078 registration offices. These exchanges found employment for 558,960 workers between 1 October 1936 and 31 August 1937. The number of unemployed persons seeking work who were registered with the exchanges numbered 252,276 on 15 September 1937.

(b) The number of employment agencies carried on by social organisations during the second quarter of 1936 was 190. These agencies received 38,405 applications for employment and 29,071 notices of vacancies, and effected 22,481 placings. During the first quarter of 1937, these agencies numbered 188; they received 42,980 applications for employment and 32,946 notices of vacancies, and effected 25,509 placings. The number of fee-charging agencies during the same period was 11. These agencies received 6,697 applications for employment and 3,780 offers of employment, and effected 3,930 placings...

Rumania. — The report states that in 1937 the free public employment exchanges registered 127,495 vacancies, 114,151 applications for employment and effected 96,648 placings.

Sweden. — (a) At the end of September 1937 the number of public employment exchanges was 29, controlling 29 employment offices and 127 branch offices, 4 of which were engaged in finding employment for seamen. About 750 employment agents, 17 of whom are concerned with finding employment for seamen, are also established in various localities. During the period 1 October 1936-30 September 1937 the number of applications for employment was 901,228, the number of vacancies about 450,000 and the number of placings 296,252.

Switzerland. — (a) The report states that the Federal Decree of 23 December 1936 and the Order of the Federal Council of 11 May 1937 ensure a better co-ordination of the provisions concerning unemployment insurance, vocational training

and placing. With regard to placing properly so-called the Federal Office of Arts and Crafts and Labour can take the initiative which was formerly reserved to the cantonal and communal authorities for collective operations of concern to the labour market. The provisions aiming at facilitating the transfer of unemployed persons from one branch of activity to another and from one place to another enable unemployed workers to take greater advantage of the openings for employment and facilitate the work of the public employment exchanges. They were adopted in anticipation of economic recovery and from this point of view have facilitated the return of the unemployed to active economic life. The report adds that the past year has been marked by a considerable improvement in the economic situation. The task of the public employment exchanges was to adopt such measures as would ensure the benefits of this improvement to the largest possible number of unemployed and in the shortest possible time. As a result of consultations which took place in December 1936 with the central organisations of employers and workers active work was undertaken in the trades most closely concerned, namely, watch and clock-making, hotel industry, textiles, metal and machine industry. Various methods have been used with a view to the reintegration of the unemployed in employment. Vocational courses have been started either for the improvement of the unemployed persons' knowledge or for readjustment, and in addition the public authorities encourage whenever possible the readjustment of the unemployed by the undertakings themselves. During a period which varies according to the trade and the individual but which hardly ever exceeds three months the earnings corresponding to the actual work accomplished are supplemented if they are less than a certain amount by the grant of a readjustment premium. In this way numerous unemployed persons have been able to make themselves directly familiar with new methods of work and technical improvements. Young workers deprived by unemployment of the possibility of acquiring a complete mastery of their trade and also unemployed persons of a certain age who have not been able to recover their place in economic life are also able to take advantage of these measures which will be steadily pursued. Similarly, the transfer of unemployed persons to the trades or districts which are least overcrowded have been facilitated by similar measures followed on a larger scale than formerly. During the period 1 September 1936 to 31 August 1937 the public employment exchanges received notification of 159,689 vacancies, 351,018 applications for employment and filled 132,403 vacancies.

The joint employment service for musicians has shown great activity during the year under review. As a result of close contact with the cantonal and federal public employment service the supervision of the labour market, which is always difficult as a result of seasonal fluctuations and frequent movements of musicians from place to place, is now very effective. The balancing of supply and demand is now achieved in normal conditions.

The report supplies the following details with regard to the work of joint employment offices subsidised by the Confederation during the period 1 September 1936 to 31 August 1937: vacancies notified, 5,479; applications for employment, 10,161; vacancies filled, 2,994.

Union of South Africa. — The Government refers to its reports for previous years for information on the State employment exchange system. This system has been further enlarged by the appointment of two additional welfare officers who have taken over the employment activities of the Post Office exchanges in these areas. Two new Juvenile Affairs Boards, which are mixed bodies co-operating closely with apprenticeship committees and controlling the juvenile labour bureaux, were established during the year under review and eight further Boards have been approved. With regard to private free employment agencies for Natives it is stated that there exists at the present time no real problem of unemployment in this class of the population. There is, in fact, a definite shortage of Native labour and the Acting Minister of Native Affairs has appointed a Committee to enquire into the causes of this shortage and to suggest remedies for the present state of affairs. In the larger urban and industrial centres there is at all times a considerable number of Natives without employment but this condition is a result of the general drift to the towns and the majority of these Natives belong to the class whose object it is to avoid work at all costs and who are not prepared to avail themselves of any assistance to find employment. Recent legislation affords a means of returning Natives belonging to this class to the rural areas and, as soon as these measures are in full operation, it is hoped that some alleviation of this evil will be possible.

Yugoslavia. — At the end of September 1937 the number of public employment exchanges was 26. During the period from 1 October 1936-30 September 1937 these offices received on an average 58,125 applications for employment, per month; the number of vacancies notified was 3,972 and the number of placings effected was 37,905.

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.

Austria. — The Austrian Government concluded on 15 January 1937 a reciprocal agreement with the Swedish Government by which Austrian nationals residing in Sweden have the right to receive benefits from the unemployment insurance funds subsidised by that State while Swedish nationals residing in Austria are entitled to equality of treatment as regards unemployment benefits as prescribed by Austrian legislation.

Belgium. — The report states that no new arrangement has been concluded, but that the Arrangement on unemployment questions based on a system of complete reciprocity which was concluded with France has been extended to include French or Belgian subjects from the Belgian Congo.

Denmark. — As a result of negotiations with Sweden a Convention has been concluded with that country, whereby Swedish workers in Denmark will be admitted to the same rates of benefit under the unemployment insurance scheme as those which obtain for Danish workers, and Danish workers in Sweden will be admitted to the same rates of benefit as those which obtain for Swedish workers.

France. — The treaty of 9 June 1933 with Switzerland concerning reciprocal aid for unemployed workers has been ratified. The treaties with Rumania (28 January 1930), Yugoslavia (29 July 1932), Czechoslovakia (17 April 1934) and Luxemburg (11 June 1935) are in process of ratification.

Great Britain. — The report states that the negotiations with the French Government referred to in last year's report for

embodying in a formal instrument the principle of non-discrimination against one another's nationals are still in progress.

Greece. — The report states that no system of unemployment insurance has been established, and that no arrangement has been made with other Members whereby workers belonging to are Member and working in the territory of another shall be admitted to the same unemployment insurance benefits as those which obtain for the workers belonging to the latter. In the professions for which special unemployment funds exist, no limit has been fixed concerning the rights of foreigners to benefits. On the other hand, all the legislation upon which unemployment allowances are based refers in general terms to workers without any mention of nationality.

Sweden. — 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 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 four arrangements, viz. with Switzerland, Czechoslovakia, Austria and Denmark. These arrangements were negotiated by an exchange of ministerial notes recognising reciprocity and requiring one year's notice of denunciation. On the conclusion of each of these arrangements a Decree was promulgated by the Swedish Government stipulating that the nationals of each contracting State should have the same rights as those enjoyed by Swedish citizens under the Royal Decree of 15 June 1934 concerning authorised unemployment funds.

Switzerland. — Since 1932 a number of cantons have granted assistance allowances to unemployed persons in certain industries which were particularly affected by the depression and which have exhausted their right to insurance benefit. The Confederation subsidises these allowances on certain conditions. The economic situation, however, obliged federal authorities to authorise the cantons to extend the assistance allowances from 15 October to 31 December 1936 so as to cover unemployed persons in other industries. Most of the cantons which grant assistance allowances to their unemployed persons have taken advantage of this authority. As a result of a rise in the cost of living caused by devaluation which is, however, relatively slight, the Federal Council decided by Decree of 28 March 1937 to increase from 50 to 55 per cent. of the normal earnings for unemployed persons without dependants and from 60 to 70 per cent. of normal earnings for unemployed persons

with dependants the maximum amounts payable in the form of emergency assistance allowances. In addition, the maximum daily allowances were also increased.

An Agreement for the application of the principle of equality of treatment in respect of unemployment insurance was signed by the French and Swiss Governments on 9 June 1933. The instruments of ratification have now been exchanged and the Agreement came into operation on 15 July 1937. In addition, as a result of an exchange of notes between Switzerland and the Netherlands, Dutch subjects resident in Switzerland are treated on a footing of equality with Swiss citizens with regard to emergency assistance allowances.

Union of South Africa. — See introductory note.

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 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. — In *Algeria* action against unemployment was continued during 1937 in the form both of subsidies to the communes undertaking relief work and of grants in kind to the unemployed paid through relief offices. The credit of 6,000,000 francs reserved for these pur-

poses in the budget proved inadequate and a supplementary credit of 1,500,000 francs had also been used by the close of the financial period. These credits are distinct from the grants to necessitous Natives and the credits for public works undertaken in the interests of the Native communities, both of which also tend to relieve the unemployed.

In *Morocco* under the Labour Service there are at present 7 principal employment exchanges (Casablanca, Fez, Marrakesh, Meknes, Oujda, Port Lyautey and Rabat) and 11 branch offices in other municipal centres. During 1936 the exchanges effected 12,544 placings (4,338 for Europeans and 8,206 for Moroccans). A total of 13,491 applications for employment and 1,580 offers were unfilled. During the first nine months of 1937 the principal employment exchanges effected 7,802 placings (3,060 for Europeans and 4,742 for Moroccans). During the same period 7,988 applications and 666 offers were unfilled.

The report states that it is not possible to apply Article 3 of the Convention to *Morocco* as in view of the low living standards of the Native population the payment of relief even on the most modest scale would lead the majority of Moroccan workers to abandon employment and subsist on relief. The Protectorate has, however, instituted a system of assistance in kind for unemployed Europeans in the towns of *Morocco*, while Moroccan unemployed are assisted by Moslem benevolent societies which are subsidised by the Protectorate Government for this purpose. In addition, relief works both for Europeans and for Moroccans have been opened in most of the towns.

During 1936 a sum of 1,200,000 francs was spent by the Sherifian Government for the assistance of the unemployed and for 1937 a credit of 1,280,000 francs has been included in the budget.

According to the latest weekly statistics supplied by the employment exchanges, in the French zone there are 2,807 unemployed Europeans including 389 women. Assistance is being granted to 632 unemployed of whom 517 are heads of families.

Assistance is granted not only to French subjects but to unemployed of all nationalities.

Japan. — ... I. *Chosen*: In 1936 there were 75 fee-charging exchanges and 12 public exchanges. The public exchanges registered 33,130 vacancies, 44,771 applications for work and 19,170 placings. The corresponding figures for the fee-charging exchanges were 2,631, 2,127 and 1,742.

II. *Taiwan*: In 1936 7,452 vacancies were registered, 5,503 applications and 4,894 placings.

III. *Karafuto*: In 1936 2,725 vacancies were registered, 1,237 applications and 798 placings.

IV. *Kwantung*: In 1936 at the Dairen and Mukden free exchanges 2,436 vacancies were registered, 3,108 applications and 1,627 placings.

Netherlands. — The report states that in *Curaçao* there is no occasion for the application of the Convention as there is no longer any unemployment there.

IV.

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

Rumania. — The supervision of the application of the existing legislation is entrusted to the labour inspection authorities and to the public employment exchanges.

V.

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

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. — 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 173, the number of workers employed in them is 2,630, 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. 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. — 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 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. — No observations have been received from employers' and workers' organisations with regard to the application of the Convention.

Great Britain. — For a general appreciation of the manner in which the Conven-

tion is applied; the report refers to Chapters I-V of the report of the Ministry of Labour for the year 1936. During the year ended 30 November 1937 the enactments relating to Unemployment Insurance in Northern Ireland were consolidated in the Unemployment Insurance Act (Northern Ireland) 1936. The number of persons covered by the legislation relating to the prevention of and provision against unemployment in Northern Ireland was approximately 302,800 on 30 June 1936. This figure is exclusive of the number of workers brought into insurance by the Unemployment Insurance (Agriculture) Act (Northern Ireland) 1936.

Greece. — See under articles 1 and 2.

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

India. — The report states that the Government of India have not during the year under review received from 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.

Ireland. — No observations have been made by either the employers' or the workers' organisations.

Japan. — The report states that the number of free employment exchanges which 94 in July 1921 (when the Employment Exchange Act came into force) increased to 685 by September 1937. On 30 September 1937, the permanent exchanges numbered 646, the seasonal exchanges 28 and the temporary exchanges 11; and there were, in addition, the following specialised exchanges:

Casual workers	62
Women	8
Young Persons	2
Intellectual Workers	1
Korean Workersz	4
<hr/>	
Total	77

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. The employment exchanges in the province of Toohoku are making an attempt to maintain contact with the officers responsible for regulating the emigration of workers and placing them abroad. No statistical information is takings. The report adds that no observations have been received from the organisations of employers or workers concerned with regard to the practical

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

Netherlands. — 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 this Convention is strictly applied in Norway and the relevant legislation is in full harmony with the provisions of the Convention. 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.

Sweden. — No special measures are taken as regards the finding of employment for workers in theatrical undertakings. They are assisted in this matter by the public employment service, but only to an insignificant extent as stage artistes as well as musicians usually prefer to apply to private employment agencies. Permission has been granted to several employment agencies which represent the professional interests of particular branches, authorising them to undertake the work of employment-finding and to receive payment in return for their services, but in view of the fact that this payment is so small the activities of these agencies cannot be considered as being carried on with a view to gain. The finding of employment for this class of workers is often effected by means of newspaper advertisements or through personal recommendation.

Switzerland. — The report states that the Convention continues to be observed fully in Switzerland. 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. — No observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention have been received from organisations of employers or workers.

Yugoslavia. — See under Article 2.

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 1937, 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 1936-30 September 1937 or of a part of that period :

COUNTRIES	Date of registration of ratification.	Reports received
Argentine Republic.	30.11.1933	21. 4.1938
Brazil.	26. 4.1934	8. 1.1938
Bulgaria	14. 2.1922	27.11.1937
Chile	15. 9.1925	5. 1.1938
Colombia	20. 6.1933	16. 3.1938
Cuba	6. 8.1928	7. 1.1938
Greece	19.11.1920	7. 3.1938
Hungary	19. 4.1928	23.12.1937
Latvia	3. 6.1926	11.12.1937
Luxemburg	16. 4.1928	17. 1.1938
Nicaragua.	12. 4.1934	
Rumania	13. 6.1921	11. 4.1938
Spain	4. 7.1923	16. 3.1938
Uruguay	6. 6.1933	30.11.1937
Yugoslavia	1. 4.1927	18.11.1937

The Government of *Brazil* states in its report that there is obvious divergence between Article 3 of the Convention and § 7 of Decree No. 21417 of 17 May 1932 which prohibits the employment of women during the four weeks preceeding childbirth and the four weeks after it, and that there are also other points with regard to which the National legislation is not in harmony with the Convention. According to a communication of 27 December 1937, addressed to the International Labour Office by the Brazilian Minister for External Affairs, steps have been taken to consider the amendments which are required in order to bring the national legislation into harmony with the Conventions ratified by Brazil.

In a letter dated 14 June 1937 the Government of *Colombia* stated that the Bill to establish a social insurance fund in Colombia, referred to in its report for the years 1935-1936 deals with assistance, in cash or kind, to the insured persons in case of childbirth as one of the principal branches of social insurance. In its report

for this year the Government states that the Bill has been approved by the Senate and will, it is hoped, be adopted shortly by the Chamber of Deputies. For the general information supplied by the Government in its letter of 28 February 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The *Greek* Government states in its report that the amendments to the legislation announced previously have not yet been made. The proposed revision of the whole legislation concerning the employment of women and young persons has not been undertaken nor has Act No. 6298 concerning social insurance been completely brought into force. However, on 1 December 1937, the date of coming into force of this Act, social insurance offices commenced operations in the towns of Athens, the Piraeus, and Salonica, and the system will, it is hoped, be extended shortly to all the other towns and regions of the country. The provisions of Legislative Decree of 29 June 1935 which lays down that the insured person shall pay 25 per cent. of the cost of the benefit (assistance of a midwife or a doctor and pharmaceutical expenses) are still in force. The Government recognises the fact that the national legislation is not in harmony with the provisions of the Convention but points out however that the Convention is applied as a national law. Pending the drafting of a new Act the Government has issued Decree No. 31181 of 26 June 1937, communicated to all labour inspectors, Chambers of Commerce and Industry, and Chambers of Handicrafts and Trades, in which an attempt has been made to define clearly employers' obligations arising out of the legislation. The Government adds that this Decree embodies the principles of the Convention. 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.

For the general information supplied by the Government of *Spain* in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)* introductory note.

The report of the Government of *Uruguay* states that during the year 1937 Bills were submitted to Parliament with a view to bringing the national legislation into complete harmony with the provisions of the Convention. The report adds that the National Institute of Labour will shortly submit to the Ministry of Industry and Labour a Bill intended, *inter alia*, to amend Chapter XVII of the Children's Code and to so extend the scope of § 37

of this Code, which at present only partially fulfils the provisions of the Convention, that these provisions are fully applied.

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 15 October 1934 to amend § 15 of the preceding Act (L. S. 1934, Arg. 1 B).

Act No. 11,933 of 15 October 1934 respecting 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 and establishing a maternity fund for women workers and employees (L. S. 1936, Arg. 1 A).

Decree No. 93,186 of 28 October 1936 to add to Decree No. 80,229 a provision regarding working mothers (S. L. 1936, Arg. 1 B).

Act No. 12,339 of 29 December 1936 to amend §§ 4 and 6 of Act No. 11,933 (L. S. 1936, Arg. 1 C).

Decree No. 109,667 of 14 July 1937 substituting a new text for § 12 of Decree No. 80,229 of 15 April 1936 (L. S. 1937, Arg. 1 B).

Brazil.

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

Bulgaria.

Social Insurance Act of 6 March 1924 (L. S. 1924, Bulg. 1).

Regulations of 25 June 1924 in application of the Social Insurance Act.

Chile.

Decree No. 34 of 22 January 1926 promulgating the text of Act No. 4054 respecting insurance against sickness and invalidity (L. S. 1926, Chil. 1).

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

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

Decree No. 349 of 19 April 1934, to approve the Regulations for the administration of Part III of Book II of the Labour Code (maternity leave for women wage-earning employees) (L. S. 1934, Chil. 2), as amended by Decree No. 576 of 30 April 1935.

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 25 June 1937.

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).

Decree No. 31,181 of 26 June 1937 applying the legislation concerning the protection of women before and after childbirth.

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).
- Decree No. 247 of 30 January 1929 to approve the Regulations for the administration of the Act respecting the employment of women and young persons (L. S. 1929, Rum. 1).
- Act of 1 April 1933 concerning the unification of the social insurance system (L. S. 1933, Rum. 3) and Decree No. 2524 containing regulations applying the Act of 7 April 1933.

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.
- Decree of 31 May 1932 defining § 20 of the Decree of 26 May 1931.

Uruguay.

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

Yugoslavia.

- Workers' Protection Act of 28 February 1922 (L. S. 1922, S.C.S. 1).
- Act of 14 May 1922 respecting workers' insurance (L. S. 1922, S.C.S. 2), amended by the Act of 5 December 1931 (L. S. 1931, 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)*, point I, the information supplied by Yugoslavia.

II.

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

ARTICLE 1.

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

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

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

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, 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.

Greece. — . . . The report states that under Decree No. 31,181 of 26 June 1937, all women employed in commerce and industry enjoy the benefits provided for in the Convention. A Committee has been set up to draw the line of division between the various occupations.

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.

Greece. — The report states that Decree No. 31,181 of 26 June 1937, covers all pregnant women, whether married or not irrespective of their age and nationality.

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.

Chile — ... (c) The report states that on 13 August 1936 the Government submitted to the National Congress a message proposing a Bill providing for the payment of maternity benefits in conformity with the terms of the Convention.

(d) The report states that the observation made by the Committee of Experts last year in respect of the extension of the provision regarding the right of women salaried employees to intervals for nursing has been communicated to the Supreme Labour Council, on which employers and workers are represented, so that it may consider the necessary legal measures to bring the national legislation into complete harmony with the Convention on this particular point.

Greece. — The report states that Decree No. 31,181 of 26 June 1937, recommends the application of the provisions contained in paragraphs (a), (b), (c) and (d) of Article 3 of the Convention.

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.

Greece. — § 13 of Act No. 4029 of 1912 prohibits the dismissal of women during their absence on leave for four weeks before and four weeks after childbirth. The Government states in its report that this period can be considered as having been raised to six weeks before and six weeks after childbirth in virtue of Act No. 6298 which grants maternity benefits during a period of six weeks before and six weeks after childbirth.

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.

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.

Cuba. — Under § XV of Legislative Decree No. 787 and Resolution No. 95 of 29 May 1937, the supervision of the application of the legislation lies with the inspection services and the executive committees of the maternity insurance funds under the Ministry of Labour as well as with the National Labour Office for women and young persons of the same Ministry. The correctional courts are competent to deal with infringements of the legislation.

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

Latvia. — The report states that the application of the Convention is entrusted

to the Sickness Insurance Fund Section of the Ministry of Social Welfare on the one hand and the Labour Inspection Services and the Department of Labour Protection of the Ministry of Social and Public Affairs on the other.

Rumania. — The report states that the application of the relevant legislation is entrusted to the labour inspection authorities provided for in the Act of 9 April 1928 relating to the employment of young persons and the regulation of hours of work.

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 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.

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. — Act No. 12,339 of 29 December 1936 which amends § 4 of Act No. 11,933, lays down that women employees and workers receiving a wage of less than 2.60 pesos per day or 65 pesos per month shall be exempt from the obligation to contribute to the maternity fund. As the employers cannot therefore deduct

from the wages of these categories of women workers any sum by way of contributions they are obliged to pay twice the amount of contributions to the fund. The maternity fund set up by Act No. 11,933 commenced operations on 1 September 1936 but the employers and workers started to pay their contributions only from November 1936. Decree No. 109,667 had previously laid down the administrative rules in regard to the payment of these contributions. During November 1936, the first allowances were also paid by the fund in conformity with the transitional provisions of Decree No. 93,186. On 30 September 1937 the Maternity Fund had 141,293 members. The total amount of contributions paid by employers and workers during the period 1 November 1936-30 September 1937 was 1,920,669.60 pesos. During the same period the Fund granted 1,210 allowances representing a sum of 324,675 pesos. The Government appends to its report tables giving details of the premiums collected and the allowances granted during the period under review.

Bulgaria. — The report states that 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 factory inspectors, among whom are a certain number of women inspectors especially responsible for supervising the enforcement of the legislation regarding maternity and the employment of children, pay daily visits to ensure strict compliance with this legislation. The reports of the inspectors show that, generally speaking, women salaried employees in industry and commerce are granted the period of leave and the corresponding maternity benefit 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 198, 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 without any judicial action being required. The total amount paid to workers in maternity benefits by the compulsory insurance fund during 1936 was \$696,478.88. No other statistical information is available with regard to the other allowances prescribed by the Convention. No observations have been received from the employers' or workers' organisations concerned regarding the practical application of the Convention or of the national legislation which implements its provisions.

Columbia. — See introductory note.

Cuba. — In a financial statement supplied by the management committee of the maternity fund of Havana the receipts and payments account of the fund for the period October 1936-September 1937 gives the following information: total receipts: \$511,055.20; total expenditure: \$349,128.62, which includes *inter alia*: maternity benefits paid to women workers, \$137,360.53; and medical and hospital expenses: \$20,851.75. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention.

Greece. — The report states that no observations have been made by the employers' and workers' organisations regarding the practical application of the provisions of the Convention. See also introductory note.

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 1936, the average number of women subject to compulsory sickness insurance was 362,379. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention or of the legislation which implements it.

Latvia. — The report states that the statistics prepared by the Sickness Insurance Fund Section of the Ministry of Social Welfare show that during the year 1936 pecuniary benefits amounting to Lats 534,962.07 (as against Lats 449,674.62 in 1935) were granted to 2,081 members belonging to the sickness insurance funds in Riga (as against 1784 members in 1935) and to 610 members of the sickness insurance funds in the province (as against 471 members in 1935), that is, 2,691 members in all (as against 2,255 in 1935) for a total of 229,170 days of incapacity to work. Each member received a benefit amounting, on an average, to 85.16 days' full salary. During the same year each member received as nursing benefit, on an average, Lats 73.93 (as against Lats 61.60 in 1935).

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 1936 states that the period in question marks a new stage in the favourable develop-

ment of maternity relief, the importance of which is clearly shown by the following statistics: the amount spent on maternity relief in 1935 was 145,878.45 francs, the number of insured women being 6,877. In 1936 the amount spent was 176,524.23 francs and the number of insured women was 7,164. The average cost of relief for each case of confinement was 1,215.65 francs in 1935 and 1,161.34 francs in 1936. 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, 110 in 1935 and 152 in 1936.

Rumania. — The report gives the following information for the year 1 April 1936-31 March 1937: number of insured women confined who received maternity benefit as legally prescribed, 3,276 amount of maternity benefit (in cash), 9,848,863 lei; amount of nursing benefit (in cash), 3,935,018 lei.

Spain. — The Government states that according to the reports of the inspection services there were no infringements of the Acts and regulations applying the Convention. No organisations of employers or workers have made any observations with regard to the practical application of the Convention or of the corresponding legislation relating to it. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

Yugoslavia. — During 1936, the benefits granted under § 45 of the Workers' Insurance Act amounted to 9,070,467 dinars for pecuniary benefit and 2,656,056 dinars for attendance by midwives, i.e., 19.03 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 6,895,089 dinars for insured persons, i.e., 41.03 dinars per insured woman, and 4,831,434 dinars for members of the families of insured persons, i.e. 7.84 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 1937, 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 1936-30 September 1937 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Albania	17. 3.1932	
Argentine Republic.	30.11.1933	21. 4.1938
Austria	12. 6.1923	8.11.1937
¹ Belgium	12. 7.1924	27.10.1937
¹ Brazil	26. 4.1934	8. 1.1938
Bulgaria	14. 2.1922	27.11.1937
Chile	8.10.1921	5. 1.1938
Colombia	20. 6.1933	16. 3.1938
Cuba	6. 8.1928	7. 1.1938
Czechoslovakia . .	24. 8.1921	6.12.1937
¹ Estonia	20.12.1922	22.10.1937
France	14. 5.1925	23.10.1937
¹ Great Britain. . .	14. 7.1921	17.11.1937
¹ Greece	19.11.1920	7. 3.1938
¹ Hungary	19. 4.1928	23.12.1937
² India	14. 7.1921	22.12.1937
¹ Ireland	4. 9.1925	16.11.1937
Italy	10. 4.1923	
Lithuania	19. 6.1931	18. 1.1938
Luxemburg	16. 4.1928	17. 1.1938
¹ Netherlands . . .	4. 9.1922	1.10.1937
Nicaragua.	12. 4.1934	
Portugal	10. 5.1932	23.11.1937
Rumania	13. 6.1921	11. 4.1938
Spain	29. 9.1932	16. 3.1938
¹ Switzerland . . .	9.10.1922	1.11.1937
¹ Union of South Africa	1.11.1921	9.11.1937
Uruguay	6. 6.1933	30.11.1937
Venezuela	7. 3.1933	3. 1.1938
Yugoslavia	1. 4.1927	18.11.1937
* * *	* * *	* * *
³ Burma	14. 7.1921	22.12.1937

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

The Government of *Colombia* refers to its report for the period 1 October 1934 to 30 September 1935, in which it stated

¹ Has ratified Convention No. 41 and has denounced this Convention.

² Has ratified Convention No. 41 but has not denounced this Convention.

³ See the introduction of the present volume, p. 4.

that the country was only at the beginning of a period of industrial development and that consequently it was not possible to take the official action necessary for putting into force legislation with a view to the application of this Convention. This report added that the Government had 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 report further added that the Convention was tacitly applied by industrial undertakings and that the employment of women during the night did not exceed the limits laid down in Article 2 of the Convention. For the general information supplied by the Government, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

For the general information supplied by the *Greek* Government in its letter of 1 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The report of the Government of *Italy* 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* in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Switzerland* has denounced the present Convention which was consequently applicable in Switzerland only until 4 June 1937, the date on which Convention No. 41 (ratified by Switzerland) came into force. The report contains information on various points for the period 1 October 1936 to 30 September 1937 for both Conventions.

The denunciation of the present Convention by the *Union of South Africa* came into force on 25 October 1936. Convention No. 41, which was ratified by the Union on 28 May 1935, came into force for it on 22 November 1936, the date of coming into force of this Convention. The Government states in its report that "as the amendments to the present Convention (No. 4) made no practical difference in so far as the Union is concerned, the replies to the questions in the two forms, namely that concerning Convention No. 4 for the period 1 October

1936 to 21 November 1936 and the question concerning Convention No. 41 for the period 22 November 1936 to 30 August (? September) 1937, are almost identical. Only one report is accordingly submitted, which has been so drafted as to cover the working of both Conventions." See also under *Convention No. 41*.

The Government of *Uruguay* states in its report that Parliament is studying the bills submitted to it which add to the existing legislation the provisions rendered necessary as a result of the ratification of the Convention by Uruguay.

The Government of *Yugoslavia* states in its report that as regards the ratification by Yugoslavia of the revised Convention (No. 41) no final decision has yet been taken.

I.

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

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

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).

Brazil.

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

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

Bulgaria.

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

Decree No. 1024 of 27 March 1937 concerning the application of the Legislative Decree No. 598.

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 as amended by the Act of 19 November 1929 (L. S. 1924, Est. 1 and 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).

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 approving the ratification of 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).

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).

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

Hungary.

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

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

Order 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 by Act XI of 1935 (L. S. 1935, Ind. 3 B).

Ireland.

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).

Lithuania.

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

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

Order by the Chief Labour Inspector dated 25 October 1931.

Luxemburg.

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

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

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

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

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

Netherlands.

Labour Act of 1919, as amended by the Act of 20 May 1922 (L. S. 1922, Neth. 1) and by the Act of 14 June 1930 (L. S. 1930, Neth. 2).

Mining Regulations of 1906, amended by the Decisions of 9 February 1917 and of 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).

Decree No. 247 of 30 January 1929 to approve the Regulations for the administration of the Act respecting the employment of women and young persons (L. S. 1929, Rum. 1) amended by Decree No. 3540 of 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).

See also introductory note.

Union of South Africa.

See introductory note and also under *Convention No. 41 (Night work, women)*, revised.

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.

* * *

Burma.

(Report of the Government of Burma for the period 1 April-30 September 1937 communicated through the Government of the United Kingdom.)

See under *Convention No. 1 (Hours of work, industry)*, point I.

II.

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

ARTICLE 1.

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

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

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

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

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

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

Cuba. — The report states that the line of division between industry on the one hand and commerce and agriculture

on the other, has not up to the present been defined.

Venezuela. — See under VI.

ARTICLE 2.

For the purpose of the Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

In those countries where no Government regulation as yet applies to the employment of women in industrial undertakings during the night, the term "night" may provisionally, and for a maximum period of three years, be declared by the Government to signify a period of only ten hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

In addition, please state whether, in the circumstances provided for in the second paragraph of this Article, the term "night" has been provisionally declared to signify a period of only ten hours.

Brazil. — See under *Article 3.*

Cuba. — § 12 of the Decree No. 1024 lays down that the term "night work" shall include work done between 6 p.m. (7 p.m. in summer) and 5 a.m.

Venezuela. — The report states that the Regulations in application of the Act are still in course of preparation and adds that the Federal Government has not made any decisions with regard to the exceptions provided in § 72 of the Act of 16 July 1936. See also under VI.

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.

Brazil. — § 2 of Decree No. 21,417 prohibits night work for women, the term "night" being the interval between 10 p.m. and 5 a.m. The report adds that, whereas under the Convention the term "night" signifies a period of at least eleven consecutive hours, the national legislation does not contain any precise corresponding provision.

Chile. — As regards the interpretation of the term "women", the Government refers to its report for last year wherein it was stated 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 con-

tained in Chapter II Book I which concerns the contracts of employment of manual workers.

Cuba. — § 10 of the Decree No. 1024 contains provisions similar to those in § 1 of the Legislative Decree No. 598. Further, it exempts from the prohibition of night work women employed in various kinds of work which are not industrial.

Venezuela. — See under Article 2.

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.

Cuba. — § 11 of Decree No. 1024 lays down that every employer, in order to be authorised to make use of the exceptions provided under Article 4 a) and b) of the Convention, is required to obtain from the Ministry of Labour or the corresponding provincial office a certificate declaring that the said exceptions are applicable to his establishment. The decision to grant the certificate rests with the Minister of Labour.

Ireland. — a) § 54 of the Conditions of Employment Act, 1936 lays down *inter alia* that an employer must satisfy a court that the employment was necessary or reasonably proper by reason of some emergency. b) The report states that during the period under review the only processes for which the exemption provided under Article 4 b) of the Convention was given, were the killing, plucking and packing of fowl. During the Christmas season, there was an abnormal increase in the work relating to these processes and it was necessary to permit for a short period night work, in order to prevent certain loss. Permits were given in the case of 68 undertakings throughout the country, the majority of which were for periods of two weeks only and in no case exceeding four weeks.

Lithuania. — The report states that no use has been made of the exceptions

provided under Article 4 (a) and (b) of the Convention and that there has therefore been no necessity to prescribe any special conditions under which advantage may be taken of these exceptions.

Luxemburg. — The report states that no use has been made of the exceptions provided by Article 4 of the Convention.

Switzerland. — The Federal Government is not aware of any cases of exceptions to the prohibition of night work for women under the conditions laid down in Article 4 being authorised during the period 1 October 1936-30 September 1937.

Venezuela. — The report states that the Federal Government intends to insert provisions similar to those of the Convention in the Regulations, which are now in course of preparation, implementing the Labour Act.

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. — No fresh information.

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.

Lithuania. — The report states that no use has been made of the exception provided under this Article.

Luxemburg. — The report states that no use has been made of the exception provided under Article 6 of the Convention.

Switzerland. — The report states that, during the period under review, two factories in East Switzerland made use of the permission provided under § 66 (2) of the Factory Act to reduce the night rest to 10 hours for a maximum period of 60 days in the year. The number of days for which permission was given to reduce the night rest period varied from one to twenty.

Venezuela. — The report states that the Federal Government is at present considering the desirability 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.

Cuba. — Decree No. 1024 provides that during the summer the night period shall be from 7 p.m. to 5 a.m.

Lithuania. — The report states that no use was made of the exception provided under Article 7 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, 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 report mentions the French Decree of 28 December 1937 declaring the provisions of the Convention applicable to all French colonies (other than Guadeloupe, Martinique and Réunion) and to the Territories of the Cameroons and Togoland under French Mandate. A previous Decree (1 July 1933) already extended the Convention to Guadeloupe, Martinique and Réunion.

Great Britain. — The report states that in Hong Kong a new Ordinance (No. 18 of 1937) has replaced the 1932 and 1936 legislation. Bye-laws under the new Ordinance prohibit the employment of women in any industrial undertaking between 8 p.m. and 7 a.m., the hours under previous legislation being 9 p.m. to 7 a.m.

The possibility of enacting legislation to give effect to the Convention in *Basutoland, the Bechuanaland Protectorate and Swaziland* is under consideration.

The Government states that (1) the *Malta Act No. 21 of 1926* has not been promulgated as it is intended to revise it on the basis of the United Kingdom Factory Act; (2) the question of bringing into force *British Guiana Ordinance No. 14 of 1933*, as amended by Ordinance No. 6 of 1934, is at present under consideration by the Government of the Colony; (3) the *St. Lucia Ordinance, No. 22 of 1934* was brought into force on 1 January 1938; (4) the *St. Vincent Ordinance, No. 20 of 1935*, is to be brought into force on 1 July 1938; (5) it is hoped that it will be possible for the *Grenada Ordinance, No. 8 of 1934*, also to be put into operation during 1938.

Netherlands. — ...In the *Netherlands Indies* the permits for the employment of women at night issued by the head of the Labour Office in response to special applications (principally from tea factories during the busy harvest months) numbered in each of the years 1926 to 1937 (for 1937 January to June inclusive) 62, 38, 21, 11, 20, 10, 11, 2, 3, 1, 1 and 1. The number of periods of night work by women for which permission was granted in 1926 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; for 1935, 1,464 and nil; and for 1936, 27,600 and 18,783. In 1933, 51 breaches of the law were recorded; in 1934, 9; in 1935, 22; in 1936, 10; and in 1937 (January to June) 12.

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.

Cuba. — The Labour Secretariat acting through the Directorate of National Labour Inspection and, in particular, through the National Office dealing with the work of women and children of the Secretariat is responsible for the supervision of the application of the Act Legislative Decree No. 598 and Decree No. 1024.

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

Ireland. — 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 1936 under the Factory and Workshop Acts 1901-1920 has been forwarded to the International Labour Office.

Lithuania. — The supervision of labour legislation is entrusted to the factory inspectors and the courts of law. Recently, the former Inspectorate-General of Labour and Social Welfare has been replaced by the Directorate of Labour and Social Welfare which has a Labour Inspection Department consisting of a Senior Inspector at headquarters and 10 district inspectors.

Rumania. — The report states that the application of the existing legislation is entrusted to the inspection services provided for in the Act of 9 April 1928 respecting the employment of women and young persons and the regulation of hours of work.

Switzerland. — The cantons were required to submit in the year 1937 their annual reports on the Federal Act relating to work in the factories for the years 1935 and 1936. An extract from these reports is appended to the reports of the federal factory inspectors. The cantonal governments will submit in the spring of 1938 their reports on the application of the Act relating to the employment of young persons and women in arts and crafts for the years 1936 and 1937. The report adds that the canton of Tessin has transformed its "Department of Labour" into a "Department of Labour, Industry and Commerce" the Labour Section (*Division du Travail*) of which deals with the protection of workers. The report further

states that in the canton of Valais the Act of 18 January 1933 relating to the protection of workers provides that in the more important districts the communal authority shall institute a supervisory committee on which shall be represented both employers and wage-earners.

Venezuela. — The report states that on several occasions during 1936-37, the staff of the administrative services which supervise the application of the Act was increased—the technical and administrative staff of the National Labour Office, the labour inspectorate (the number of inspectors was raised to 23 in conformity with the provisions of § 150 of the Labour Act), the technical and administrative services of the inspectorate and of the special commissioners appointed by the inspectors. The federal authorities intend to apply shortly that part of § 154 of the Labour Act which provides that women shall participate in supervising the application of the provisions relating to women and young persons in the more important industrial centres. The report adds that in accordance with § 182 of the Labour Act the following special and permanent labour courts were established on 15 November 1937: (1) the Higher Labour Court at Caracas with jurisdiction over the whole of the Republic to hear appeals from the decisions of labour courts of first instance; (2) two labour courts of first instance at Caracas with jurisdiction over the federal district; (3) one court of first instance at Maracaibo with jurisdiction over the State of Zulia. The Federal authority has in view the setting up of additional labour courts of first instance, so that the labour inspectors may be able to devote themselves entirely to the administrative work involved in the supervision of the application of the legislation. The report adds that regulations in application of the provisions in regard to warnings and penalties for infringements of the Act are still under 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.

Lithuania. — The texts of two decisions given by the Courts in 1937 are appended to the report. In the one case the sentence was a fine of 50 litas or 5 days' imprisonment and in the other a fine of 20 litas or 2 days' imprisonment.

Switzerland. — During the period 1 October 1936-30 September 1937, the Federal

authorities received records of 30 sentences pronounced for infringements of the prohibition of night work under the Factories Act with regard to females, and 3 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 80 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 33 sentences pronounced, 12 were pronounced by the legal authorities and 21 by the administrative authorities. The report further states that the Federal Court has had to give a decision on five appeals against the application of the Factories Act to certain undertakings; another appeal is pending. Two of the decisions given were concerned with the line of division between industry on the one hand, and commerce and agriculture on the other. As regards the line of division between industry and agriculture, the Federal Court has decided that an ice-cream factory attached to a dairy should be considered as being industrial in character; such a factory does not constitute a service accessory to the main undertaking (the dairy) which is excluded as being an agricultural undertaking, but is a distinct undertaking in itself, and could equally well be carried on independently of the dairy.

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. — The report states that the total number of sentences pronounced by the National Department of Labour during the year 1 October 1936 to 30 September 1937 for breaches of the provisions of Act No. 11.317 concerning the employment of women and young persons was 460, and the fines inflicted amounted to 53,520 paper pesos. The report adds that it is not possible to give separate information regarding the number of infringements and the amount represented by fines for breaches of the provision regarding the night work of women, as the statistics which are compiled cover breaches of the Act as a whole.

Austria. — The application of the provisions of the Convention is carried out very strictly. As regards the authorisation granted for the employment of women at night in raw sugar factories, the Government refers to its report for last year. At the end of 1936, mining undertakings in Austria employed 15,234 workers, of whom 422 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 1936. This report shows that during the year in question 198 persons protected by the law (women and young persons) were employed in contravention of the legislation. The majority of these cases concerned the clothing, food and textile industries. The Federal Government has not received any observations with regard to the practical application of the Convention, either from employers' or from workers' organisations.

Belgium. — The report states that the inspection services have taken care to ensure 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.

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

Bulgaria. — The report states that the number of women workers protected by the relevant legislation is about 45,000, and that the number of cases of infringement recorded during the period under review was 22. 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 45,086. The number of offences reported against the legislation prohibiting the employment of women and persons under 18 years of age during the night is 6 in all. The reports of the inspection service show that there is no difficulty in ensuring compliance with the legislation in question. 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. — The report states that the statistics with regard to the application of the legislation are not yet ready but that they will be communicated to the International Labour Office as early as possible. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention.

Czechoslovakia. — The report states that copies of the report of the inspection service for 1936, 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 1936, 19,796 women were covered by the legislation concerned. During this period the labour inspectors received 3 complaints with regard to breaches of the provisions concerning night work of women. Twenty-five cases of contravention were recorded, 12 of which gave rise to a simple warning, and 13 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. — 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 number of firms prosecuted in Great Britain and Northern Ireland for breaches of this Convention during 1936 was 17. 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 1935 was 1,415,526 and in 1936 1,665 women were employed above ground at mines and quarries. In Northern Ireland in 1936 51,850 women were employed in factories and 5 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. — The Government states in its report that the Convention is strictly applied by Act No. 4029. Infringements of this Act are fewer in number.

Hungary. — In 1936, the number of women employed in undertakings subject to factory inspection was 89,014. The Government has no statistical information available yet for 1937. According to the reports of the factory inspectors for the year 1936, 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 1936, the inspectors notified 10 cases of infringement. In 7 cases the employers took advantage of the exception allowed by

the Act to reduce the nightly rest period of 11 hours or to employ women during the night. The employers' and workers' organisations have not made any observations concerning the practical application of the Convention and of the national legislation which implements it.

India. — 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.

Ireland. — The report states that during the period under review court proceedings were taken and a conviction was obtained against one employer in respect of the employment of three women at night in Letter Press printing works. No complaints have been received from organisations of employers or workers.

Lithuania. — During the period covered by the report the number of women workers protected by the legislation was 8,140. According to the reports of the inspectors, 19 cases of infringement of the provisions of the Convention were noted. They related exclusively, to undertakings working by shifts throughout the day, where women were employed, either individually or in groups, during the prohibited hours. In 13 cases the abuse in question was put an end to by the intervention of the inspectors themselves; the other 6 cases have been brought before the judicial authorities. The report states that no use was made of the exceptions provided under Articles 4 and 6 of the Convention. No observations have been received from workers' or employers' organisations.

Luxemburg. — The report states that no cases of contravention were 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. — 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 states that the Convention continues to be strictly applied by the Government.

Rumania. — The report states that the legislation is strictly enforced and that sanctions are applied for the few infringements which occur. For information regarding the number of infringements

see under *Convention No. 1 (Hours of work, industry)*, point VII.

Spain. — The Government states that according to the reports of the inspection services there were no infringements of the Acts and Regulations applying the Convention. No organisations of employers or workers have made any observations with regard to the practical application of the provisions of the Convention or of the corresponding national legislation. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

Switzerland. — The Convention concerning night work of women is observed throughout the whole of Switzerland. The tables published in the reports of the Federal factory inspectors show a total of 312,698 persons (including 113,131 women) employed in undertakings under the Factory Act. A general census of factories was made on 16 September 1937, the results of which are not yet known. The reports of the Federal factory inspectors for the year 1936 and the reports of the cantonal governments for the years 1935 and 1936 on the application of the Federal Factories Act mention several cases of infringements of the provision concerning nightly rest and also point out that there have been further infringements of the provision regarding the prohibition of night work for women (for penalties inflicted see also above under V). The report adds that, generally speaking, the idea of active co-operation among the occupational groups for the protection of workers has gained ground during the period under review. The regulation in application of the Act of 19 January 1933 in the canton of Valais provides that for the control and execution of certain functions the cantonal authority may request the collaboration of the above-mentioned groups. The regulation of the canton of Tessin in application of the Act of 15 September 1936 relating to work in undertakings not coming within the scope of the federal legislation also provides that representatives of occupational organisations have the right of access to workplaces and workyards. Further, it gives them the express right to pronounce upon contraventions of the Act. 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.

Uruguay. — See introductory note.

Venezuela. — The report states that the Labour Act contains the necessary provisions to ensure the practical application of the Convention. The authorities are still proceeding with the preparation

of the Regulations applying the Act in conformity with the provisions of the Convention and will promulgate them shortly. These Regulations deal mainly with exceptions to the prohibition of night work for women and children. The labour inspectors and special commissioners appointed by them supervise closely the application of the provisions regarding the night work of women. § 72 of the Labour Act is applied effectively at any rate in the industrial centres. There are, as yet, no statistics in regard to the number of workers covered by the legislation which applies the Convention nor as regards the number and nature of the infringements. The National Labour Office will shortly compile these statistics and the Government intends in future to give extracts from them in its report. The National Labour Office has also received from one firm for its silk spinning department and from some wool spinners requests for the authorisation to allow women to work until 10 p.m. so as to enable them to work in two shifts. The Federal Government is at present considering the possibility of granting this request and incorporating in the Regulations under preparation the necessary provisions within the limits allowed by the texts of the Act and of the Convention.

The report further states that requests have been received from various petrol companies with regard to certain categories of employees whose work cannot be classed as industrial (hospital and domestic staff) and who are at present exempted from the prohibition of night work by § 72 of the Labour Act which states that this question will be dealt with in special regulations. The above-mentioned companies request that the regulations under preparation shall not contain any restrictions with regard to the employment of these employees by night as their services may be required at any hour of the day or night. The National Labour Office has not received from workers' organisations any observations with regard to the practical application of the Convention or of the national legislation which implements it. The Confederation of Labour of Venezuela has informed the National Labour Office that in regard to the Regulations under preparation it approves entirely that part which relates to the work of women and children, and that it has no modifications to suggest thereto.

Yugoslavia. — According to the report of the Central Labour Inspection Service, the number of undertakings visited during 1936 was 3,459, the number of men employed in these undertakings was 90,851 and the number of women was 32,234. The labour inspectors inflicted 77 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 1937, 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 1936-30 September 1937 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Albania	17. 3. 1932	
Argentine Republic.	30.11.1933	21. 4. 1938
Austria	26. 2. 1936	8.11.1937
Belgium	12. 7. 1924	27.10.1937
Brazil.	26. 4. 1934	8. 1. 1938
Bulgaria	14. 2. 1922	27.11.1937
Chile	15. 9. 1925	5. 1. 1938
Colombia	20. 6. 1933	16. 3. 1938
Cuba	6. 8. 1928	2. 3. 1938
Czechoslovakia . .	24. 8. 1921	6.12.1937
Denmark	4. 1. 1923	9.12.1937
Dominican Republic	4. 2. 1933	21.10.1937
Estonia	20.12.1922	22.10.1937
Great Britain . . .	14. 7. 1921	17.11.1937
Greece	19.11.1920	7. 3. 1938
Ireland	4. 9. 1925	5. 1. 1938
Japan	7. 8. 1926	1. 2. 1938
Latvia	3. 6. 1926	11.12.1937
Luxemburg	16. 4. 1928	17. 1. 1938
Netherlands	21. 7. 1928	1.10.1937
Nicaragua.	12. 4. 1934	
Poland	21. 6. 1924	17.11.1937
Rumania	13. 6. 1921	11. 4. 1938
Spain	29. 9. 1932	16. 3. 1938
Switzerland	9.10.1922	1.11.1937
Uruguay	6. 6. 1933	30.11.1937
Yugoslavia	1. 4. 1927	18.11.1937

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

For the general information supplied by the Government of *Colombia* in its letter of 28 February 1938; see under *Convention No. 1 (Hours of work, industry)*, introductory note.

For the general information supplied by the *Greek Government* in its letter of 1 March 1938, 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* in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The report of the *Swiss Government* states that by a message dated 11 May 1937, a copy of which is attached to the report, the Federal Council has communicated to the Federal Chambers a bill concerning the minimum age of workers. The report further states that the bill, when it becomes law, would apply *inter alia* to handicrafts, industry and transport and communication undertakings and would require that workers employed in these establishments should have completed their fifteenth year of age. Exemption from this provision would be given for light work and errands, while the cantons would have the power to widen the scope of the relevant provisions.

The Government of *Uruguay* states in its report that the National Institute of Labour will shortly submit to the Ministry of Industry and Labour a bill bringing the provisions of the Children's Code into complete harmony with those of the Convention.

The Government of *Yugoslavia* states in its report that as far as the Ministry of Commerce and Industry is aware no fresh information can be supplied with regard to the progress made in revising those provisions of the Factory Act which concern the employment of young persons.

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. 11317 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).

Brazil.

Decree No. 22042 of 3 November 1932, to lay down the conditions of employment of children and young persons in industry (L. S. 1932, Braz. 8).

Bulgaria.

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

Chile.

Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L. S. 1931, Chile 1).
Decree of 7 May 1932 to approve the Regulations concerning registers for young persons of under 16 years of age.

Colombia.

Act No. 48 of 29 November 1924 respecting child welfare (L. S. 1924, Col. 1).
Act No. 56 of 10 November 1927 to lay down certain provisions respecting education (L. S. 1927, Col. 2).
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 31 October 1934 respecting 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).

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).

Dominican Republic.

Act. No. 929, of 21 June 1935, respecting the hours of work in commercial and industrial establishments (L. S., 1935, Dom. 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).

Act No. 199 of 23 January 1936 amending certain Labour Acts.

Act No. 547 of 15 March 1937 amending and supplementing certain Labour Acts.

Ireland.

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, as amended by Act of 14 June 1930 (the text of which was promulgated by the Decree of 14 September 1930) (L. S. 1930, Neth. 2).

Stonemasons Act, 1921 (L. S. 1921 (Part II), Neth. 3).

Stevedores Act, 1914, as amended by Act of 27 July 1931 (the text of which was promulgated by the Decree of 9 October 1931) (L. S. 1931, Neth. 3).

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 (L. S. 1928, Pol. 5).

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 No. 990 of 29 April 1936 concerning vocational training and engagement in handicrafts (L. S. 1936, Rum. 1).

Spain.

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

Regulations of 13 November 1900 in application of the above Act.

Act of 21 November 1921 respecting contracts of employment (L. S. 1931, Sp. 14).

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 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 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).

Various cantonal measures.

See also introductory note.

Uruguay.

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

See also introductory note.

Yugoslavia.

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

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

See also, under *Convention No. 2 (Unemployment)*, point I, the information supplied by Yugoslavia.

II.

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

ARTICLE 1.

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

(a) Mines, quarries, and other works for the extraccion 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.

Dominican Republic. — By Article 9 of the Act No. 929, the regulation concerning the age of admission applies to industrial undertakings or to work at sea. This prohibition does not apply to commercial undertakings in cases where these children comply with the obligation to attend school. The report states that there are no mines in the Republic. As regards the scope of the Act, the report refers to § 3 and 4 of the Act. No information is given as regards the line of division between industry, on the one hand, and commerce and agriculture on the other.

Greece. — The report states that a committee has been set up in order to define the line of division between the different occupations.

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.

Dominican Republic. — Article 9 of the Act No. 929 lays down that children under 14 years of age shall not be employed in any industrial undertaking. The Act does not

provide any exceptions with regard to undertakings in which only members of the same family are employed.

ARTICLE 3.

The provisions of Article 2 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

Dominican Republic. — Act No. 929 does not contain provisions of this kind, but the report indicates that in art and craft schools the manual work forming part of the instruction is done by children under the supervision and control of the competent school authorities.

Greece. — The Government states in its report that in technical schools, which are about twenty in number, the age for admission to employment is fixed at 12 or 13 years. In the most important of these schools, namely the "Sivitanidios" School (handicrafts) which has more than 1,000 students, the minimum age for admission to employment is fixed at 13 years. The report adds that the work done in this school is strictly supervised by the Ministry of National Economy.

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.

Dominican Republic. — The report states that according to the provisions of § 5 of Act No. 929 every industrial establishment shall be bound to post up a notice in a conspicuous place showing the hours at which work begins and ends, the breaks, etc. It adds that according to the instructions of the Department of Labour employers are bound to indicate in the above-mentioned notice the age of the workers in cases where it is not evident from their physical appearance.

Greece. — The report states that the provisions contained in § 14 of Decree No. 4029 regarding the "work-book" for persons under 16 years of age have been amended and supplemented by § 7 of Act No. 199 of 23 January 1936 and by § 6 of Act No. 547 of 15 March 1937. In future these "work-books", which must be renewed each year after a medical examination, will be issued by the district labour inspection services.

Ireland. — The report states that pending the making of Regulations under § 64 of the Conditions of Employment Act, 1936, the General Register prescribed by the Minister of Industry and Commerce in January 1937, is being used for the purpose of carrying out the terms of the Convention. This Register, a copy of which is attached to the report, calls for a certificate of fitness for those under 16, which certificate includes a record of the date of birth as ascertained from a certificate of birth or other sufficient evidence. The instructions contained in the Register lay down that young persons under 16 may not be employed in a factory or workshop for more than 7 (or if the certifying surgeon resides more than three miles therefrom, 13) workdays without such a certificate.

Switzerland. — The reports of the Federal factory inspectors on their work for the year 1936 indicate that there are always cases where the age certificate is missing or has not been properly made.

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. — In Hong Kong a new Ordinance, No. 18 of 1937, has replaced

the 1932 and 1936 legislation. Bye-laws scheduled under the new Ordinance provide that no child under the age of 14 years shall be employed in any industrial undertaking or in any dangerous trade. The previous minimum age was 12 years.

In the *Straits Settlements* section 9 of the Children Ordinance (Cap. 28 of 1936 Edition of Laws) provides that no child (defined as a person under the age of 14 years) shall be employed upon any form of labour or under any conditions which may be prohibited by the Governor in Council by rules made under the Ordinance. Under an amending Act (No. 21 of 1937) powers of search are given to the Controller of Labour and the Protector of Chinese if they have reason to suspect that an offence against the Ordinance of the rules is being committed. The possibility of enacting legislation to give effect to the Convention in *Basutoland, the Bechuanaland Protectorate* and *Swaziland* is under consideration.

For *British Guiana, Grenada, St. Lucia* and *St. Vincent*, see under *Convention No. 4, Night Work (Women)*.

Netherlands. — In the *Netherlands Indies* 30 cases of infraction of the provisions relating to the employment of children were reported from January to June 1937.

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.

Dominican Republic. — The report states that the application of the Act is entrusted to the Labour Department which falls within the jurisdiction of the Secretary of State for Commerce, Industry and Labour. The factory inspectors attached to the Department supervise the application of the Act. The inspectors report to the Department of Labour any infringements which they may note during their visits of inspection and the Department institutes judicial proceedings before the competent court. § 11 of Act No. 929 defines the competent judge as the mayor of the place of domicile or residence of the offender. § 15 of the same Act lays down that if any person becomes aware of a contravention of the provisions of the Act he shall be bound to report it to the competent authorities. § 11 of the Act provides that contraventions of this Act shall be punished by a fine of not less than 5 nor more

than 30 gold pesos or imprisonment for not less than 5 nor more than 30 days, or both penalties. In the event of a second or further offence the penalty shall be doubled.

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

Ireland. — The report states that the Ministry for Industry and Commerce is entrusted with the legislation in question. Inspectors of Factories and Workshops and of Mines and Quarries are responsible for the enforcement of the provisions of the legislation. Inspection is a State service carried out by civil servants attached to the Department of Industry and Commerce. The report refers to the Annual Report for 1936 under the Factory and Workshop Acts, 1901-20 a copy of which has been forwarded to the Office.

Japan. — On 1 January 1936, there were 47 chief inspectors of factories, 331 assistant inspectors of factories, 16 chief inspectors of mines and 21 assistant inspectors of mines, making a total of 415 inspectors.

Latvia. — The report states the Labour Protection Department is now responsible for the enforcement of the legislation which implements the Convention.

Rumania. — The report states that the application of the relevant legislation is entrusted to the labour inspection authorities provided for in the Act of 9 April 1928 relating to the employment of young persons and the regulation of hours of work.

Spain. — The supervision of application of the legislation lies with the labour inspection service. §§ 13 and 14 of the Act of 13 March 1900 provide for sanctions in case of infringements of the provisions of this Act or of the Regulations of 13 November 1900 applying it.

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

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.

Czechoslovakia. — The report states that, with regard to the application of the Convention and of the legislation which implements it, the Minister of Social Welfare can only refer to the judgments

of the Supreme Court on civil and administrative questions. These judgments, however, contain details relating solely to the national legislation and have no bearing on the principles of the international regulations.

Dominican Republic. — The report refers to three decisions inflicting fines for contraventions of the provisions of the regulations.

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. In one case a sentence was given for want of the certificate of age. In most of them the children in question were on the point of reaching the age of admission. In one case the child had completed his fourteenth year of age but was still subject to compulsory school attendance. Two of the sentences were pronounced by the administrative authorities and one by the legal authorities; the heaviest fine was 50 francs. With regard to the Federal Act concerning the employment of young persons and women in industry, no cases of infringement were reported to the Federal authorities. 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 Government refers to the report of the labour inspectors on their work during the year 1936, a copy of which has been forwarded to the International Labour Office. This report records 44 cases of infringement of the legislation concerning the employment of children in industry. Of these 44 cases, 16 were in the textile industry, 9 in the food industry, 6 in the clothing industry, 5 in the metallurgical industry, 2 in the timber industry, 3 in the printing and allied industries, 2 in the building industry, and one in the earthenware, stone and glass industries. No cases of infringement were noted in mines. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention.

Belgium. — The report states that the inspection services have insured the strict observance of the provisions concerning the age of admission to employment, as laid down in the national legislation in conformity with the Convention. No observations have been made by the employers' and workers' organisations concerning the practical application of the Convention or of the national legislation which implements it.

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

Bulgaria. — The number of infringements was 58. 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 labour inspectors, during their visits of inspection supervise the strict observance of the prohibition of night work. 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. 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 Convention or of the legislation in question.

Colombia. — The Government refers to its report for last year in which it stated

that owing to the reorganisation of the inspection service it was not possible to give any general information with regard to the application of the Convention. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention.

Cuba. — The report states that the competent service has not supplied any statistics regarding the application of the Convention. No observations have been received from the employers' and workers' organisations regarding the practical application of the Convention.

Czechoslovakia. — The Ministry of Social Welfare states in the report that the available information upon the manner in which the prohibition of the employment of children under 14 in industry is enforced is contained in the report of the factory inspectorate for the year 1936, which will be transmitted to the International Labour Office as soon as possible.

Denmark. — The report states that during 1936 eight 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 its provisions.

Dominican Republic. — The Department of Labour states in its report for the period April-June 1937, a copy of which is appended to the report of the Government, that the staff supervised closely the application of the social legislation adopted recently. The 1,815 visits made during this quarter by labour inspectors lead to the conclusion that the Act is in general properly applied. 132 contraventions were reported and were brought before the competent courts.

Estonia. — The number of children covered by the Act in 1936 was 946. The reports of the labour inspectors for the year 1936 record no complaints of non-observance of the provisions of the Act concerning the age for admission of children to industrial employment. Eleven cases of infringement were recorded. In 7 of these cases a simple warning was given and in 4 judicial proceedings were instituted. 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 1936 there was one case in which it was necessary to prose-

cute 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 does not refer to this point.

Ireland. — The Factory Inspection Services attached to the Industries Branch of the Department of Industry and Commerce reported, during the period under review, two cases of the employment of children under 14 years of age in industrial undertakings. In one of these cases the Court of Law before which proceedings were taken was not satisfied with the evidence and the case was dismissed. In the other case action is under consideration. No observations have been received from the employers' and workers' organisations.

Japan. — The report states 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 no complaints were received regarding the non-observance of the provisions of the Convention.

Luxemburg. — The report states that no cases of infringement have been reported during the period under review. The Government has not received any observations from the employers' or workers' organisations concerned with regard to the practical application of the provisions of the Convention or of the national legislation which implements its provisions.

Netherlands. — The report states that in 1936, 449 actions were brought for the illegal employment of children under 14 years of age or still subject to compulsory school attendance. As in previous years, most of the cases concerned children working in their parents' undertakings. 30 of these actions were brought by the labour inspection service, 244 by the provincial police authorities, 76 by the State police and 99 by the rural police. The actions may be classified as follows: 86 cases of employment in a factory or workshop; 35 cases of employment in distributing bread, 70 in distributing milk, and 42 in distributing newspapers; 115 cases of employment on distributive work

of other kinds; 101 cases of employment in other occupations. It should be noted that the last 101 cases did not concern employment covered by the Convention, and that a certain number of the 262 actions in cases of distributive work did not concern work prohibited by the Convention, since "transport by hand" is permitted. The fines imposed this year were in most cases light ones. 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 1936, which will be sent to the International Labour Office in the near future.

Rumania. — The report states that the legislation is strictly applied and that penalties are inflicted for the rare cases of contraventions which occur. For information regarding the number of contraventions see under *Convention No. 1 (Hours of work, industry)*, Point VII.

Spain. — The report states that the reports of the labour inspectors show that the legislation with regard to the employment of young persons is satisfactorily observed. In a few cases only are the registers of the persons employed and the certificates required of young persons not supplied. Young persons under the age of 14 years are seldom employed and any infringements which occur are due to the fact that owners of small undertakings are not familiar with the legislation. The majority of breaches of the provisions concerning the employment of children occur in places of public amusement, in particular in theatres. The report adds that no observations have been made by employers' or workers' organisations concerning the practical application of the Convention or of the corresponding national legislation. See also 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 fully applied in Switzerland. It adds that the compulsory school attendance prescribed by the cantonal laws helps to prevent the employment of children in the more important occupations. In 1936, out of a total of 312,698 workers (1,964 more than in 1935) subject to the Factory Act, 22,667 (7.25 per cent. of the total member of workers and 1,211

more than in 1935) were between 14 and 18 years of age, of whom 10,861 were of the male sex (5.44 per cent. of the total number of male workers) and 11,806 were of the female sex (10.49 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 though, during the period covered by the report, they have slightly increased. A general census of factories for the purpose of drawing up fresh statistics was made on 16 September 1937, the results of which were not available when the report was drawn up. The reports of the Federal inspectors for the year 1936 state that there are still instances where children under 14 years are employed, but point out that their number is decreasing. The inspectors have noted a few cases where children under 14 years of age have been found in workplaces. Their presence in workplaces, whether for the purpose of bringing meals to their parents or for any other reason constitutes an infringement of § 70 of the Factory Act (see also under Point II Article 4 and Point V for information concerning certificates of age and sentences pronounced for infringements.). The federal authorities have not received any observations from employers' or workers' organisations as regards the practical application of the provisions of the Convention or of the national legislation which implements it. (See also under *Convention No. 4, Night work (women)*, Point VI as regards the cooperation among occupational groups for the protection of workers).

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 3,459 undertakings inspected in 1936 was 123,085. 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 1937, 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 1936-30 September 1937 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Albania	17. 3.1932	
Argentine Republic.	30.11.1933	21. 4.1938
Austria	12. 6.1924	8.11.1937
Belgium	12. 7.1924	27.10.1937
Brazil	26. 4.1934	8. 1.1938
Bulgaria	14. 2.1922	27.11.1937
Chile	15. 9.1925	5. 1.1938
Cuba	6. 8.1928	7. 1.1938
Denmark	4. 1.1923	9.12.1937
Estonia	20.12.1922	22.10.1937
France	25. 8.1925	23.12.1937
Great Britain . . .	14. 7.1921	17.11.1937
Greece	19.11.1920	7. 3.1938
Hungary	19. 4.1928	23.12.1937
India	14. 7.1921	22.12.1937
Ireland	4. 9.1925	6.12.1937
Italy	10. 4.1923	
Latvia	3. 6.1926	11.12.1937
Lithuania	19. 6.1931	18. 1.1938
Luxemburg	16. 4.1928	17. 1.1938
Mexico	20. 5.1937	24.11.1937
Netherlands	17. 3.1924	1.10.1937
Nicaragua	12. 4.1934	
Poland	21. 6.1924	17.11.1937
Portugal	10. 5.1932	23.11.1937
Rumania	13. 6.1921	11. 4.1938
Spain	29. 9.1932	16. 3.1938
Switzerland	9.10.1922	1.11.1937
Uruguay	6. 6.1933	30.11.1937
Venezuela	7. 3.1933	3. 1.1938
Yugoslavia	1. 4.1927	18.11.1937
* * *	* * *	* * *
Burma ¹	14. 7.1921	26.11.1937

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

For the general information supplied by the *Greek* Government in its letter of 1 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

¹ See the introduction to the present volume, p. 4.

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

The *Mexican* Government states in its report that § 123, *ii*, of the Political Constitution and the corresponding section of the Federal Labour Act prohibit the employment of young persons under 16 years of age. The Congress has already undertaken the necessary amendments in order to extend this prohibition to young persons under 18 years of age. The report adds that a proposal will be made to the Congress in due course to prohibit the employment of young persons on mixed working days¹ between 10 p.m. and 5 a.m. (See also under I and II, Articles 2 and 3.)

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

For the general information supplied by the Government of *Spain* in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Uruguay* states in its report that the National Institute of Labour will submit shortly to the Ministry of Industry and Labour a bill purporting to bring the provisions of the Children's Code into harmony with those 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.

Argentine Republic.

Act No. 11317 of 30 September 1924 to regulate the employment of women and young persons (L. S. 1924, Arg. 1).

¹ See under Article 3 for an interpretation of this term.

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. 6 A).

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

Brazil.

Decree No. 22042 of 3 November 1932 laying down the conditions of employment of children and young persons in industry (L. S. 1932, Braz. 8).

Decree No. 21364 of 4 May 1932 regulating the hours of work in industry (L. S. 1932, Braz. 3).

Bulgaria.

Health and Safety of Workers Act of 1917 (B. B. Vol. XIII, 1918, p. 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 1 B) issuing Regulations under the Act of 2 June 1928 respecting the prohibition of night work in bakeries (L. S. 1928, Cuba 1 B).

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. 150443 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. 33469 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 subsequently (L. S. 1936, Ind. 3).

Ireland.

- 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).

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 (L. S. 1931, Lith. 3).
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).

Mexico.

- Political Constitution of 1917 of the United States of Mexico.
Federal Labour Act of 18 August 1931 (L. S. 1931, Mex. 1).

The Government states that, although in accordance with § 133 of the Political Constitution the promulgation of a Convention which has been ratified in due form which the approval of the Senate of the Republic has the effect of transforming that Convention into a Federal Act, it cannot be expected that in the present case the Convention will be applied before the necessary amendments have been made to the national legislation in accordance with the conditions and procedure laid down in the Constitution. See also introductory note.

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. 24402 of 24 August 1934 to regulate hours of work in commercial and industrial undertakings (L.S. 1934, Port. 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 and supplement Legislative Decree No. 24402 (L. S. 1936, Port. 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).

Decree No. 247 of 30 January 1929 to approve the Regulations for the administration of the Act respecting the employment of women and young persons (L. S. 1929, Rum. 1), amended by Decree No. 3540 of 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 applying the Act of 13 March 1900.

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).

See also 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)*, I, the information supplied by Yugoslavia.

* * *

Burma.

(Report of the Government of Burma for the period 1 April-30 September 1937 communicated through the Government of the United Kingdom.)

See under *Convention No. 1 (Hours of work, industry)*, point I.

II.

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

ARTICLE I.

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.

Cuba. — The report states that the line of division between industry on the one hand and commerce and agriculture on the other has not yet been defined.

Greece. — The report states that a committee has been set up to draw the line of division between the various occupations.

Mexico. — §123 II of the Political Constitution and §77 of the Federal Labour Act prohibit the employment of young persons under 16 years of age on night work in industry. The report states that this prohibition applies to industry in general, but that the competent authority has been asked to define the line of division between industry, on the one hand, and commerce and agriculture on the other. It adds that "industrial undertakings" as defined by the present Article are clearly covered by Mexican legislation, which is further interpreted in this sense by the courts.

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.

Chile. — The report states that owing to other urgent work, the Ministry of

Labour has not been able to deal with the final revision of the draft regulations on industrial hygiene and safety which specify the cases, the manner and the conditions under which use can be made of the exceptions provided in the second paragraph of the present Article.

Cuba. — The report states that there was no occasion for the application of the exceptions provided under § 2 of the Decree No. 647.

Greece. — The report states that no use has been made of the exception provided for in paragraph 2 of this Article. A Ministerial Decree issued at the request of the organisations concerned is necessary before advantage can be taken of this exception.

Ireland. — The exception permitted has been availed of in respect of the employment of male young persons in the following processes : (a) sugar cooking in sugar-beet factories ; (b) any process of "taking in" or "taking out" required to be carried on continuously by day and night by workers employed on shift work in the manufacture of glass bottles or jars. Statutory Rules and Orders, No. 364 of 1936 made under § 47 (2) of the Conditions of Employment Act, 1936, controls application of the exception to (a), in place of the previous Special Order of the Minister for Industry and Commerce made under § 54 (4) of the Factory and Workshops Act, 1901. The Order makes it "lawful for an employer to employ male young persons whose age is over 16 years to carry on at any time in the period" between 8 p.m. and 8 a.m., the work indicated in (a). Statutory Rules and Orders, No. 388 of 1936 likewise made under § 47 (2) of the Conditions of Employment Act, 1936, makes exactly the same provision with respect to (b).

Mexico. — § 123, ii, of the Political Constitution and § 77 of the Federal Labour Act prohibit the employment of young persons under 16 years of age on night work in industry. The report states that the only exception to this provision is that laid down in § 211 of the Federal Labour Act, namely, that the provisions of the Act shall not apply to work carried on in family workshops. — See also introductory note.

Switzerland. — The permits which were given several years ago to three glass works for the employment on night work of young persons between 16 and 18 years of age are still in force. The number of young persons employed in each shift in these three establishments has remained at 21.

Venezuela. — The report states that the Regulations in application of the Act

are still under preparation and that the Federal authority has not taken any of decision specifying the exception provided under § 72 of the Act of 16 July 1936.

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.*

Cuba. — The report states that no use was made of the exceptions allowed under this Article.

Greece. — The report states that no use was made of the exception provided for in paragraph 3 of this Article of the Convention.

Ireland. — The report states that notwithstanding the provisions of the Act relating to night work in bakeries the prohibition contained in § 47 of the Conditions of Employment Act, 1936, applies to young people employed in industrial work in bakeries. The report adds that the question of the substitution of the alternative night interval provided for in the last paragraph of Article 3 does not therefore arise.

Mexico. — § 68 of the Federal Labour Act lays down that work performed between 8 p.m. and 6 a.m. shall be deemed to be night work. The report adds that according to § 123 III of the Mexican Constitution and § 72 of the Federal Labour Act, the daily hours of work of young persons over 12 and under 16 years of age shall not exceed six hours. This

provision thus secures for young persons a night rest period which includes the interval between 10 p.m. and 5 a.m. but is longer than the period of 11 hours prescribed by the Convention. The report, however adds that according to an interpretation of the Federal Labour Act given by the Department of Labour, young persons under 12 and over 16 years of age may be employed during a "mixed working day" (§ 71 of the Act lays down that a working day which includes periods of day work and night work shall be deemed to be a mixed working day provided that the period of night work is less than 3½ hours. A mixed working day shall not exceed 7½ hours). Young persons may therefore be employed for 3 hours, 29 minutes during the period defined by Mexican legislation as night, that is, between 10 p.m. and 1.29 a.m. or between 2.31 a.m. and 6 a.m. The report states that when the proposed legislative reform is undertaken the necessary amendments for prohibiting the employment of minors in a mixed working day during the interval between 10 p.m. and 5 a.m. will also be submitted to Congress. See also introductory note.

ARTICLE 4.

The provisions of Articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in case of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

Please state whether your legislation, etc., imposes any conditions subject to which employers are allowed to take advantage of this exception.

Greece. — ... The report states that the exemptions provided for in § 1 of Act No. 4029 are now granted by the labour inspectors.

Mexico. — The Government in its report refers to § 75 of the Federal Labour Act which lays down that in the event of a catastrophe or of imminent danger, in which his own life, the lives of his fellow workers or employers, or the very existence of the undertaking are imperilled, an employee shall be bound to work for a longer period than that specified for the maximum daily hours of work without receiving double wages. § 76 of the same Act, however, provides that young persons over 12 but under 16 years of age shall not in any case work overtime.

Venezuela. — The report states that the Federal Government intends to embody similar provisions in the Regulations in application of the Labour Act. These Regulations are still in course of preparation.

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.

Cuba. — The report states that no use was made of this provision.

Ireland. — The report states that there has been no suspension of the prohibition of night work.

Lithuania. — The report states during the period under review the prohibition of night work was not suspended.

Luxemburg. — The report states that Article 7 of the Convention was not made use of.

Mexico. — The report states that under § 29 of the Political Constitution the Mexican Government can suspend the prohibition of night work of minors but that until now there has been no occasion to exercise this right.

Switzerland. — The Government states that the prohibition of night work was not suspended during the period under review.

Venezuela. — The Federal authority intends to embody similar provisions in the Regulations in application of the Labour Act which are under preparation.

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 report mentions the French Decree of 28 December 1937 declaring the provisions of the Convention applicable to all French colonies (other than Guadeloupe, Martinique and Réunion) and to the Territories of the Cameroons and Togoland under French Mandate. A previous Decree (1 July 1933) already extended the Convention to Guadeloupe, Martinique and Réunion.

Great Britain. — In Hong Kong a new Ordinance, No. 18 of 1937 has replaced the 1932 and 1936 legislation. By-laws scheduled under the new Ordinance provide (a) that no young persons under 16 years of age shall be employed in any industrial undertaking between the hours of 7 p.m. and 7 a.m.; (b) that young persons between the ages of 16 years and 18 years shall not be employed in any industrial undertaking between the hours of 8 p.m. and 7 a.m. save in exceptional cases when employment between 8 p.m. and 9 p.m. may be authorised for not more than 60 days in any one year. The previous legislation prohibited employment between 9 p.m. and 7 a.m. For Kenya during the period ending 30 September 1936 the previous non-application of the provisions of Article 2 of the Convention to male young persons was cancelled by Ordinance No. 6 of 1935. The possibility of enacting legislation to give effect to the Convention in Basutoland, the Bechuanaland Protectorate and Swaziland is under consideration. For British Guiana, Grenada, St. Lucia and St. Vincent, see under Convention No. 4, Night Work (Women). For Straits Settlements, see under Convention No. 5, Minimum Age (Industry).

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.

Cuba. — The Department of Labour acting through the National Office dealing with the work of women and children is responsible for the enforcement of the legislation in question. The correctional courts inflict penalties for cases of infringement.

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

Ireland. — The Annual Report for the year 1936 under the Factory and Workshop Acts 1901-1920 has been communicated to the International Labour Office.

Lithuania. — The supervision of the labour legislation is entrusted to the Labour Inspection Department and the courts. Recently, the former Inspectorate-General of Labour and Social Welfare was replaced by the Department of Labour and Social Welfare with a Labour Inspection Department consisting of a Senior Inspector at headquarters and 10 district inspectors.

Mexico. — The Department of Labour, the Department of the Federal District, the Federal and Local Boards of Conciliation and Arbitration, the Federal and local labour inspectors and the mayors are responsible for the application of the Federal Labour Act. The labour inspectors work under the supervision of the authorities. They make periodical inspections to ensure that the Act is properly applied and impose fines in cases of contravention. Under § 403 of the Labour Act they are particularly required to see that the provision regarding the prohibition of night work for minors is complied with. The teachers in rural areas are qualified to act as labour inspectors. The report states that the organisation of labour inspection services as laid down in §§ 402 and 406 of the Federal Labour Act is in accordance with the principles contained in Recommendation No. 20 concerning labour inspection, adopted by the International Labour Conference in 1923. The report adds that the labour inspection services are supplemented by the workers' legal aid service as laid down in §§ 408-413 of the Labour Act.

Portugal. — The report refers to the statement made by the representative of the Portuguese Government at the Committee on the application of Conventions set up by the Twenty-third Session of the Conference in 1937, to the effect that the application of social legislation and in particular of international conventions was supervised in Portugal by the competent services of the National Institute of Labour and Social Welfare as well as by employers' organisations (*gremios*) and by National unions of workers and employers which clearly attached the

greatest importance to the strict application of the relevant provisions.

Rumania. — The report states that the application of the relevant legislation is entrusted to the labour inspection authorities provided for in the Act of 9 April 1928 relating to the employment of young persons and the regulation of hours of work.

Spain. — The supervision of application of the legislation lies with the labour inspection services. §§ 13 and 14 of the Act of 13 March 1900 provide for sanctions in case of infringements of this Act or of the Regulations of 13 November 1900 applying it.

Switzerland. — See under *Convention No. 4 (Night Work, women)*, point IV. The reports of the Federal inspectors for 1936 and the cantonal reports for 1935 and 1936 on the application of the Federal Act relating to work in factories, from which extracts are published in the reports of the Federal inspectors, do not make any special reference to the night work of young persons.

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 report states that a certain number of legal decisions were given relating to the application of the Convention. A copy of a legal decision, under which an employer was fined for employing young persons at night in a bakery, is appended to the report.

Lithuania. — During the period under review two cases were brought before the courts and the decisions have not yet been given.

Switzerland. — During the period covered by the report, the following sentences have been reported to the Federal authorities: 5 sentences pronounced in cases of infringement of the prohibition of night work under the Factory Act, with reference to young persons; 52 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 57 sentences, 20 were pronounced by the legal authorities and 37 by the administrative authorities. The heaviest fine amounted to 120 frs. This fine was inflicted on an owner of a bakery for making an apprentice aged 16 years start work from 1.30 a.m. He had also infringed the provisions of the Federal Act relating to weekly rest. Among the cases relating to the Factory Act there were instances where the infringement was committed, not during the hours prohibited by the Convention but during the interval between 8 p.m. (on Saturdays and the days preceding public holidays, 5 p.m.) and 10 p.m. which is included in the period considered as night under the national legislation. For the 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. — The report does not refer to this point.

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 1936, which shows that the number of infringements of the legislative provisions pro-

hibiting night work of women and young persons during 1936 was 198. Of these 73 cases were in the food industry, 33 in the clothing industry and 17 in the textile industry. The number of workers employed in mines at the end of 1936 was 15,234, including 99 young persons of male sex. Out of these 37 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 observations to the Government with regard to the practical application of the Convention.

Belgium. — The report states that the inspection services have enforced the prohibition of night work of young persons under the conditions laid down by the legislation in accordance with the Convention. As regards the exceptions provided for in Articles 2, 3 and 4 of the Convention, the report states that, generally speaking, only a limited use was made of them and that the exceptions granted were within the limits prescribed by the national legislation and supervised by the inspection services. No observations were made by the employers' and workers' organisations as regards the practical application of the Convention or of the national legislation which implements it.

Bulgaria. — The report states that 13 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 report states that the factory inspectors are constantly engaged in ensuring compliance with the legislation. According to a note of the Department of Labour (Welfare Section), which is appended to the report, the prohibition of night work for young persons is in general satisfactorily applied except with regard to the night work of young persons in glass works, the difficulty with regard to which was stated in the reports for previous years. In view of this difficulty, 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 34,738. 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 the Department of Labour has received no statistical information as regards infringements of the legislation or as regards the applications for permission to employ young persons in the exceptional conditions laid down by the Decree. No observations were received by the employers' or workers' organisations with regard to the practical application of the Convention.

Denmark. — During 1936, 38 cases of infringement of the prohibition of night work were recorded, 19 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 1936 the number of children protected by the Act was 946. The reports of the labour inspection services for 1936 record one complaint of non-observance of the Act; four 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 report refers to the statistics for the year 1935 given in last year's report, and states that more recent figures are not yet available. 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 1936 was 40. Thirteen 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 1935 was 893,452, and the number of young persons employed above ground at mines and quarries in the same year was 74,022. In Northern Ireland in 1936, 23,844 young persons were employed in factories and 90 in quarries. No observations regarding the practical fulfilment of the conditions prescribed by the Convention or the appli-

cation of the national law implementing the Convention have been received from organisations of employers or workers.

Greece. — The Government states that the prohibition of night work of young persons in industry is one of the provisions giving rise to the lowest number of infringements. See also under *Convention No. 1 (Hours of work, industry)*, point VII.

Hungary. — The report states that in 1936 the number of children employed in undertakings subject to labour inspection was 24,729. Statistics for 1937 are not yet available. According to the reports of the labour inspectors for 1936, the provisions concerning night work of children are in general satisfactorily observed. The inspectors recorded 10 cases of infringement during 1936. No information in regard to infringements in 1937 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.

Ireland. — The report states that during the period under review, court procedures were taken against one employer and a conviction was obtained in respect of the employment of a young person at "night" in a bakery. No observations have been received from organisations of employers or workers.

Lithuania. — During the period under review the number of children covered by the legislation was 729. The Labour Inspection Department noted 9 cases of infringement, all of which were in undertakings working by shifts throughout the day. They related to the employment of young persons during the prohibited period. Seven cases were settled by the inspectors themselves and two were brought before the courts. No observations were received from workers' or employers' organisations.

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

Netherlands. — No cases of infringement of the provisions concerning nightly rest were reported. As regards the prohibited period, it often happens that in bakeries the indoor workers begin their work too early. In 35 cases relating to 71 young persons infringement of the provisions in force were noted. These provisions are in general stricter than those of the Convention; with certain exceptions the employment of young persons between 6 p.m. and 7 a.m. is prohibited. Of the 35 cases of infringement 18 were in bakeries and 7 in butchers' establishments. The fines inflicted varied from 0.75 florins to 15 florins. In two cases sentences of detention for one day and two days respectively were given. In 1936 the number of young persons employed in factories or workshops covered by the Labour Act exceeded 127,000. The Government is not aware of any observations from employers' or workers' organisations with regard to the practical application of the Convention or of the national legislation which implements it.

Poland. — The report states that the strict and permanent supervision carried out in particular by surprise visits of inspectors during the night has shown that cases of night work of children are very rare and altogether exceptional.

Portugal. — The report refers to the statements made by the representative of the Portuguese Government at the Committee on the application of Conventions set up by the Twenty-third Session of the Conference in 1937. The representative stated that his Government made a point of honour of applying the Conventions which Portugal had ratified, in the strictest manner. (See also under point IV.) He further stated that no exemption from the prohibition of the employment of young persons under 18 years of age outside the hours fixed by the Act had, till then, been allowed either by the authorisation of the National Institute of Labour and Social Welfare or by means of collective agreements and that the exemption provided for in Article 2 of the Convention had never been permitted in practice.

Rumania. — The reports of the labour inspectors show that the provisions of the Act are applied generally. For information regarding the number of infringements see under *Convention No. 1 (Hours of Work, industry)*, point VII.

Spain. — The reports of the labour inspectors show that the legislation concerning night work of young persons is satisfactorily applied. No organisations of em-

ployers or workers have made any observations with regard to the practical application of the Convention or of the relevant national legislation. See also under *Convention No. 1 (Hours of Work, industry)*, introductory note.

Switzerland. — The Convention is completely observed throughout Switzerland. The reports of the Federal factory inspectors give the following figures for the year 1936: the number of workers subject to federal factory legislation was 312,698, distributed as follows: 14 to 18 years of age: men 10,861 (5.44 per cent. of the total number of men workers), women 11,806 (10.49 per cent. of the total number of women workers), total 22,667 (7.25 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 possibilities for the employment of young persons in industry thus continue to be less than before though during the period under review they had slightly increased. A general census of factories, for the purpose of drawing up fresh Federal statistics, was made on 16 September 1937, the results of which are not yet known. This year, the reports of the factory inspectors do not contain any information as to the carrying out of the provisions which relate to the night work of children in industry, other than that mentioned above concerning glass works (see under ARTICLE 2). For fines inflicted in cases of infringement see under point V. The report states that during the period under review, a request was received for permission to allow apprentices in bakeries to start work before the hour prescribed by the Federal Act relating to the employment of young persons and women in industry. When the report was drawn up, this request was still under consideration. See also under *Convention No. 4 (Night Work, women)*, point VI, as regards the co-operation among occupational groups for the protection of workers.

Venezuela. — The report states that the employers' and workers' organisations have not made any observations with regard to the practical application of the Convention. See also 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 1936 was 3,459, the number of workers employed in these undertakings was 123,125, and the number of fines inflicted for breaches of the provisions concerning night work of women and young persons was 77.

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 1937, 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 1936-30 September 1937 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	21. 4.1938
Australia	28. 6.1935	6.11.1937
Belgium	2. 2.1925	27.10.1937
Brazil	8. 6.1936	8. 1.1938
Bulgaria	16. 3.1923	21.11.1937
Canada	31. 3.1926	1. 2.1938
Chile	18.10.1935	5. 1.1938
Colombia	20. 6.1933	16. 3.1938
Cuba	6. 8.1928	7. 1.1938
Denmark	12. 5.1924	9.12.1937
Dominican Republic	4. 2.1933	21.10.1937
Estonia	3. 3.1923	22.10.1937
Finland	10.10.1925	6.11.1937
Great Britain . . .	14. 7.1921	17.11.1937
Greece	16.12.1925	7. 3.1938
Hungary	1. 3.1928	27. 4.1938
Ireland	4. 9.1925	9.11.1937
Italy	14. 7.1932	
Japan	7. 6.1924	1. 2.1938
Latvia	3. 6.1926	11.12.1937
Luxemburg	16. 4.1928	17. 1.1938
Netherlands . . .	26. 3.1925	1.10.1937
Nicaragua	12. 4.1934	
Norway	7.10.1927	16.10.1937

COUNTRIES	Date of registration of ratification	Reports received
Poland	21. 6.1924	17.11.1937
Rumania	8. 5.1922	11. 4.1938
Spain	20. 6.1924	30. 3.1938
Sweden	27. 9.1921	17.11.1937
Uruguay	6. 6.1933	30.11.1937
Yugoslavia	1. 4.1927	18.11.1937

For the general information supplied by the Government of *Colombia* in its letter of 28 February 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

In its report the Government of *Finland* mentions in addition to the legislation noted below under Points I and IV, two Acts of 4 June 1937 providing for the discontinuance of the seamen's offices, which exercise certain functions in supervising the signing on and off of seamen in Finland, and for transferring these functions to, and concentrating all such functions in the hands of, State registration officers appointed by the Shipping Board. These Acts, however, did not come into force until 1 January 1938 and thus did not affect the position during the period covered by the annual report.

For the general information supplied by the *Greek* Government in its letter of 1 March 1938 see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

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

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

The *Spanish* Government refers to its previous reports in which it stated that the national legislation applying the provisions of the Convention was embodied in the Labour Code of 23 August 1926 and that

moreover 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. In these reports the Government added, with regard to those provisions of the Convention which were not yet fully embodied in Spanish legislation, the Ministry of Labour 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 in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of Uruguay states in its report, with reference to this Convention which has not yet been implemented in national law, that a Bill for amending the Child Labour Code is being prepared which will bring the provisions of the Code into complete concordance with those 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.

Argentine Republic.

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).

Brazil.

Decree No. 220 of 3 July 1935 to approve the new regulations for harbour authorities and direct that they be put into operation (L. S. 1935, Braz. 5).

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, 1934 (L. S. 1934, Can. 7).

Chile.

Legislative Decree No. 678 of 27 November 1925 concerning recruitment for the military and naval forces.

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 (Book iii, § 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 No. 181 of 1 May 1923 (L. S. 1923, Den. 2).

Act No. 29 of 26 February 1872 relating to the registration of seamen and the supervision of their engagement and discharge.

Dominican Republic.

Act No. 929 of 21 June 1935 respecting the hours of work in commercial and industrial establishments (L. S. 1935, Dom. 1).

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) as amended by Act of 26 May 1925 (L. S. 1925, Fin. 2) and Act of 11 May 1928 (L. S. 1928, Fin. 2).

Order of 23 December 1924 respecting the signing on and off of the crews of vessels (L. S. 1924, Fin. 4) as amended by Order of 20 September 1929 (L. S. 1929, Fin. 4).

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.

Order of 29 October 1925 concerning the Shipping Board. See also Introductory Note.

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 establishing standard 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.

Ireland.

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

Japan.

- Act of 29 March 1923 concerning the minimum age and health certificate for seamen (L. S. 1923, Jap. 3).
 Imperial Ordinance 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 No. 2 of 28 May 1892 and No. 2 of 16 June 1927.

Poland.

- Seamen's Code (German) 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.

Brazil. — Under § 224, para. 1 of Decree No. 220 of 3 July 1935, merchant vessels are defined for the purpose of the Decree as including all Brazilian vessels, whether publicly or privately owned, irrespective of trade and employment, except ships of war.

Dominican Republic. — Act No. 929 of 21 June 1935 does not define the term vessel, but refers in general terms to employment at sea.

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.

Brazil. — The report states that, whereas the Convention prohibits the employment on board ship of children under the age of 14 years, Brazilian legislation goes much further and prohibits, under § 369, para. 4 of Decree No. 220 of 3 July 1935, the registration of young persons under 16 years of age for employment on board ship. Under §§ 8 and 367 of the Decree, the obligation to register is laid on all persons over 16 desiring employment on board ship.

Dominican Republic. — Under Sect. 9 of Act No. 929 of 21 June 1935 children under the age of 14 years are not to be employed in work at sea. The Act does not provide for the exception relating to vessels in which only members of the same family are employed.

ARTICLE 3.

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

Brazil. — Decree No. 220 of 3 July 1935 contains no exception to the prohibition of the registration of persons under 16 for employment at sea.

Dominican Republic. — Act No. 929 of 21 June 1935 does not provide for this exception.

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.

Brazil. — The report states that this point does not arise under Brazilian legislation. *See under Article 2.*

Dominican Republic. — The report states that Dominican legislation prohibits the employment of children under the age of 14 years in any kind of undertaking, and that masters of Dominican vessels do not keep a register of minors.

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. — ... For *British Guiana*, *Grenada*, *St. Lucia* and *St. Vincent*, see under *Conventions No. 4 (Night work, women)*. For *Straits Settlements*, see under *Convention No. 5 (Minimum age, industry)*.

IV.

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

Brazil. — Under § 15 of Decree No. 220 of 3 July 1935 the harbour authorities are entrusted with the supervision of the registration, engagement, discharge and qualifications of seamen.

Dominican Republic. — See under Convention No. 1, (*Hours of work, industry*).

Finland. — See introductory note.

Latvia. — The report states, that the supervision of the enforcement of the Convention is at present exercised by the Ministry of Social and Public Affairs.

V.

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

The reports supplied do not mention any such decisions.

VI.

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

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 contain any fresh information on this point.

Australia. — 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.

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

Bulgaria. — 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, are 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 have been compiled by the Department of Marine in connection with the application 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 1937 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 report does not contain any fresh information on this point.

Cuba. — The report states that, from information received from the port captains it would appear that no offences have been noted and that only four persons under the age of eighteen have been taken on. 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 report states that 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.

Dominican Republic. — The report does not refer to this point.

Estonia. — The report states that 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.

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 no observations concerning the practical application of the Convention have been received from employers' or workers' organisations.

Hungary. — The report states 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.

Ireland. — 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.

Japon. — 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 169 in Japan proper and 14 in Taiwan. Seven cases of contravention were reported during the period October 1936-September 1937. 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. — The Ministry of Social and Public Affairs 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 rather frequently on fishing boats. Proceedings were taken in ten such cases. Five were settled on payment in one case of two guilders 50, and in the other four cases of 3 guilders. The issue of the other cases is not known. 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 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 does not refer to this point.

Rumania. — The report states that no young persons under fourteen years of age are engaged for work on board Rumanian vessels.

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

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

Uruguay. — See introductory note.

Yugoslavia. — The Government states that according to the information trans-

mitted by the Minister of Transport concerning the application of the Conventions relating to employment at sea, the number of inspections during the period 1 October 1936-30 September 1937 was 61; the number of seamen employed was 5,577 and the number of fines inflicted was 32.

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 1937, 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 1936-30 September 1937 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1923	21. 4.1938
Australia	28. 6.1935	6.11.1937
Belgium	2. 2.1925	27.10.1937
Bulgaria	16. 3.1923	27.11.1937
Canada	31. 3.1926	1. 2.1938
Chile	18.10.1935	5. 1.1938
Colombia	20. 6.1933	16. 3.1938
Cuba	6. 8.1928	7. 1.1938
Estonia	3. 3.1923	22.10.1937
France	21. 3.1929	23.12.1937
Great Britain . . .	12. 3.1926	17.11.1937
Greece	16.12.1925	7. 3.1938
Ireland	5. 7.1930	9.11.1937
Italy	8. 9.1924	
Latvia	29. 8.1930	11.12.1937
Luxemburg	16. 4.1928	17. 1.1938
Mexico	20. 5.1937	24.11.1937
Nicaragua	12. 4.1934	
Norway	21. 7.1926	16.10.1937
Poland	21. 6.1924	17.11.1937
Rumania	10.11.1930	11. 4.1938
Spain	20. 6.1924	30. 3.1938
Sweden	1. 1.1935	17.11.1937
Uruguay	6. 6.1933	30.11.1937
Yugoslavia	30. 9.1929	18.11.1937

The Government of the *Argentine Republic* stated in its Report for the year 1 October 1934-30 September 1935 that a Bill had been approved by the Senate on 16 August 1934, but 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 ship-owner 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, taking into account the rate of wages fixed in the agreement, 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.

In its report for this year the Government of *Colombia* refers to its previous statement covering the period 1 October 1934-30 September 1935 to the effect that the unemployment problem and particularly that of unemployment due to shipwreck may be said to be non-existent in Colombia. In fact there were no maritime shipping undertakings, properly speaking, in Colombia and foreign trade was carried by foreign vessels. For the general information supplied by the Government in its letter of 28 February 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

For the general information supplied by the *Greek* Government in its letter of 1 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

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

The Government of *Mexico* states in its report that Mexican legislation is not in exact conformity with the provisions of the Convention and that it will be necessary to bring the legislation into harmony with the latter, as provided in the amendments of the Labour Act of 18 August 1931; but that under § 133 of the Constitution the promulgation of the Convention by the President of the

Republic has the effect of transforming it into a federal law.

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

For the general information supplied by the Government of *Spain* in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Uruguay* states in its report that Parliament still has under consideration the bills which have been submitted to it with a view to implementing this Convention by adding to the national legislation the provisions rendered necessary 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.

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 (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 6 November 1934 (concerning, *inter alia*, unemployment indemnity to seamen in case of loss or foundering of the ship) (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 (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.

See also introductory note.

Ireland.

Merchant Shipping (International Labour Conventions) Act, 1933 (L. S. 1933, Ire. 2).

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), modified by the Acts of 18 June 1930 and 24 April 1933.

Luxemburg.

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

Mexico.

Political Convention of 1917 (§ 133).

Federal Labour Act of 18 August 1931 (L. S. 1931, Mex. 1), Act of 10 September 1932 respecting public lines of Communication (L. S. 1932, Mex. 3).

Decree of 20 July 1937 formulating the Convention in the Official Gazette (*Diario Oficial*), of 27 September 1937, Vol. CIV, No. 21.

See also introductory note.

Norway.

Seamen's Act of 16 February 1923 (L. S. 1923, Nor. 1) as amended by Act of 7 June 1935 (L. S. 1935, Nor. 2).

Royal Decree of 11 December 1936 to place alien seamen on the same footing as Norwegian seamen in certain cases.

Poland.

Seamen's Code (German) 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.

Mexico. — The general term "members of the crew" (*tribulantes*) under Mexican legislation covers all those employed on board a vessel. The Federal Labour Act of 18 August 1931 gives under § 133 a list of persons deemed to be members of the crew; in this list are included all persons employed on board a vessel whether on the deck, in the engine-room or on general service, including masters and officers. Further, § 379 of the Act respecting public lines of communication, defines the crew of a vessel as the whole body of persons responsible for the navigation of the vessel and duties of every kind on board thereof. Mexican legislation does not make any distinction between the terms "vessels" and "boats". The report states that

although the term "warship" is not defined by legislation, its meaning is none the less precise.

Norway. — The Seamen's Act of 16 February 1923 as amended by the Act of 7 June 1935 employs the terms "seaman" and "vessel" without giving any special definition.

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:*

- total loss,*
- damage so substantial that, although the ship is physically capable of being repaired, it would not, commercially speaking, be worth while repairing it, and*
- 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.*

Mexico. — The report states that Mexican legislation adopts a criterion different from that adopted by the Convention for determining the obligations of a shipowner to his crew in case of loss or foundering of the vessel. Under § 57 (subsection 8 and the last paragraph of the section), § 147, § 116 (paragraph 5) and § 111 (paragraph 16) of the Federal Labour Act it is laid down that: (a) the foundering may be a case of an unforeseen

event or *force majeure*; (b) the suspension of work necessitated by an unforeseen event or by *force majeure* cannot be attributed to the employer; (c) the articles of agreement shall be determined with the loss of the ship; (d) the owner of the vessel remains bound by the obligation to repatriate the crew; (e) besides the above-mentioned obligation, the owner shall only be bound, if the vessel is insured, to give the crew on payment of the policy their full salary due until their return to the port of departure or to the port mentioned in the agreement.

As a general rule, under § 57 (subsection 8 and the last paragraph of the section) of the Federal Labour Act employees have the right when the articles of agreement are terminated as the result of an unforeseen event or *force majeure* to receive, if the undertaking is insured, three months' wages as compensation immediately upon the payment of the policy. But this compensation of three months' wages is not provided for maritime workers in view of the obligation which is incumbent upon the employer to repatriate them; for this reason the employer is bound, in addition to the above obligation, to pay the wages of the crew until their return to the port of departure only if the vessel is insured. If the vessel is not insured, Mexican legislation gives to the seaman in addition to the salary due to him the right to the costs of his repatriation which comprise board and transport to the port of departure or the port mentioned in the agreement. The agreement is terminated in case of the total loss of the vessel, i.e. on the day on which the casualty concerned occurs; but it rests with the competent authority to declare and confirm the annulment of the agreement. Mexican legislation does not speak of "foundering" but of "total loss of a vessel owing to capture or casualty". (§ 147-8.) Where the damage to a vessel is such that, though it is repairable it would not be economical to undertake repair, the case would naturally be considered as one of total loss.

In cases of minor damage, the provisions of § 148 of the Federal Act are applicable; § 148 provides that in case of a partial loss of the vessel, the crew can be called upon to carry out work for the salvage of the remains of the vessel and cargo, and they shall receive their wages for the days which they have worked in so far as the value of the material salvaged is sufficient for this purpose. This provision of the Act contains by implication the principle that the articles of agreement can be rescinded without any compensation by the owner of the vessel. The above-mentioned article adds that if the amount of wages is covered in full and a surplus remains, the crew shall be entitled in addition to a bonus in proportion to the work performed and the dangers incurred for salvage purposes;

such bonus shall be fixed by mutual agreement between the parties or in default thereof by the competent Conciliation and Arbitration Board which shall previously procure the opinion of the harbour authority concerned. Mexican legislation does not contain any provision giving a juridical meaning to the phrase "unemployment resulting from the loss or foundering of the vessel" which is subject to the usual rules of interpretation. The report states that, in order to give effect to the provisions of the Convention in accordance within the terms of the existing legislation, it would be desirable to require owners of vessels to take out an insurance policy in favour of their crew which would cover their wages to the extent fixed by the Convention or according to the provisions of the above-mentioned sections of the Act.

Norway. — The report states that § 6 of the Act of 16 February 1923, as amended by the Act of 7 June 1935, gives to the master the same rights to pay, a free passage home with maintenance, and compensation for lost effects as are conferred on seamen in virtue of §§ 41 and 41a of the Act. These sections provide that, if a vessel is lost or declared incapable of repair in consequence of a marine casualty, the seaman's agreement shall cease to be valid in the absence of any stipulation to the contrary, provided that the seaman shall be bound, in return for wages and maintenance, to take part in salvage operations, and to remain at the place in question until the prescribed declaration has been filed. If a Norwegian seaman becomes unemployed in consequence of the loss or foundering of the vessel, he shall be entitled to his wages for the period during which he is without engagement for this reason, up to a maximum of two months in excess of the period during which he receives his wages in virtue of the preceding clause. If his engagement is terminated in consequence of the loss or foundering of the vessel, he shall be entitled to a free passage with maintenance to his domicile in Norway, which shall be paid out of State funds. Nevertheless, the seaman shall be bound to accept employment in another vessel bound for Norway or for a port from which he can conveniently be repatriated, provided the position offered is not of a lower grade or less well paid than his former one. A Norwegian seaman shall be entitled to compensation by the shipowner for loss of personal effects due to the casualty, in accordance with rules to be laid down by the Crown. The Government mentions the Royal Decree of 11 December 1936, in virtue of which the right to unemployment indemnity, as laid down under §§ 6 and 41 of the Seamen's Act, is to be extended so as to cover alien seamen who are nationals of States which have ratified the Convention.

The report states that the words "loss or foundering" also cover damage so substantial that the vessel is declared incapable of being repaired.

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.

Mexico. — Under paragraph 23 of § 123 of the Mexican Constitution and § 95 of the Federal Labour Act, the wages and allowances of employees shall not be attached; in case of disputes between creditors or in case of a bankruptcy these obligations shall have priority. The report states that legal proceedings by members of the crew, as those by other workers, are always instituted in such a way as to be expeditiously dealt with by the Courts.

Norway. — The report states that § 43 of the Seamen's Act provides that disputes between master and seamen during the vessel's stay abroad are to be submitted to a Norwegian consul. In other cases there is no special provision in the Act for the recovery of wages, and no distinction is made in this respect between ordinary wages and wages due after shipwreck.

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. — By letter of 25 June 1937 the Government of Australia informed the Secretary-General that it was proposed to apply the Convention to the *Mandated Territory of New Guinea* and to *Papua*. The letter states that the Shipping (Maritime Convention) Ordinance 1937 of New Guinea brings the legislation of that Territory into conformity with the objectives of the Convention so far as persons other than Natives are concerned, and that Native seamen are effectively protected by the terms of their employment under the Native Labour Ordinance. By subsequent letter of 5 October 1937 to the Director of the International Labour Office the Government of Australia forwarded a copy of the Seamen (Unemployment Indemnity) Ordinance 1937 of Papua giving effect in that Territory to the provisions of the Convention as regards persons other than Natives and stated that Natives are effectively protected under the Native Labour Ordinance.

Both the New Guinea and the Papua Ordinances provide that, where the service of a seamen is terminated before the period contemplated in the agreement, he shall be entitled to wages for a maximum period of two months. The New Guinea Ordinance covers employment on board any ship registered in the Territory with the exception of river and bay ships. The Papua Ordinance covers employment on board any vessel registered in the Territory with the exception of vessels of war. Both Ordinances except Natives and persons on fishing boats remunerated by a share in the profits or gross earnings of the boat.

France. — In the case of *Morocco* the report states that it is impossible as yet to contemplate the application of the Convention, since the resulting costs might hinder the development of an industry which is still in its infancy. Similarly in the case of *Tunis* it is stated that the shipping industry is in a very precarious state and is unable to support new charges. In addition, the bulk of the shipping is in the hands of small owners.

Great Britain. — The provisions of the Convention have been applied with certain modifications to the additional dependency

of Ceylon by the Order of His Majesty in Council, dated 18 March 1937, entitled the Merchant Shipping (International Labour Conventions) (Ceylon) Order, 1937. Under the Order the expression "ship" means any sea-going ship or boat of any description which is registered in Ceylon as a British ship 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. Where by reason of the wreck or loss of a ship as defined a seaman's services terminated before the date contemplated in his agreement he shall be entitled to receive wages at the rate to which he was entitled until he is returned to a proper return port under the provisions of the Merchant Shipping Acts or has in any other way reached his port of departure from Ceylon or a port in the country to which he belongs.

In Hong Kong the application of the provisions of the Convention effected on 3 March 1936 has been extended by Order of His Majesty in Council, dated 18 December 1936, to seamen employed on river steamers as defined by the Hong Kong Merchant Shipping Ordinance.

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.

Latvia. — The report states that supervision of the application of the Convention is incumbent on the Department for Labour Protection of the Ministry for Social and Public Affairs.

Mexico. — The Federal Department of Labour, the Department of the Federal District, the Federal and Local Conciliation and Arbitration Boards, and the Inspection and Administration Services set up under the Act are entrusted with the application of the Acts mentioned above. The district judges, the circuit courts and the Supreme Court are the courts of final appeal.

Norway. — The Ministry of Industry, Commerce and Navigation is responsible for the administration of the Seamen's Act of 16 February 1923.

Sweden. — The enforcement of the Convention in the Kingdom is entrusted to officials of the Maritime Registration Offices, and to Swedish consuls abroad.

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 there has been one court case in Queensland involving the interpretation of the word "wreck" in § 85 of the Navigation Act, which provides for unemployment indemnity following on the termination of a seaman's services, before the period contemplated in the agreement, "by reason of the wreck or loss of the ship". The question raised was whether an accident which occurred to the machinery of a ship while at sea and as a result of which it was towed into port and laid up for repairs, some of the crew being discharged and returned to the home port, was a wreck within the meaning of the above-mentioned Section. On appeal from the senior puisne judge of the Supreme Court of Queensland to the Full Court it was held that "a ship drifting with its propeller shaft broken in the thrust and without any means of propulsion is not a wreck within the meaning of § 85 of the Act... The venture was not frustrated but was merely interrupted by reason of the damage to the ship and as the services of the seaman were not terminated by reason of any wreck he was not entitled to the wages claimed". In coming to this decision the Court took note of the case of *Barras v. The Aberdeen Steam Trawling and Fishing Company Limited* decided by the House of Lords in Great Britain in 1933 (cf. Great Britain, *Summary of Annual Reports*, Eighteenth Session of the Conference 1934). A subsidiary question dealt with by the Full Court was whether "a release of all claims in respect of the past engagement" (under § 80 of the Act) on the discharge of the seaman and the settlement of his wages before a superintendent operated to prevent him from claiming compensation under § 85. The Court held "that the release applied only to claims accrued at the time of discharge and not to inchoate claims or rights which might accrue thereafter".

Mexico. — The report mentions a case decided on appeal by the Fourth Chamber of the Federal Conciliation and Arbitration Board at Mexico on 7 May 1937. The

dispute was on the point whether after shipwreck the navigation company (Courrier à Vapeur Mexicain) had the right to consider as suspended or rescinded the articles of agreement of the captain of one of its vessels (Sonora) which was wrecked during voyage. Reversing the decision of the Third Chamber of the Federal Board, the Fourth Chamber decided that the suspension of the articles of agreement could become effective only if the company (Courrier à Vapeur Mexicain) had asked for a declaration of suspension or rescission by the competent authorities (See also under Article 2, point (ii)).

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. — See introductory note.

Australia. — The Government states that no observations on the working of the legislation have been received from employers or employees.

Belgium. — During 1936 there were no cases for application of the provisions of the Convention. The Belgian fleet employed 4,207 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 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 report states that the provisions of the Convention, which are embodied in the Canada Shipping Act, are strictly observed by owners, masters and seamen of Canadian vessels to which they apply, and 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 have been compiled by the Department of Marine, and that no observations or representations 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.

Chile. — The report states that, according to the reports of the Maritime Labour Inspection Service, two cases of loss by shipwreck occurred during the period under review, and that the 124 members of the crew received the indemnities due to them. The number of persons protected by the legislation is 5,345. 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.

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 in September 1936 was 2,737, classified as follows: deck officers, 605; engineer officers, 904; wireless officers, 29; deck hands, 1,072; engine-room hands, 354; and catering staff, 273. During the period from 20 August 1936 to 20 August 1937, 3 vessels aggregating 603 tons were lost or wrecked, thereby throwing 20 seamen out of employment. Indemnities were paid in one case. The vessels in question were not insured, nor were the owners declared bankrupt in consequence of the loss of their vessels. 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 1937 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 does not contain any fresh information on this point.

Ireland. — 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.

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.

Mexico. — Although the Convention has already been published no cases for its direct application have arisen. The protection given to seamen is that outlined above; but they are also entitled to the protection laid down in the Convention as the latter has already been promulgated in the Official Gazette.

Norway. — The Government states that no difficulty has been encountered in the application of the Convention, and that no observations have been received from shipowners' or seamen's organisations.

Rumania. — The report states that there were no shipwrecks during the period 1 October 1936-30 September 1937.

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

Sweden. — The Government states that, according to information supplied by the Board of Trade, no difficulty has been met in the application of the provisions of the Convention, and that this view appears to be supported by the seamen's organisations. As the provisions of the Convention are applicable to very few cases, which are generally settled without recourse to either the authorities or the industrial organisations, very little is known as to the application of the Convention. A contributory factor also is the fact that shipowners do not generally insure against the risk arising out of the application of the Convention. For these reasons the Government is unable to answer the various questions respecting the interpretation and the application of the Convention. It can, however, be stated 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 industrial organisations have not made any complaints with regard to the application of the Conventions.

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 1937, 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 1936-30 September 1937 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	30.11.1933	21. 4.1938
Australia	3. 8.1925	26.11.1937
Belgium	2. 2.1925	27.10.1937
Bulgaria	16. 3.1923	27.11.1937
Chile	18.10.1935	5. 1.1938
Colombia	20. 6.1933	16. 3.1938
Cuba	6. 8.1928	7. 1.1938
Estonia	3. 3.1923	22.10.1937
Finland	7.10.1922	6.11.1937
France	25. 1.1928	23.12.1937
Greece	16.12.1925	7. 3.1938
Italy	8. 9.1924	
Japan	23.11.1922	1. 2.1938
Latvia	3. 6.1926	11.12.1937
Luxemburg	16. 4.1928	17. 1.1938
Nicaragua	12. 4.1934	
Norway	23.11.1921	16.10.1937
Poland	21. 6.1924	17.11.1937
Rumania	10.11.1930	11. 4.1938
Spain	23. 2.1931	30. 3.1938
Sweden	27. 9.1921	17.11.1937
Uruguay	6. 6.1933	30.11.1937
Yugoslavia	30. 9.1929	18.11.1937

In its report for the year 1 October 1934-10 September 1935 the Government of the *Argentine Republic* stated that the provisions of Article 7 would be implemented 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 this observation.

In its report for this year the Government of *Colombia* refers to its statement covering the year 1 October 1934-30 September 1935 in which it stated that in view of Colombia's traditions with regard to industry and in view of the economic structure of the country, there was at present no unemployment problem, and there were therefore no agencies of any sort which engaged in the placing of seamen for pecuniary gain. In adhering to this Convention, 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 statutory law of the country.

For the general information supplied by the Government in its letter of 28 February 1938 see under *Convention No. 1 (Hours of work, industry)*, introductory note.

In *Finland* the Convention has been applied since 1 January 1937 by new legislation which came into force on that date and repealed the previous legislation on the subject matter of the Convention. This new legislation is substantially the same as that previously in force but makes certain changes which it would seem desirable to note, but which cannot suitably be noted separately by themselves. In order to take account of these changes, therefore, a complete new summary has been made under Part II with reference to certain articles of the Convention.

For the general information supplied by the *Greek* Government in its letter of 1 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The report of the Government of *Italy* 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 special Committee, referred to in its previous reports, is continuing its work at the Ministry for Air and Maritime Affairs. The Committee is examining along with questions relating to the reorganisation of the mercantile marine the possibility of setting up special employment exchanges for seamen in the different ports of Rumania.

For the general information supplied by the Government of *Spain* in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Uruguay* states in its report that Parliament still has under consideration the Bills which have been submitted to it with a view to implementing this Convention by adding to the national legislation the provisions rendered necessary 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.

Argentine Republic.

Act No. 9,148 of 25 September 1913 concerning free employment exchanges as amended by Act No. 12,101 of 15 October 1934 (L. S. 1934, Arg. 2).

Act No. 9,661 of 25 August 1925 relating to fines for infringement of the Act concerning the work of women and young persons as amended by Act No. 12,102 of 15 October 1934 (L. S. 1934, Arg. 2).

See also introductory note.

Australia.

Navigation Act, 1912-1935.

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 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), 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. 659 of 6 November 1934 [concerning seamen's articles of agreement] (L. S. 1934, Cuba 12 A).

Legislative Decree No. 660 of 6 November 1934 (concerning *inter alia* placing of seamen (L. S. 1934, Cuba 12 B).

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 23 July 1936 respecting the Finding of Employment (L. S. 1936, Fin. 2).

Order of 23 July 1936 concerning the application of the Act of the same date.

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).

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), § 85 of which, concerning employment exchanges and departmental employment offices in particular as amended by the Act of 2 February 1925 (L. S. 1925, Fr. 4).

Greece.

Act No. 192 of 30 September 1936 concerning the placing of seamen (L. S. 1936, Gr. 1).

Royal Decree of 3 January 1937 concerning the composition of Managing Committees of Seamen's Employment Exchange and the working of these Exchanges. (Promulgated in the *Official Gazette*, No. 9 of 14 January 1937.)

Japan.

Seamen's Act of 8 March 1899.

Regulation for the enforcement of the Seamen's Act of 8 March 1899.

Seamen's Employment Exchange Act of 11 April 1922 (L. S. 1922, Jap. 2).

Imperial Ordinance No. 496, concerning the granting of a subsidy in accordance with § 3 of the Seamen's Employment Exchange Act, issued in November 1922.

Regulations for the enforcement of the Seamen's Employment Exchange Act (Ordinance of the Department of Communications, No. 65, issued on 18 November 1922, amended by Ordinances No. 41, dated October 1930 and No. 50, dated May 1934).

Instructions for administering the Seamen's Employment Exchange Act (Notification No. 128, dated November 1922, amended by Notifications No. 923, dated October 1930 and No. 378, of the Department of Communications, dated May 1934).

Government Organisation of the Seamen's Employment Exchange Commissions (Imperial Ordinance No. 374), issued on 27 August 1923.

Latvia.

Order of 15 January 1931 respecting seamen's employment exchanges (L. S. 1931, Lat. 1).

Instruction of 10 September 1935 relating to the preceding Order.

Luxemburg.

- Act of 2 May 1913 concerning the regulation of employment agencies.
- Decree of 21 August 1913 concerning the carrying out of the above Act (summary in B.B. Vol. IX, 1914, p. CIII).
- Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

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.

- Seamen's Code (German) of 2 June 1902 (International Labour Office, Studies and Reports, Series P, p. 90).
- See also *Convention No. 2 (Unemployment)*.

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.

- Seamen's Act of 15 June 1922 (L. S. 1922, Swe. 1).
- 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.

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 (L. S. 1927, S. C. S. 2).
- Order of 29 March 1935, regulating working conditions on board ships of the kingdom of Yugoslavia engaged in maritime navigation (L. S. 1935, Yug. 2).
- See also, under *Convention No. 2. (Unemployment)*, point I, the information supplied by Yugoslavia.

II.

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

ARTICLE 1.

For the purpose of this Convention, the term "seamen" includes all persons, except officers, employed as members of the crew on vessels engaged in maritime navigation.

Finland. — Both the Act and the Order of 23 July 1936 use the term "seaman" without giving any special definition.

Greece. — The terms "seaman" and "crew" are defined in § 3 of the Act of 30 September 1936 as follows: seaman, any person of either sex of Greek nationality holding a seaman's book; crew, all persons mentioned in the list of crew, excluding the master. The term "vessel" is defined as including all sea-going vessels of whatever tonnage on which seamen are employed as members of the crew, excluding ships of war.

Sweden. — The Act of 15 June 1934 concerning public employment exchanges is of general application. The report states that seamen of all categories can take advantage of the special measures taken in favour of seamen by the public employment service.

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.

Finland. — The Act of 23 July 1936, which regulates the organisation and activity of employment exchanges in Finland provides in § I that communes and associations shall be entitled to carry on employment exchange work. In exceptional cases, such work may be carried out by others on condition that no fee of any kind is charged. § 20 states that the services of employment exchanges must be rendered free of charge. Nevertheless, if an association acts as an employment exchange exclusively for its own members and has obtained a permit for that purpose, it is entitled to charge a fee, to be fixed when the permit is granted. The report states that so far no association has been granted any permit under the Act. The penalties provided for by the

Act (§§ 26 and 27) consist of fines calculated at a daily rate. In addition, associations may have their permits withdrawn.

Greece. — The Act of 30 September 1936 provides that the placing of seamen for employment on board ship is to be carried on exclusively by the special seamen's employment exchanges (§ 1). As from the publication of the Act (5 October 1936) it is prohibited to create or continue to carry on a private placing agency for seamen, or to carry on in any way any activity or occupation in connection with such placing. In any case, the placing of seamen may not be a trade carried on for pecuniary gain by any person, company or institution whatsoever. No fee may be charged directly or indirectly by any company, person or institution for placing seamen (§ 13). Penalties by way of imprisonment or fine are provided by § 14, para. 2 for any violation of the provisions of § 13.

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.

Greece. — See under Article 2.

ARTICLE 4.

Each Member which ratifies this Convention agrees that there shall be organised and maintained an efficient and adequate system of public employment offices for finding employment for seamen without charge. Such system may be organised and maintained, either:

(1) by representative associations of ship-owners and seamen jointly under the control of a central authority, or,

(2) in the absence of such joint action, by the State itself.

The work of all such employment offices shall be administered by persons having practical maritime experience.

Where such employment offices of different types exist, steps shall be taken to co-ordinate them on a national basis.

In addition, please describe the system of free employment offices and state what measures have been taken, if this question arises, to secure the co-ordination of the work of the various employment offices on a national basis, contemplated by the last paragraph of Article 4.

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

Australia. — A table appended to the report shows that 10,479 seamen, including officers, were employed in the Australian shipping industry during the twelve months ending 30 June 1937. The total was made up as follows: certificated officers, 1,952; deck hands, 2,687; stokehold and engineroom hands, 2,221; catering department, 2,874; miscellaneous, 745. The number of engagements and re-engagements of seamen (including officers) made at the principal ports in Australia during the same twelve months totalled 31,200, the particulars for individual ports being as follows: Sydney, 18,939; Melbourne, 3,326; Newcastle, 3,365; Brisbane, 1,137; Port Adelaide, 2,291; Freemantle, 939; Hobart, 320; other ports, 883. The report adds that a return similar to those forwarded in previous years showing the estimated daily average of seamen unemployed during the year has been omitted on this occasion because it was found practically impossible to ascertain the true position regarding unemployment owing to a seamen's strike in 1935-36. Additional seamen were engaged to take the place of the striking seamen, many of whom thus lost their jobs and were forced to seek work ashore. It could not be ascertained how many of these men were genuinely unemployed or how many could still be classed as seamen.

Belgium. — The Union of Belgian Shipowners which is under the control of the Committee on the Engagement of Seamen centralises the placings of seamen in Belgian vessels. During the year 1936 the Union recruited 14,046 seamen, 13,473 of whom were Belgians and 573 foreigners.

Chile. — ... The harbour masters who direct the employment exchanges are required to have had a wide practical maritime experience as one of the qualifications for their posts. . . . The report states that in comparison with last year there is a slight decrease in the number of partially unemployed seamen. There is at present a surplus of about 730 persons, who are used to substitute seamen who are ill, undergoing punishment, injured, on leave, etc., and thus work under almost normal conditions. The total number of registered seamen is now 3440, and the total number of seamen shipped 2670.

Estonia. — ... The report gives the following figures with regard to the operations of the employment office of the Seamen's Institute at Tallinn for the period 1 July 1936 to 30 June 1937; deck officers: 132 applications, 71 vacancies filled; engineer officers: 175 applications, 125 vacancies filled; wireless officers: 10 applications, 3 vacancies filled; deck personnel: 307 applications, 150 vacancies filled; engine-room personnel: 309 applications, 166 vacancies filled; catering staff: 142 applications, 65 vacancies filled. Total number of applications, 1075; total number of vacancies filled, 580.

Finland. — § 2 of the Act of 23 July 1936 prescribes that in cases where circumstances make it necessary, the communes shall be obliged to set up an employment exchange or appoint one or more employment agents. These exchanges and agents find employment for seamen as well as for other workers.

§ 3 of the Act provides that communes with considerable shipping shall be bound, if the Ministry of Social Affairs so decides after consultation with the municipal authorities, to set up, in the commune's official employment exchange, a special section for the finding of employment for seamen, or to appoint a special employment agent for seamen, under the orders of the Employment Office. The chief of section and the employment agents shall be persons with practical maritime experience. The report states that at present such sections are in existence in Helsinki and Turku, whereas special employment agents have been appointed in the towns of Viipuri, Kotka and Rauma. In virtue of § 15 of the Act, every vacancy filled gives the right to a fixed grant from public funds. § 24 of the Act and § 1 of the Order of 23 July 1936 provide for co-ordination between the various exchanges through the public authorities, the whole of the work of finding employment being under the supervision of the Labour Department of the Ministry of Social Affairs.

France. — The activities of the Joint Maritime Employment Officers, of which there were seven, during the period 1 October 1936 to 30 September 1937 may be summarised as follows: Dunkirk 1,187 applications, 582 vacancies notified, 582 vacancies filled; Le Havre 2,288 applications, 1,408 vacancies notified, 1,408 vacancies filled; Rouen 3,688 applications, 2,312 vacancies notified, 2,312 vacancies filled; Brest 976 applications, 574 vacancies notified, 523 vacancies filled; Nantes 1,736 applications, 1,406 vacancies notified, 1,297 vacancies filled; Bordeaux 1,106 applications, 707 vacancies notified, 707 vacancies filled; Marseilles 4,363 applications, 3,462 vacancies notified, 3,451 vacancies filled. Total number of applica-

tions, 15,344; vacancies notified, 10,451, and vacancies filled, 10,208.

Greece. — Under the Act of 30 September 1936 the business of finding employment for seamen on board ship is entrusted exclusively to special seamen's employment exchanges (§ 1), whose services are free of charge to seamen and shipowners (§ 10). In ports where there is no such exchange the placing of seamen may be entrusted to the port authority by decree of the Under-Secretary of State for the Mercantile Marine (§ 1). Under § 2 of the Act seamen's employment exchanges are autonomous public corporate bodies under the Under-Secretary of State for the Mercantile Marine. In all ports where a seaman's employment exchange exists, shipowners and masters must engage the crew through the medium of the exchange (§ 12), and penalties are provided for violations of this provision (§ 14). Seamen seeking employment are also required to register with the exchange (§ 12). The report adds that the exchanges are staffed by officials of the Harbour Authorities' Services having practical maritime experience. They are established by Royal Decree, issued at the instance of the Under-Secretary of State for the Mercantile Marine. They are all of the same type. Exchanges have been established at twelve ports on the mainland including the Piraeus, Salonica, Patras, Volo and Cavalla; and at 15 ports in Crete, Corfu, and the Aegean Islands. The Decree of 3 January 1937 provides (§ 5 and 6) that the Seamen's Employment Exchange at the Piraeus shall consist of two sections: 1) secretarial and administrative; 2) maritime labour. The secretarial and administrative section is responsible, *inter alia*, for keeping statistics of unemployed seamen and seamen engaged on different vessels. One of the principal tasks of the maritime labour section is to supervise the application of international labour Conventions, including the Placing of Seamen Convention, the Minimum Age (Sea) Convention, and the Minimum Age (Trimmers and Stockers) Convention. The following figures are given concerning the operation of this exchange: *Number of seamen registered*: deck officers, 1,044; engineer officers, 1,760; wireless officers, 515; pursers, 192; deck and engineer officer cadets, 716; other deck staff, 8,513; other engine-room staff, 7,967; catering staff, 3,789; apprentices, 1,797; total (less 5,143 persons whose names have been removed from the register): 21,150. *Number of vacancies filled*: deck officers, 918; engineer officers, 1,598; wireless officers, 362; pursers, 168; deck and engineer officer cadets, 462; other deck staff, 6,033; other engine-room staff, 5,737; catering staff, 3,022; apprentices, 475; total, 18,755. In addition, 341 persons were provided with transport to foreign ports to be engaged on Greek vessels.

Japan. — The report states that the number of employment exchanges is the same as in 1936, namely, 22 free exchanges (including two branches) and 8 fee-charging agencies. The record for the seamen's employment exchange service for the period October 1936-September 1937 was as follows: seamen placed: free exchanges 38,063; fee-charging agencies: 278; total: 38,341. On 31 December 1936, the number of seamen not placed was: free exchanges 3,716; fee-charging agencies: 8; total: 3,724. On 30 September 1937 the number of seamen not placed was: free exchanges 2,265; fee-charging agencies, 9; total: 2,274.

Latvia. — During 1937 the trade union organisation of Latvian seamen registered 863 unemployed seamen, 304 of whom were placed in employment.

Sweden. — All the employment offices which possess a maritime placing service of any importance — there are 14 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. For the period 1 October 1936 to 30 September 1937 there were 57,015 applications, 26,584 vacancies, and 24,770 vacancies filled.

Yugoslavia. — The report states that during the period 1 October 1936-30 September 1937, the number of seamen registered as unemployed by the public employment exchanges for the whole of the twelve months of the period under review was as follows:

Classification (Total for 12 month and monthly average)	Officers		Seamen	
	Total	Monthly Average	Total	Monthly Average
Unemployed registered at the end of each month	68	5.6	4,264	355
Unemployed registered during each month	155	13	4,427	369

During the same period, 107 vacancies were notified of which 4 were for officers; 14 placings were effected, 4 of officers and 70 of seamen.

ARTICLE 5.

Committees consisting of an equal number of representatives of shipowners and seamen shall be constituted to advise on matters concerning the carrying on of these offices; the Government in each country may make provision for further defining the powers of these committees, particularly with reference to the committees' selection

of their chairmen from outside their own membership, to the degree of State supervision, and to the assistance which such committees shall have from persons interested in the welfare of seamen.

In addition, please indicate the measures taken regarding the methods of consulting the Committees, and state whether provision has been made for further defining the powers of such Committees particularly with reference to:

- (i) *the selection of their chairmen from outside their own membership;*
- (ii) *the degree of State supervision;*
- (iii) *assistance from persons interested in the welfare of seamen.*

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

Finland. — § 5 (1 and 3) of the Act of 23 July 1936 respecting employment exchanges provides that if on special department for seamen is organised in connection with a communal employment exchange it shall be placed under the immediate supervision of a managing committee consisting of representatives of shipowners and seamen in equal numbers, shall be appointed by the general Committee of the employment exchange with the chairman of the Employment Exchange Committee as its president.

Greece. — The composition of the managing committees of seamen's employment exchanges is regulated by § 5 of the Act of 1936, which provides that exchanges shall be managed by a committee consisting of not less than five and not more than nine members, including the chairman; they shall include representatives of employers and workers in equal numbers. § 1 of the Decree of 3 January 1937 provides that the managing committee of the Seamen's Employment Exchange at the Piraeus shall consist of nine members appointed by the Under-Secretary of State for the Mercantile Marine and including four representatives of the employers (two cargo-ship owners, one passenger ship owner, and one sailing shipowner) and four representatives of seamen (two certificated officers, one skilled rating—steam ships—and one skilled rating—sailing vessels). The chairman is a high official of the Harbour Authorities' Services. The Committees of the exchanges in other towns are composed of 5 members, on the same lines.

Sweden. — As mentioned under Article 4 above, delegates of shipowners and seamen have been appointed to assist in the consideration of questions of importance concerning the placing of seamen in all the ports where special bodies have been set up for placing seamen. No special provisions exist concerning such delegates.

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.

Greece. — Under §§ 10 and 11 of the Act of 30 September 1936 seamen seeking employment, and shipowners with vacancies on their ships, must register at the seamen's employment exchange, where lists of applications for employment and vacancies available are kept in chronological order. Employers and seamen have complete freedom of choice from these lists.

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.

Greece. — The report states that articles of agreement are read over to members of the crew before signature, and that they always remain open to inspection by the parties.

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.

Greece. — The report does not contain any information on this point.

Latvia. — The report states that the seamen's employment exchanges are also at the disposal of seamen subjects of countries which have ratified the Convention.

Sweden. — The report states that 387 foreign seamen applied to the Employment Exchange Service and 131 of them were placed in employment during the period covered by the report.

ARTICLE 9.

Each country shall decide for itself whether provisions similar to those in this Convention shall be put in force for deck-officers and engineer-officers.

Please state whether provisions similar to those in the present Convention have been put into force for deck-officers and engineer-officers.

Finland. — The report states that the employment offices are open to deck and engineer officers.

Greece. — The provisions of the Act of 1936 apply to seamen of all ranks and ratings, except masters, seeking employment (§ 12).

ARTICLE 10.

Each Member which ratifies this Convention shall communicate to the International Labour Office all available information, statistical or otherwise, concerning unemployment among seamen and concerning the work of its seamen's employment agencies.

The International Labour Office shall take steps to secure the co-ordination of the various national agencies for finding employment for seamen, in agreement with the Government or organisations concerned in each country.

Please state the action taken to give effect to this Article, and give the views of your Government on the means of securing the co-ordination by the International Labour Office of the various national agencies for finding employment for seamen, in agreement with the Governments or organisations concerned in each country, in application of the second paragraph.

Australia. — For the latest statistics see above under ARTICLE 4.

Estonia. — For the latest statistics see above under ARTICLE 4.

France. — The report supplies statistical details of the activities of the joint employment exchanges for seamen during the period 1 October 1936-30 September 1937 and also information concerning the measures taken for assisting unemployed seamen. For a summary of these statistics see above under ARTICLE 4.

Greece. — For statistics of seamen seeking employment and vacancies filled, see under Article 4 above.

Latvia. — For the latest statistics see above under ARTICLE 4.

Yugoslavia. — For the latest statistics see above under ARTICLE 4.

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.

France. — In the case of Morocco the report states that it is impossible as yet to contemplate the application of the Convention, since the resulting costs might hinder the development of an industry which is still in its infancy.

In Tunis the placing of seamen is not carried on as a special commercial enterprise and there are no employment agencies of this character. If such practices grew up, legal provisions might be introduced.

Japan. — In Dairen during 1936 the municipal employment exchanges registered 1,710 vacancies, 2,814 applications for work and 1,176 placings. The employment exchange of the Maritime Association of Dairen (*Dairen Kaimu Kyokai*) registered 1,142 vacancies, 1,044 applications and 1,039 placings.

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.

Finland. — The report states that the supervision of the application of the Convention is exercised by the Labour Department of the Ministry of Social Affairs.

According to Sect. 24 of the Act of 23 July 1936 inspectors under the Ministry of Social Affairs shall be given access to the localities of the employment exchanges, and shall have the right to examine the accounts, correspondence and all other documents respecting the activities of the exchanges. The Minister of Social

Affairs may also, if necessary, appoint local inspectors to carry out the supervision.

Greece. — The report states that the Seamen's Employment Exchanges and the Harbour Authorities are responsible for the application of the Convention.

Latvia. — Supervision of the application of the Convention is at present exercised by the Labour Protection Department of the Ministry of Social and Public Affairs.

V.

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

Greece. — The report states that the Seamen's Employment Exchange at the Piraeus instituted proceedings against 5 persons for contravening the provisions of Act No. 192 of 1936; and that penalties were inflicted in every instance.

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, 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 does not contain any fresh information on this point.

Australia. — The report states that no observations on the Convention have been received from employers or employees.

Belgium. — Neither the employers' nor the workers' organisations have made any observations with regard to the practical application of the Convention. See also under ARTICLE 4.

Bulgaria. — The placing of seamen, is carried out, as for all other workers, by employment offices attached to each labour inspectorate. However, practically no cases have arisen of seamen applying to employment offices in search of work, because in Bulgaria unemployment among seamen does not exist. The report adds 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.

Colombia. — See introductory note.

Chile. — 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.

Cuba. — The report states that no statistical information has so far been supplied by the competent authority. 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 report states that no observations have been received from employers' or workers' organisations with regard to the practical application of the national legislation which implements the provisions of the Convention.

Finland. — The report states that no observations respecting the application of the Convention have been received from the shipowners' and seamen's organisations.

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

Greece. — The report states that the working of the seamen's employment exchanges has resulted in a better organisation of the maritime labour market. Employers' and workers' organisations act in close co-operation with the seamen's employment exchanges.

Japan. — For information on the working of the employment exchanges, see under ARTICLE 4. The report states that during the period October 1936-September 1937 one case of contravention was reported. 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.

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. 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.

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

Sweden. — The Swedish Government states that, in general, 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 1937, 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 1936-30 September 1937 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	26. 5.1936	21. 4.1938
Austria	12. 6.1924	8.11.1937
Belgium	13. 6.1928	27.10.1937
Bulgaria	6. 3.1925	27.11.1937
Chile	18.10.1935	5. 1.1938
Cuba	22. 8.1935	7. 1.1938
Czechoslovakia . .	31. 8.1923	6.12.1937
Dominican Republic	4. 2.1933	21.10.1937
Estonia	8. 9.1922	22.10.1937
Hungary	2. 2.1927	27.12.1937
Ireland	26. 5.1925	2.11.1937
Italy	8. 9.1924	
Japan	19.12.1923	1. 2.1938
Luxemburg	16. 4.1928	17. 1.1938
Nicaragua.	12. 4.1934	
Poland	21. 6.1924	17.11.1937
Rumania	10.11.1930	11. 4.1938
Spain	29. 8.1932	16. 3.1938
Sweden	27.11.1923	17.11.1937
Uruguay	6. 6.1933	30.11.1937

The Government of *Austria* states in its report that other Acts have been issued by the federated provinces in pursuance of the Federal Act concerning the principles governing the employment of children in agriculture and forestry,

namely, in Carinthia-Act LGBL. No. 21/1937 concerning the employment of children in agriculture and forestry, and in Lower Austria-Act LGBL. No. 78/1937 concerning the employment of children in agriculture and forestry. In Upper Austria a draft executive Act is being prepared.

The Government of *Cuba* states in its report that no special legislation has yet been passed to implement the Convention. At the same time, the Government, in a message sent to Congress, has suggested the necessity of doing so in view of the fact that the minimum age of admission of minors to industrial and commercial employment has already been regulated by law for some years. The report adds that the legislation at present in force includes Act No. 53, of 29 March 1935 which provides that young persons under 18 years of age employed in commercial and agricultural undertakings shall not work for longer than 7 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 *Italy* 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* in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Uruguay* states in its report that the National Labour Institute will shortly submit to the Ministry of Industry and Labour a Bill for the purpose of bringing the provisions of the Children's Code into complete harmony with those 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.

Argentine Republic.

Act No. 11,317, 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, Carinthia, Lower Austria, 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.

Dominican Republic.

Order No. 114, of 29 December 1927, on compulsory school attendance.

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. 130,700 of 1922, of the Ministry 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.

Ireland.

School Attendance Act, 1926, as amended by School Attendance Act, 1936.

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, amended, in particular, by Royal Decrees of 8 May 1925, 18 June 1926, 28 October 1932, 30 December 1932, 31 May 1934 and 12 June 1936.

Uruguay.

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

II.

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

ARTICLE 1.

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

Austria. — The executive Acts of the federated provinces issued during the period covered by the report and mentioned in the introductory note, also contain detailed provisions regarding night rest for children employed in agriculture and forestry, hours of employment allowed on school-days and other days, and the employment of children on Sundays and public holidays.

Dominican Republic. — The report states that § 1 of Order No. 114 of 29 December 1927 establishes compulsory school attendance for all children under 14 and over 7 years of age throughout the country. Such children may not be engaged in any agricultural work or even perform work of any kind unless they have complied with the regulation regarding compulsory school attendance. However, according to paragraph 3 of Article 2, in cases where the child is "under the imperative necess-

ity" of earning his own living, the Inspector of Public Instruction or, in his absence, the President of the Communal School Board may, at the request of the parents or guardian, issue a written certificate exempting the parents or the guardian from the obligation laid down in Article 1 as to compulsory school attendance. Further, also as an exception, the same authorities may exempt parents or guardians from the requirements of Article 1 if it is shown either that the nearest school is more than ten kilometres away from the child's residence (paragraph 4, Article 3) or that "considerable material obstacles" prevent the child from having access to the place in which the school is situated. According to the report, the system of morning and afternoon rotation is in force in the primary schools, as a result of which if schoolchildren attend school in the morning they may be employed on agricultural work in the afternoon and *vice versa*.

ARTICLE 2.

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

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

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

Austria. — The new School Act of Burgenland (LGBl. No. 40/1937) defines more closely the provisions regarding school attendance and those granting partial exemption from such attendance.

Dominican Republic. — The report states that the school year begins on 15 September and ends on 15 July, that is, it covers a period of ten months, from which should be deducted 15 days for the Christmas holidays and 7 days for the Easter holidays.

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.

The reports supplied do not contain any fresh information on this point.

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 while the Educational Ordinance of Taiwan prescribes that the Imperial Ordinance respecting elementary schools is applicable to the elementary school in Taiwan, § 2 of the Ordinance on public elementary school in Taiwan lays down that the provisions of §§ 27 and 35 of the Imperial Ordinance respecting elementary schools are not applicable to Taiwan. But § 57 of the Ordinance on public elementary schools in Taiwan prescribes that the number of school days should not be less than 230 in the year, and the same prescription is made by § 56 of the Ordinance on public schools in Taiwan.

IV.

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

Austria. — The provisions of § 12 of the Federal Act regarding the principles governing the employment of children in agriculture and forestry (BGBl. No. 297/1935) are also contained in the new executive Acts issued during the period covered by the report. In order to take

account of the conditions in each province it is laid down that the district administrative authorities shall be assisted in Carinthia; by the Juvenile Welfare Offices, in Lower Austria, by the provincial organisations for the guardianship and vocational training of children. Contraventions of the provisions of the Federal Act and of the executive Acts issued there under shall, in accordance with § 13 of the Federal Act or with the corresponding provisions of the executive Acts of the federated provinces, be punishable as contraventions of the administrative provisions by a fine not exceeding 500 schillings or imprisonment for not more than two months.

Dominican Republic. — According to Chapter II, § 11 of Order No. 114 of 29 December 1927, the supervision of the application of the legislation is entrusted to members of the militia, the police force and all other officials, whether local or national, having police powers. Further, school boards, as well as the local authorities, may appoint special agents (§ 12) for the purpose of enquiring into cases of infringement of the legislation. Fines up to 5 pesos, or imprisonment for five days, may be imposed. Guardians who fail to register minors are liable to a fine of up to 100 pesos or imprisonment for three months (§ 21). Such fines may be imposed by the mayor of the commune (§ 32). The representative of the school police may appeal to the higher authorities if he considers that a contravention has been left unpunished (§ 2, paragraph 2).

Rumania. — The report states that elementary school teachers and the school inspection authorities are responsible for the supervision of 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.

Chile. — The Government states that a few decisions have been given by the courts in connection with the application of the legislation corresponding to the Convention. A copy of one of these decisions (dated 23 November 1936 and issued by the Labour Court of Linares) is appended to the report. The complainant before the court accused an employer of giving employment to the complainant's children without the father's consent. The court held that since the complainant's children were under 14 years of age, the employer, by not obtaining the parental consent, had made himself liable to a fine

of 50 pesos, which was imposed upon him by the court.

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 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. — The report does not refer to this point.

Austria. — The Government states that statistical information on this point may be found in the first volume of the unofficial Supplement to the Collection of Decrees of the Austrian Ministry of Education: *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 Government states that no observations have been received from employers' or workers' organisations with regard to the application of the Convention.

Bulgaria. — The report states that notwithstanding all the measures adopted to enforce observance of the regulations on compulsory primary education for all children in good health between the ages of 7 and 14, out of a total of 963,647 children (168,039 from urban districts and 795,608 from rural districts) under 14 years of age for whom primary education is compulsory, 67,309 (3,566 from urban districts and 63,743 from rural districts) failed to attend school during the school year 1936-37 owing to: (1) distance; (2) the material conditions of the

parents, who were obliged to keep their children at home to assist them; (3) negligence of parents. Proceedings regarding all such contraventions of the Act on primary education were instituted by the communal school authorities. 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 its provisions.

Chile. — The reports of the inspection services state that the provisions of the national legislation concerning the age of admission of children in agricultural work is applied more or less satisfactorily. No statistics, however, are 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 1936, which will be forwarded to the International Labour Office as soon as it has been published.

Dominican Republic. — The report does not refer to this point.

Estonia. — During 1936, the inspection services reported 19 cases of infringement of the legal provisions concerning the age for admission of children to employment in agriculture; 18 cases gave rise merely to a warning, and in one case 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 report states that during the period covered by the report no cases of infringement of the legislation in question were reported. The Government possesses no available statistical information regarding the number of children employed in the conditions laid down by the Convention and has not received any observations from employers' or workers' organisations, with regard to the practical application of the Convention and of the legislation which implements it.

Ireland. — 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 40.7 % 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 0.4 % for children between 6 and 12 years of age and 1.1 % 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.

Japan. — The report states that the expenses incurred by the measures taken to provide meals at school amounted to 440,000 yen for 1937 (513,333 yen for 1932, 880,000 yen for 1933 and 1934, 826,549 yen for 1935 and 660,000 yen for 1936.

Luxembourg. — 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.

Rumania. — The report states that the relevant legislation are strictly applied.

Spain. — The report states that 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)*, introductory note.

Uruguay. — See introductory note.

11. Convention concerning the rights of association and combination of agricultural workers.

This Convention came into force on 11 May 1923. The following table shows the States Members which had ratified the Convention unconditionally before 1 July 1937 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 1936—30 September 1937 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	26. 5.1936	21. 4.1938
Austria	12. 6.1924	8.11.1937
Belgium	19. 7.1926	2*.10.1937
Bulgaria	6. 3.1925	27.11.1937
Chile	15. 9.1925	5. 1.1938
China	27. 4.1934	23. 2.1938
Colombia	20. 6.1933	16. 3.1938
Cuba	22. 8.1935	7. 1.1938
Czechoslovakia . .	31. 8.1923	6.12.1937
Denmark	20. 6.1930	9.12.1937
Estonia	8. 9.1922	22.10.1937
Finland	19. 6.1923	6.11.1937
France	23. 3.1929	23.12.1937
Great Britain . . .	6. 8.1923	17.11.1937
India	11. 5.1923	22.12.1937
Ireland	17. 6.1924	12.11.1937
Italy	8. 9.1924	
Latvia	9. 9.1924	11.12.1937
Luxemburg	16. 4.1928	17. 1.1938
Mexico	20. 5.1937	24.11.1937
Netherlands	20. 8.1926	1.10.1937
Nicaragua	12. 4.1934	
Norway	11. 6.1929	16.10.1937
Poland	21. 6.1924	17.11.1937
Rumania	10.11.1930	11. 4.1938
Spain	29. 8.1932	30. 3.1938
Sweden	27.11.1923	17.11.1937
Uruguay	6. 6.1933	30.11.1937
Yugoslavia	30. 9.1929	18.11.1937
* * *	* * *	* * *
Burma ¹	11. 5.1923	29.11.1937

For the general information supplied by the Government of *Colombia* in its letter of 28 February 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

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

¹ See introduction to the present volume, p. 4.

provision on the right to combine for trade purposes, but this right has never been disputed in practice and may therefore be considered to exist as an unwritten law." As regards the legal position the report refers to the volume entitled *Freedom of Association*¹ and adds that since this volume appeared no alteration has been made in the law.

For the general information supplied by the Government of *Spain* in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Sweden* states in its report that no legal restrictions exist in Sweden preventing the engagement by agricultural workers of the immemorial right secured to all Swedish citizens to combine for any legitimate purpose whatsoever.

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.

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.

Various Acts passed by the federated provinces.

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

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 amended by the Act of 21 May 1937.

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, amended by Decree No. 3310 of 26 December 1933 (L. S. 1933, Cuba 2 A and B) and by Legislative Decree No. 3 of 6 February 1934, to issue provisional regulations respecting strikes (L. S. 1934, Cub. 2 A).

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.

Chapter I, Book III of the Labour Code (L. S. 1927, Fr. 3).

Act of 25 May 1864 amending Articles 414, 415 and 416 of the Criminal Code.

§ 1 of the Act of 21 March 1884, respecting associations to repeal § 416 of the Criminal Code.

Great Britain.

See under ARTICLE 1.

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

India.

Indian Trade Unions Act, 1926 (L. S. 1926, Ind. 1) and previous legislation.

Ireland.

Trade Union Acts, 1871-1917.

Latvia.

Act of 18 July 1923 respecting associations, federations and political organisations (L. S. 1923, Lat. 1), amended by the Act of 12 June 1934 concerning the closing down, dissolution and registration of associations, federations and political organisations during the period of national emergency, and the additions to the Act of 25 July and 27 November 1934.

Luxembourg.

Constitution of the Grand Duchy of Luxembourg of 17 October 1868.
Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).
Act of 11 May 1936 to guarantee freedom of association.

Mexico.

Political Constitution of May 1937.
Federal Labour Act of 18 August 1931 (L. S. 1931, Mex. 1).

Netherlands.

Constitution of the Netherlands (§ 9).
Act of 22 April 1855 regulating the exercise of the rights of association and combination.

Norway.

See introductory note.

Poland.

Constitution of the Republic of Poland of 17 March 1921 (L. S. 1921, Pol. 3).
Act of 1 August 1919 on the settlement of collective disputes between employers and workers in agriculture, amended by the Acts of 11 March 1921 (L. S. 1921, Pol. 2) and 25 February 1930 (L. S. 1930, Pol. 3), amended by the Presidential Decree of 25 September 1932.
Presidential Decree of 22 March 1928 concerning Labour Courts (L. S. 1928, Pol. 5).
Order of the President of the Republic of 27 October 1932 to promulgate the law relating to associations (L. S. 1932, Pol. 5).
Various laws and decrees in force in the Provinces of Poland.

Rumania.

Act of 26 May 1921 respecting trade unions (L. S. 1921 Rum. 1) amended by Act of 26 February 1924 respecting bodies corporate (L. S. 1927, Rum. 3 B).
Rumanian Constitution of 27 February 1938 (§§ 10 and 26).

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 introductory note.

Uruguay.

Constitution of the Republic, 1934 (§§ 38 and 56).

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.

* * *

Burma.

(Report of the Government of Burma for the period 1 April-30 September 1937 communicated through the Government of the United Kingdom.)

See under *Convention No. 1 (Hours of work, industry)*, point I.

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.

China. — The report states that under the Act of 21 May 1937 which amends the Act of 30 December 1930 relating to agricultural associations, all classes of lessees and agricultural employees engaged for a term of one year or more are eligible for membership of agricultural associations.

Great Britain. — No legislation was necessary to give effect to the Convention, existing legislation already permitting for

all those engaged in agricultural the same rights of association and combination as are enjoyed by industrial workers.

Mexico. — The report states that freedom of association for agricultural workers, as for other workers, is guaranteed under § 123 (Chapter 16) of the Constitution, according to which workers as well as employers possess the right of association in order to defend their own interests by forming trade unions, occupational associations, etc. The report adds that no distinction is made between industry and agriculture in this matter, and that § 123 of the Constitution deals with labour contracts in general. The type of association which is most prevalent in Mexico is described in §§ 232 and 234 of the Federal Act, namely that of the trade union. In virtue of the above-mentioned articles and of § 234 of the Act, freedom of association has existed under Mexican legislation for a long time.

Rumania. — The report states that the legal situation has not been changed and that the new Constitution maintains the right of association. § 10 of the new Constitution lays down that all Rumanians shall have freedom of thought, the right to work, the right to education, freedom of the press and freedom of combination and association subject to the conditions to be laid down by law. Under § 26 of the Constitution all Rumanian citizens shall enjoy the right of association within the limits of the law. The report states that this right of association does not imply the right to form bodies corporate. The conditions under which a legal status can be given to associations will be fixed eventually by law.

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 provisions of the Convention are applicable *de facto* in Morocco although not *de jure*. A Dahir dated 24 December 1936 authorises the establishment in the French zone of trade unions and trade associations for the exclusive purpose of the study and defence of the economic, industrial, commercial and agricultural interests of the members. Such unions or associations, however, are confined to Europeans who have for at least one year followed the same occupation in similar trades or complementary occupations in connection with the production of particular goods.

The provisions of the Convention are also applied *de facto* in *Tunis*, where local legislation is in almost complete harmony with French legislation.

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.

Mexico. — The report states that the following are entrusted with the application of the existing legislation : the Federal Labour Department, the Department of the Federal District, the local and Federal boards of conciliation and arbitration and the inspection and public aid services established by law. Moreover, rural school teachers are considered as honorary labour inspectors. In order to be lawfully established, a trade union must consist of at least twenty workers and be registered with the competent conciliation and arbitration board, or, in cases falling within federal jurisdiction, with the Federal Labour Department. When all the legislative provisions have been complied with the trade union acquires legal personality. It should furnish all the necessary information as to its activities whenever required to do so by the labour authorities.

V.

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

Mexico. — The report states that the legal questions which have arisen in connection with trade unions are specially concerned with the corporate entity of the trade union to enter into collective agreements. Although the tendency to form trade unions by industries is encouraged, the law provides that a factory trade union which includes a majority of the workers of the factory is given the right to enter into a collective agreement. It is in this sense that recently the Supreme Federal Court gave a ruling in a trade union dispute in the case of the factory of Cocolapan.

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.

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 contain any fresh information on this point.

Austria. — The report states that neither employers' nor workers' associations have communicated to the Government any observations with regard to the practical application of the Convention.

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

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. — A statement issued by the Department of Associations of the General Labour Inspection Service, appended to the report, shows that in September 1937 there were 905 agricultural trade unions with a total of 704 members. The report states 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. — The report states that no observations have been received from the organisations of employers or workers concerned. The Government adds that with regard to the question whether agricultural workers in China were entitled to form trade unions under the same conditions as industrial workers, the judicial Yuan has not yet given its interpretation.

Colombia. — The Government states that during the year 1937 a number of trade unions of agricultural workers were granted incorporation under the Trade Union Act No. 83 of 1931.

Cuba. — The Government states that the workers' and employers' organisations have not made any observations with regard 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 1936, which will be sent to the International Labour Office as soon as it has been published.

Denmark. — The report states that 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 Government 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 Government adds that the Estonian Trade Union of Agricultural Workers has made a "representation" to the International Labour Office alleging the restrictions of its rights of association, and points out

that the trade union in question neglected its proper functions, namely, the protection of the economic and moral interests of its members, and devoted itself entirely to political activities. In view of the fact that such activities involve certain dangers for the safety of the State, the competent authorities, acting under the powers given them in virtue of the declaration of a state of emergency in the capital, were obliged to take the necessary measures to put an end to these activities and to suspend temporarily the working of the branches of the trade union.

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 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.

Ireland. — No general observations. No observations have been received from employers' or workers' organisations.

Latvia. — The Government is not aware of any difficulty arising out of the application of the Convention. The Ministry of Social and Public Affairs has not received any observations from employers' or workers' organisations with regard to the practical application of the provisions of the Convention.

Luxemburg. — The report states that 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.

Mexico. — The enforcement of legislation has given rise to contradictory interpretations, as shown by the decision of the Supreme Federal Court on the case of Cocolapan. As the result of Mexico's experience with trade union organisa-

tions certain amendments to the Federal Labour Act are being studied, and will shortly be submitted to Congress. On 30 June 1937 there were 922 Federal trade unions with a membership of 309,829, 51 Federal employers' organisations with a membership of 936, 3,787 local trade unions with 302,358 members, and 201 local employers' organisations with a membership of 6,551.

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 adds 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.

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

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 its enforcement has been received from the occupational organisations.

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 1937, 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 1936-30 September 1937 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	26. 5.1936	21. 4.1938
Belgium	26.10.1932	27.10.1937
Bulgaria	6. 3.1925	27.11.1937
Chile	15. 9.1925	5. 1.1938
Colombia	20. 6.1933	16. 3.1938
Cuba	22. 8.1935	2. 3.1938
Denmark	26. 2.1923	9.12.1937
Estonia	8. 9.1922	22.10.1937
France	4. 4.1928	17. 1.1938
Great Britain . . .	6. 8.1923	17.11.1937
Ireland	17. 6.1924	12.11.1937
Italy.	1. 9.1930	
Latvia	29.11.1929	11.12.1937
Luxemburg	16. 4.1928	17. 1.1938
Netherlands	20. 8.1926	1.10.1937
Nicaragua.	12. 4.1934	
Poland	21. 6.1924	17.11.1937
Spain	1.10.1931	
Sweden	27.11.1923	17.11.1937
Uruguay	6. 6.1933	30.11.1937

The Government of the *Argentine Republic* refers to its report for last year in which it stated 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 stationery machinery.

The Government of *Colombia* stated in its reports for previous years that it had submitted to Congress a draft Labour Code embodying the fundamental principles of this Convention. The complex nature of the work with the preparatory study involved, has however held up the discussion of these problems, and so far the Convention had not been put into force. The Government states in its report for this year that the situation has not changed and adds that the question of extending the scope of Act No. 57 of 1915 concerning workers' compensation for industrial accidents, to agricultural workers is being examined. For the general information supplied by the Government in its letter

of 28 February 1938 see under Convention No. 1 (*Hours of work, industry*) introductory note.

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

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 1936-1937, the Government states that the situation remains unchanged.

The report of the Government of *Spain* has not yet been received. For the general information supplied by the Government in its letter of 12 March 1938, 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), as amended subsequently.

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 of 6 May, No. 1653 of 27 June 1936, No. 3103 of 11 November 1936 and No. 37 of 31 December 1937.

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 occupiers of undertakings 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.
 The Adoption of Children (Workmen's Compensation) Act, 1934.
 The Adoption of Children (Workmen's Compensation) Act (Northern Ireland) 1934.

Ireland.

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

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.

- 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).

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), 14 June 1933 (L. S. 1933, Swe. 1), 26 June 1936 (L. S. 1936, Swe. 5) and 11 June 1937.

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 :

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

Denmark. — Under § 70 of the Act of 20 May 1933, wage-earning employees engaged in agricultural undertakings are covered by compulsory accident insurance under the same conditions as those for wage-earning employees in other branches of economic activity.

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. — By Order of 12 October 1936 of the Governor-General of Indo-China the date of coming into force of the Decree of 9 September 1934 concerning workmen's compensation for Europeans and persons assimilated to Europeans has been fixed for 1 January 1937. The application of the Decree, however, to aliens entitled to benefit thereunder has had to be deferred by reason of local conditions. These do not at present permit the institution of a system of lump sum payments which is now being studied. A Decree of 30 December 1936 to regulate the conditions of work of the Natives of

Indo-China and persons assimilated to Natives provides in Chapter VII for the extension to these classes of the benefits of workmen's compensation legislation, till then reserved by the Decree of 9 September 1934 to Europeans and persons assimilated to Europeans. Provision is made in the Decrees cited for workmen's compensation in agriculture. A Decree of 6 April 1937 to regulate conditions of work in *French India* provides in Chapter XII that "accidents occurring through employment or during employment to workers or employees employed in any branch of industry or commerce or in any agricultural undertaking shall entitle the victim or his heirs to compensation at the employer's expense if work is interrupted for a longer period than four days."

Great Britain. — In the *Bechuanaland Protectorate* workmen's compensation is provided under Proclamation No. 28 of 1936. Under this legislation the High Commissioner is empowered to apply the Proclamation to any employment. It is, however, considered that mining is the only occupation to which the application of such legislation is at present desirable. The question of the enactment of similar legislation in *Swaziland* is under consideration.

Netherlands. — In *Curaçao* the Ordinance of 18 June 1936 "to proclaim the liability of employers for compensation to workers in certain industries who meet with industrial accidents or contract occupational diseases, and the right of the said workers to such compensation" (L. S. 1936, Cur. 1) was promulgated in the *Publicatieblad* No. 54 of 1937. The industries enumerated do not include agriculture but include industries in which at least one power engine is used (§ 5 (a)).

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.

Latvia. — The supervision of the application of the provisions of the Convention is ensured by the Labour Protection Department of the Ministry of Social and Public Affairs and by the Industrial Accident Insurance Department of the Ministry of Social Welfare.

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 judicial and administrative decisions applying the principle of the Convention are constantly being given. Copies of six judicial decisions awarding compensation to agricultural workers are appended to the report.

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 point.

Belgium. — The report states that the application of the Convention continues in a normal way. General information for the period under review is contained only in the three-yearly report which is in course of preparation. No special information can be supplied regarding the manner in which the Convention is applied.

Bulgaria. — No observations have been received from employers' or workers' organisations with regard to the practical application of the Convention or of the legislation which gives effect to it.

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 400,983. No observations have been made by the employers' and workers' organisations concerned.

Colombia. — See introductory note.

Cuba. — See under *Convention No. 17 (Workmen's compensation, accidents)*, point VI. No observations have been made by the employer's and workers' organisations with regard to the practical application of the Convention.

Denmark. — The report states that 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 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.

Ireland. — The report states that in 1936 the number of fatal accidents in agriculture was 12; the total compensation paid for these accidents amounted to £2,406 (an average of £200. 10s. 0d. per case). The number of non-fatal cases compensated was 3,069 (192 of which were continued from previous years); the total amount of compensation paid for all these cases was £49,231 (an average of £16. 0s. 0d. per case). No observations have been received from the organisations of employers or workers.

Latvia. — The Industrial Accident Insurance Department of the Ministry of Public and Social Affairs registered 16,829 accidents in agriculture during the year 1936.

Luxemburg. — The report of the Accident Insurance Association for 1936, in the section relating to agriculture and forestry, gives detailed information respecting the causes of accidents and injuries caused thereby. It states that 2,467 accidents were notified and that compensation was paid in 2,177 cases. Death resulted

in 25 cases. The number of permanent pensions at the end of 1936 was 927.

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 1935. 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, in connection with the insurance administered by occupational organisations, according to the statement of the Supervisory Council for the year 1936, the number of accidents reported by nearly all these organisations has continued to increase in spite of the various preventive measures recommended to the members, such as measures for the protection of machines, for the examination of ladders, etc. The total amount of wages paid to workers insured with occupational organisations was in 1936 117,500,000 florins. As regards workers insured with the State Insurance Bank the total amount of wages paid to them in 1935 was 13,851,973 florins. The number of accidents which occurred in 1935 and which gave rise to compensation was 2,851. In 334 cases the right to medical or surgical treatment was given. In 2,321 cases the incapacity to work lasted for a period of more than 2 and less than 43 days: in 165 cases it lasted for more than 42 days. Death resulted in 5 cases. On 1 July 1936 26 cases had not yet been definitely decided. 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.

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

13. Convention concerning the use of white lead in painting.

This Convention came into force on 31 August 1923. The following table shows the States Members which had ratified the Convention unconditionally before 1 July 1937, 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 1936-30 September 1937 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	26. 5.1936	21. 4.1938
Austria	12. 6.1924	8.11.1937
Belgium	19. 7.1926	27.10.1937
Bulgaria	6. 3.1925	27.11.1937
Chile	15. 9.1925	5. 1.1938
Colombia	20. 6.1933	16. 3.1938
Cuba	7. 7.1928	7. 1.1938
Czechoslovakia . .	31. 8.1923	6.12.1937
Estonia	8. 9.1922	22.10.1937
Finland	5. 4.1929	6.11.1937
France	19. 2.1926	8. 3.1938
Greece	22.12.1926	7. 3.1938
Latvia	9. 9.1924	11.12.1937
Luxemburg	16. 4.1928	17. 1.1938
Nicaragua.	12. 4.1934	
Norway	11. 6.1929	16.10.1937
Poland	21. 6.1924	17.11.1937
Rumania	4.12.1925	11. 4.1938
Spain	20. 6.1924	16. 3.1938
Sweden	27.11.1923	17.11.1937
Uruguay	6. 6.1933	30.11.1937
Venezuela	28. 4.1933	3. 1.1938
Yugoslavia	30. 9.1929	18.11.1937

In its report for last year the Government of the *Argentine Republic* stated 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. The Government added that regulations for the purpose of applying the Articles of the Convention by means of national legislation were under consideration. As regards the Provinces, which, in principle, are entitled to their own police control, the executive authorities would 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. The report pointed out that in Buenos Aires, which is the most important industrial centre of the country, municipal provisions prohibit the manufacture, sale and use of paint with a lead basis (Order of

30 December 1924). Finally, the Government states that §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. In its report for this year the Government states that it has nothing to add to the above statement.

The Government of *Chile* states in its report that owing to the fact that it has been obliged to devote its time to questions necessitating immediate attention, it has been unable to deal with the final drafting of the regulations respecting industrial hygiene and safety in which, according to § 246 of the Labour Code, are to be incorporated provisions regarding the use of white lead in painting.

The Government of *Colombia* refers to its previous reports in which it stated that there are no undertakings in Colombia engaged in the manufacture of pigments, that the pigments used are imported, and that the instructions given by the foreign importing firms are followed in the different operations in which the use of such pigments is required. It is known that such pigments are used without any admixture that would make them particularly dangerous. In these reports the Government added that in any case the National Health Department, the body competent to issue decisions on all questions relating to public health, was aware of the Convention and would certainly issue the necessary order in application of its provisions. For the general information supplied by the Government, in its letter of 28 February 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The *Greek* Government states that a Bill has been approved by the legislative authorities prohibiting the use of lead colours. This Bill, which will be published shortly deals with details regarding the application of the provisions of articles 2, 5 and 6 of the Convention. For the general information supplied by the Government in its letter of 1 March 1938, 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* in its letter of 12 March 1938, 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.

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. 13,599 of 20 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).

Order No. 13,600 of 20 September 1932 prohibiting the use of white lead and sulphate of lead in certain painting operations (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).

Act No. 6080 respecting the prohibition of certain organic colouring matters.

See also introductory note.

Latvia.

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

Instruction of 14 February 1936 issued in application of the Act respecting trade in white lead and the use of white lead in painting.

Instruction of 18 July 1936 concerning personal protection against lead poisoning.

Luxemburg.

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

Grand Ducal 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 respecting 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 (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.

Resolution dated 3 March 1937 to regulate the use and manipulation of lead and its derivatives with a view to reducing lead poisoning (L. S. 1937, Ur. 1).

Venezuela.

Labour Act of 16 July 1936 (L. S. 1936. Ven. 2).

Yugoslavia.

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

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).

See also, under *Convention No. 2 (Unemployment)*, point I, the information supplied by Yugoslavia.

II.

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

ARTICLE 1.

Each Member of the International Labour Organisation ratifying the present Convention undertakes to prohibit, with the exceptions provided for in Article 2, the use of white lead and sulphate of lead and of all products containing these pigments, in the internal painting of buildings, except where the use of white lead or sulphate of lead or products containing these pigments is considered necessary for railway stations or industrial establishments by the competent authority after consultation with the employers' and workers' organisations concerned.

It shall nevertheless be permissible to use white pigments containing a maximum of 2 per cent. of lead expressed in terms of metallic lead.

Please give a list of the cases (if any) where the use of white lead or sulphate of lead or products containing these pigments has been considered necessary by the competent authority after consultation with the employers' and workers' organisations concerned, stating what is the competent authority in your country for this purpose and what means have been adopted for the consultation of the employers' and workers' organisations concerned.

Uruguay. — § 1 of the Resolution of 3 March 1937 prohibits the use of white lead and sulphate of lead and of all products containing these pigments in the internal painting of buildings, except in decorative painting and in work connected with artistic painting or fine lining. For paint containing white pigment, a maximum of 2 per cent. of lead expressed in terms of metallic lead is allowed. The National Labour Institute can authorise painting operations where the use of the above-mentioned substances is considered necessary by its technical sections.

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.

Uruguay. — § 1 of the Resolution of 3 March 1937 prohibits the use of white lead and sulphate of lead and of all products containing these pigments in the internal painting of buildings, except in decorative painting and in work connected with artistic painting or fine lining. See also under ARTICLE 5.

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.

Uruguay. — § 1 (D) of the Resolution of 3 March 1937 lays down that the work of young persons (minors) engaged in painting work should be regulated by the provisions of Chapter XVII of the Children's Code.

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.

Uruguay. — The report states that the Resolution of 3 March 1937 has been in force since 3 May 1937.

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.

Uruguay. — § 2 of the Resolution of 3 March 1937 provides that the use of products containing white lead and other lead pigments shall be regulated by the precautionary measures prescribed by the Convention: use in the form of paste or of paint ready for use, special measures of protection for spray painting, measures to prevent danger arising from dust caused by dry rubbing-down and scraping, observance of the provisions for ensuring as far as possible the personal cleanliness of the workers (overalls, washing-stands, etc.). The officials of the Health Department are required to visit the workplaces and recommend the measures to be adopted. They are required to examine periodically each individual employed in these establishments. The Health Department shall distribute to the workers a notice recommending preventive measures to be adopted by each individual in order to avoid poisoning.

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.

Uruguay. — § 13 of the Resolution of 3 March 1937 provides that for contraventions of the relevant legislation, employers shall be liable to fines varying from 10 to 50 pesos. § 14 lays down that employers who set up painting workshops after 3 March 1937 shall submit their plans to the Ministry of Public Health, and may not commence work until they have requested the Department of Health to inspect their premises. This Department will furnish the necessary instructions regarding industrial hygiene,

ARTICLE 7.

Statistics with regard to lead poisoning among working painters shall be obtained :

(a) As to morbidity — by notification and certification of all cases of lead poisoning.

(b) As to mortality — by a method approved by the official statistical authority in each country.

Please give any statistics with regard to lead poisoning among working painters which may have been obtained, describing the statistical methods adopted.

Austria. — Statistics in regard to lead poisoning as well as to deaths from the sequelae of lead poisoning have been prepared by the Health Statistics Service of the Ministry of Social Administration. For the period 1 February 1936-30 September 1937 they are contained in an appendix to the report and show 10 cases of poisoning, none of which were fatal.

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 Decree of 28 December 1937 declares that the provisions of the Convention are applicable to all French colonies (other than Guadeloupe, Martinique and Réunion) and to the Territories of the Cameroons and Togoland under French Mandate. A previous Decree (1 July 1933) already extended the Convention to Guadeloupe, Martinique and Réunion.

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.

Uruguay. — The report states that the application of the relevant provisions devolves on the Minister of Public Health. Intervention of the National Institute of Labour is confined, in conformity with the provisions of Article 1, paragraphs A and C of the Resolution, to fixing by means of regulations the measures of protection to be taken, and to granting permits for work considered necessary by the Institute.

Venezuela. — See under *Convention No. 4 (Night Work (Women))*. — Changes in the inspection services and as regards the competence of the labour courts.

V.

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

The reports supplied do not mention any such decisions.

VI.

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

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

Argentine Republic. — See introductory note.

Austria. — The reports of the Factory Inspection Department for the year 1936, which have been forwarded to the International Labour Office, contain information as to the position in undertakings visited during the period under review (pp. 57, 85, 86). The report states that it is not possible to indicate the number of workers covered by the legislation relative to the use of white lead in painting or the number of infringements which have occurred. The Government has not received any observations as to the practical application of the provisions of the Convention from employers' or workers' organisations concerned.

Belgium. — According to the report of the Medical Inspection Service for the year 1936 2,908 authorisations were granted in accordance with the Act of 30 March 1926 relative to the use of white lead. The total quantity of white lead the manufacture of which was authorised amounted to 1,987,007 $\frac{1}{2}$ kgs., of which 1,741,882 $\frac{1}{2}$ kgs. was in the form of paste and 245,125 kgs. in the form of powder. 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 the Government has always considered it advisable to consult employers' and workers' organisations with regard to the provisions of Articles 3 and 6 of the Convention. So far no cases have been notified of the employment of young persons under 18 or women in industrial establishments in painting work involving the use of white lead, sulphate of lead and products containing these pigments.

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. The number of workers employed as painters is about 5000. According to information furnished by the inspection services, no infringement of the national legislation implementing the provisions of the Convention has occurred. 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.

Colombia. — See introductory note.

Cuba. — The Government states that no statistics available with regard to the application of the Convention. No observations on the practical fulfilment of the conditions of the Convention have been put forward by employers' or workers' organisations.

Czechoslovakia. — The report states that during 1933 to 1937 inclusive, there were seven cases of lead poisoning due to the use of white lead in painting in which compensation was granted.

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 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 no statistics are available with regard to the number of workers covered by the relevant legislation. The employers' and workers' organisations concerned have made no observations with respect to the application of the Convention or the national legislation.

France. — The report states that during 1936 only 2 cases of lead poisoning due to the use of white lead were reported among working painters in the building industry, as compared with 3 in 1935, 4 in 1934 and 3 in 1933. In 1936 one warning was issued and there was one case of proceedings regarding contraventions of the regulations prohibiting the use of lead compounds in the painting of buildings. 15 warnings were issued for infringements of the regulations regarding the use of lead compounds in painting work where their use is prohibited. The employers' and workers' organisations have made no observations regarding the application of the Convention or of the national legislation which implements it.

Greece. — The report states that no observations with regard to the application of the Convention have been submitted by employers' or workers' organisations.

Latvia. — The Government states in its report that, according to the Health Department of the Ministry of Social Welfare, there were 19 cases of lead poisoning among working painters in 1936 and 7 cases during the year 1937 (1 January-30 September). The practical application of the Convention has given rise to no difficulty.

Luxembourg. — The Government refers to the report of the Accident Insurance Association (Industrial Section, Statement for 1936) which mentions notification of two cases of lead poisoning, one of which was accorded compensation. The Government has not received any observations from the employers' or workers' organisations concerned with regard to the application of the national legislation which implements the provisions of the Convention.

Norway. — 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 1936 states that there were no cases of poisoning due to the use of white lead during the year under review.

Rumania. — The Government 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 1935 to 31 March 1936 was 24, distributed as follows: surface mining, 1; underground mining, 3; woodworking, 2; building, 2; textiles and ready-made clothing, 2; foodstuffs, 2; chemical products, 2; credit and insurance undertakings, 1; commercial undertakings, 5; unspecified, 4.

According to the figures issued by the Central Statistical Institute the number of deaths in 1936 due to poisonings was as follows: (a) by alcohol, 422; (b) chronic poisoning by organic substances other than alcohol, 1; (c) chronic poisoning by mineral substances, 3; or a total of 426.

Spain. — The report states that no observations have been received from employers' or workers' organisations in regard to the practical application of the Convention or of the legislation implementing it. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

Uruguay. — The report states that in view of the fact that the provisions in question were enacted only recently, it is not yet possible to supply information under this heading.

Venezuela. — The report points out that the Labour Act lays down the necessary principles regarding the practical application of the Convention. The Federal Government, in co-operation with the National Labour Office, is preparing draft regulations applying the Act. These regulations will be published shortly. The only observation on the proposed draft was made by three petroleum companies which asked that a definition should be included of the processes and the amount of lead in the materials used which might be regarded as dangerous. The technical experts of the National Labour Office put forward substantial reasons to show that this request was not justified. No statistics are at present available regarding the number of workers covered by the legislation applying the Convention or the number and nature of contraventions reported. The National Labour Office, however, intends to take the necessary steps to have such statistics compiled at an early date, and the Government states that it will not fail to supply them in future reports.

Yugoslavia. — The report states that the labour inspectors have not reported any cases of infringement of the legal provisions in force.

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 1937, 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 1936-30 September 1937 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	26. 5.1936	21. 4.1938
Belgium	19. 7.1926	27.10.1937
Bulgaria	6. 3.1925	27.11.1937
Canada	21. 3.1935	1. 2.1938
Chile	15. 9.1925	5. 1.1938
China	17. 5.1934	23. 2.1938
Colombia	20. 6.1933	16. 3.1938
Czechoslovakia . .	31. 8.1923	6.12.1937
Denmark	30. 8.1935	9.12.1937
Estonia	29.11.1923	22.10.1937
Finland	19. 6.1923	6.11.1937
France	3. 9.1926	23.12.1937
Greece	11. 5.1929	7. 3.1938
India	11. 5.1923	22.12.1937
Ireland	22. 7.1930	19. 1.1938
Italy	8. 9.1924	
Latvia	9. 9.1924	11.12.1937
Lithuania	19. 6.1931	18. 1.1938
Luxemburg	16. 4.1928	17. 1.1938
Nicaragua	12. 4.1934	
Poland	21. 6.1924	17.11.1937
Portugal	3. 7.1928	23.11.1937
Rumania	18. 8.1923	11. 4.1938
Spain	20. 6.1924	16. 3.1938
Sweden	22.12.1931	17.11.1937
Switzerland	16. 1.1935	1.11.1937
Uruguay	6. 6.1933	30.11.1937
Yugoslavia	1. 4.1927	18.11.1937
* * *	* * *	* * *
Burma ¹	11. 5.1923	29.11.1937

¹ See the introduction to the present volume, p. 4.

By a communication dated 8 January 1938 the Government of *Canada* has supplied certain information relating *inter-alia* to the present Convention. For the text of this communication see under *Convention No. 1 (Hours of Work, industry)*, introductory note.

For the general information supplied by the Government of *Colombia* in its letter of 28 February 1938, see under *Convention No. 1 (hours of work, industry)*, introductory note.

For the general information supplied by the Government of *Greece* in its letter of 1 March 1938, see under *Convention No. 1 (Hours of Work, industry)*, introductory note.

The report of the Government of *Italy* 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* in its letter of 12 March 1938, 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.

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, No. 79,276 of 27 March 1936 and No. 104,911 of 5 May 1937.

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 under *Convention No. 1 (Hours of Work, industry)*, 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.

Decree of 23 September 1937 concerning exceptions to the Sunday rest in cardboard and paper factories.

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) as amended by the Legislative Decree of 17 June 1936.
- 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 1 June 1923 bringing the Convention into force in Finland.
- Decision of the Council of Ministers of 17 December 1936 concerning certain exceptions to the provisions of the Act of 27 November 1917 respecting the eight-hour working day.
- Decision of the Council of Ministers of 17 December 1936 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.
- Act No. 199/1936 concerning the weekly rest of taxi-drivers.
- Various Decrees and orders in application of the Act 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.

Ireland.

- Conditions of Employment Act, 1936 (L. S. 1936, I.F.S. 1).
- Road Traffic Act, 1933 (L. S. 1933, I. F. S. 4).

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 21 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).
- Act of 31 October 1919 concerning contract of service of private employees (L. S. 1920, Lux. 2-4), as amended by the Act of 7 June 1937.
- 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).

Order of the Minister of 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.

Act of 28 April 1936 concerning the Superior Economic Council and occupational Chambers.

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.

Order of the aforesaid Department of 11 June 1937 concerning the weekly staff rest of employed by owners of house-drawn vehicles and other persons utilising horses.

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.

* * *

Burma.

(Report of the Government of Burma for the period 1 April-30 September 1937 communicated through the Government of the United Kingdom.)

See under *Convention No. 1 (Hours of work, industry)*, point I.

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.

The reports supplied do not contain any fresh information on this point.

ARTICLE 2.

The whole of the staff employed in any industrial undertaking, public or private, or in any branch thereof shall, except as otherwise provided for by the following Articles, enjoy in every period of seven days a period of rest comprising at least twenty-four consecutive hours.

This period of rest shall, wherever possible, be granted simultaneously to the whole of the staff of each undertaking.

It shall, wherever possible, be fixed so as to coincide with the traditions or customs of the country or district.

Colombia. — The report states that § 5 of Resolution No. 34 of 1937 regulates the weekly rest in gold, silver and platinum mines.

Estonia. — The report states that the Legislative Decree of 17 June 1938 amending § 3 of the Act of 17 December 1925 concerning the application of the weekly rest in industrial undertakings, provides that employees in printing-works concerned with the publication of daily newspapers shall be free from work on Sundays and on statutory public holidays for a minimum period of 24 consecutive hours.

Greece. — § 2 (3) of Act No. 199/1936 extends the provisions of the weekly rest to drivers of taxis other than owners. The Government refers to its letter of 17 May 1937 addressed to the International

Labour Office concerning the weekly rest in continuous undertakings. In this letter the Government stated that, under § 7 of the Decree of 27 June 1932 and Circular No. 15552 which regulates work in shifts and weekly rest in such undertakings, the weekly rest shall fall on Sunday every three weeks.

Luxemburg. — The report states that the Act of 7 June 1937 respecting the contract of service of private employees, which applies to industrial establishments also, extends under § 9 the period of weekly rest from 38 hours to 43 hours.

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.

The reports supplied do not contain any fresh information on this point.

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.

The reports supplied do not contain any fresh information on this point.

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.

China. — The report states that the exception laid down in § 19 of the Act of 30 December 1932 in the case of persons engaged in work of a military nature or in the public service has obviously been provided for in the public interest. As the type of work specified in this section of the Act cannot be interrupted, especially in times of emergency, the Act of 30 De-

cember 1932 neither prescribes nor prohibits a compensatory period of rest but leaves it to the discretion of the competent authority. If no such compensatory rest is given, wages for work done during the rest day suspended shall, under § 23 of the Act, be paid at the rate of one and one-third times to one and two-thirds times the ordinary hourly rate of wages.

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.

Chile. — ...

Second category: ... The Decree of 23 September 1937 amends the Decree of 16 January 1938 and lays down the following exceptions regarding the weekly rest and public holidays in paper and cardboard factories (paragraph 2): (a) preparation of cellulose and other connected processes: thermo-electrical services and the preparation of chlorine; (b) manufacture of paper in its three stages: mixing of cellulose and water, desiccation and heating, and cutting of paper. The report states that this decision was taken after consultation with the employers' and workers' organisations concerned.

Denmark. — A list of exemptions granted under § 26 of the Act of 29 April 1913 during the period 1 October 1936-30 September 1937, is appended to the report.

Ireland. — The Government appends to its report a list showing cases in which the weekly rest can be taken on a day other than Sunday and cases in which, after consultation with the employers' and workers' associations concerned, total exemption from the obligation to grant a weekly rest has been granted.

Switzerland. — The Order of the Federal Department of Public Economy of 11 June 1937 concerning the weekly rest of staff employed by owners of horse-drawn vehicles and other persons utilising horses, provides for a temporary exemption from its provisions in case of an unforeseen event. The cantonal authority may grant a total exemption if necessary.

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.

Greece. — The report states that notices are posted conspicuously in establishments working continuously. Before they are put up, these notices are countersigned and stamped by the labour inspectorate.

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 report states that there is every reason to believe that legislation concerning weekly rest will be adopted in the French colonies within a short interval. Reference is made to the Decree of 30 December 1936 for *Indo China*, the Decree of 23 May 1936 for *French India*, and the Decree of 18 September 1936 for *French West Africa*.

IV.

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

China. — Under § 2 of the Act of 30 December 1932 the competent authorities responsible for the administration of the Act are the municipal authorities in municipalities and the district authorities in districts. They are under the supervision of the Ministry of Industry and its Department of Labour. Matters relating to factory inspection are handled by the factory inspectors appointed by the Central Factory Inspection Administration. § 4, paragraph 3 of the revised Factory Inspection Act of 16 April 1935 provides that factories shall be inspected in respect of, *inter alia*, the provisions regarding rest days and public holidays of employees as laid down in Chapter IV of the Factory Act and other labour laws.

Latvia. — The report states that the supervision of the application of the Convention is entrusted to the Labour Protection Department of the Ministry of Social and Public Affairs.

Rumania. — § 209 of the Act concerning the Superior Economic Council and the organisation of occupational chambers lays down that the functions assigned to chambers of labour under §§ 4, 6, 8, 9, 11, 20, 21 and 22 of the Act regulating the suspension of work on Sundays and statutory public holidays shall be taken over by joint boards of employers and wage-earners. Each board shall be composed of four representatives of the employers and four of the workers and shall be attached to the labour inspectorate. The labour inspector of the district concerned shall be the chairman of the board.

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 report states that almost all the judicial awards and administrative decisions relating to weekly rest have no direct bearing on the Convention as they relate to the application of weekly rest in commercial establishments. Copies of 18 of these awards are appended to the report.

Colombia. — The report states that the National Department of Labour gave decisions on 4, and 24 November and 21 December 1936, 25 January and 5 March 1937.

Lithuania. — Copies of three decisions concerning infringements of the legislation are appended to the report.

Switzerland. — During the period under review 170 judgments were given concerning breaches of the Federal legislation respecting weekly rest. In one case the judgment was an acquittal, in another a warning was given. In all the other cases the penalty inflicted was a fine. Of the 168 convictions, 48 were pronounced by the judicial authorities and 120 by the administrative authorities. In two cases the convictions were in respect of master-bakers. Most of the remaining sentences concerned the proprietors of hotels, restaurants and cafés. The report adds that in two cases fines were inflicted for infringements of the provisions of the Order concerning professional drivers of motor vehicles. The Federal Court gave a decision on five appeals against the application of the Factories Act to certain undertakings. (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, 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 period under review the National Department of Labour recorded 1,499 breaches of the Acts on weekly rest in the federal capital; the fines inflicted in respect of these breaches amounted to 97,590 paper 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 85 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 210. 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.

Chile. — The report states that the weekly rest is satisfactorily observed in industrial undertakings and that the factory inspectors pay strict attention to prevent breaches of the relevant legislation. The number of wage-earning and salaried employees covered by the legislation regarding weekly rest is approximately 1,500,000, only 321,051 of whom are employed in industrial undertakings (27,676 salaried employees and 293,375 workers). The number of visits made by inspectors in industrial and commercial undertakings was 3,398. The number of cases of infringement notified was 1,113, 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 report does not contain any fresh information on this point.

Czechoslovakia. — The report states that information concerning the supervision of the application of the Convention during 1936 will be found in the labour inspection report for 1936, which will be transmitted to the International Labour Office as soon as it has been published.

Denmark. — The number of cases of infringement of § 26 of the Factories Act during the year 1936 was 11, and the number of undertakings covered by the relevant legislation in 1936 was 9,093,

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 1936 the number of workers protected by the Act was 67,953. During that year the factory inspectors received 8 complaints of non-observance of the Act. In their reports they noted 95 cases of contravention of the legal provisions, of which 55 were the subject of a warning and 40 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, owing to the absence of any statistics, it is impossible to supply the information required under this heading.

France. — The Government states that it has no observations to make regarding the manner in which the Convention is applied. 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 report states that the Factory Inspection services, 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, during the period under review, they granted 2,864 permits for Sunday work in the first and second districts of Athens covering 40,373 workers of whom 38,909 were men and 1,464 women. From the reports of the labour inspectors it may be concluded that the weekly rest is observed and that there are very few cases of contravention. 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. — 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.

Ireland. — Normally, the weekly rest period in Ireland is from 1 p.m. on Saturday to 8 a.m. or 9 a.m. on Monday, and the position in regard to weekly rest is so well-established that the act of ratification

may be regarded as the re-affirmation of a recognised principle. With few exceptions a weekly rest of 24 consecutive hours is customary and although provision is not made for compensatory rest for the interruption in the weekly rest period allowed under § 49(2) in respect of adult male workers, advantage is in practice taken of this provision to a very limited extent in exceptional circumstances only, namely, to deal with urgent work which could not remain unattended to for the period from 1 p.m. on Saturday until the usual starting time on Monday morning. No observations regarding the working of this Convention have been received from organisations of employers or workers.

Latvia. — The report states that no difficulty was encountered with regard to the practical application of the Convention or of the legislation which implements it.

Lithuania. — The report states that the number of industrial workers protected by the legislation is 25,470. No observations have been received from employers' or workers' organisations.

Luxembourg. — During the period under review the labour inspection service did not report any cases of infringement. The report states that the Government has consulted the employers' and workers' organisations concerned with a view to removing certain difficulties encountered in the application of the legislation implementing the Convention.

Poland. — The report supplies certain details which are contained in the Annual Report on Labour Inspection in Poland in 1936, and according to which the number of workers protected by the legislation on 31 December 1936 was 995,253 persons, employed in 34,570 industrial establishments registered by the labour inspectorate and subject to its supervision (not including 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: 755,379 men, 210,836 women, 23,345 boys, and 5,693 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 report states that, as may be seen from the statistical tables published in the Bulletin of the National Institute of Labour, exemptions from the provisions of the legislation concerning weekly rest are granted reluctantly by the competent authorities and only in cases of *force majeure*. The application of Portuguese legislation on the weekly rest has not given rise to any complaints from the parties concerned.

Rumania. — The report states that the provisions of the Act are strictly applied in all industrial undertakings. During the year 1937 the labour inspectors instituted 4,558 proceedings against infringements and authorised 541 exemptions from the provisions of the Act concerning weekly rest including 109 in industry. Of the total number of exemptions authorised in 1937 the inspectors withdrew 227.

Spain. — The report states that during the past year no observations have been received from the organisations of employers and workers concerned regarding the practical application of the provisions of the Convention or of the national legislation implementing it. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

Sweden. — The Government declares that in a general way the Convention is satisfactorily applied in Sweden. This opinion is confirmed by the fact that the industrial organisations concerned have made no complaints with respect to its application.

Switzerland. — The report states 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 concerning motor drivers. The report adds that as owners of factories and transport undertakings have been subject for more than ten years to the obligation to give weekly rest to their staff, they are familiar with the legislation; whereas the Order concerning motor drivers has only been recently introduced and some time is therefore necessary before they can become accustomed to it. All the cantons have now issued the necessary provisions for the application of the Federal Act respecting weekly rest. According to the reports of the federal factory inspectors for the year 1936 the total number of workers covered by the Factory Act was 312,698. A general census of factories for the purpose of drawing up fresh Federal statistics, was taken on 16 September the results of which are not yet known. The report in question also gives 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. The cantons have

submitted their first reports on the applications of the Federal Act concerning weekly rest for the period 1st September 1934-30 December 1936. According to these reports it would appear that in a number of cantons weekly rest had already been secured for all undertakings with the exception perhaps of hotels, restaurants, and drinking places, either by cantonal laws or by agreement and usage. The cantonal provisions regarding the closing of shops were indirectly responsible for this result. During the period covered by the cantonal reports the application of the Federal Act was in its initial stages; the cantons were above all concerned in defining the scope of application of the Act. 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 report states that in 1936 the number of inspections made was 50,810. The number of cases of infringement of the legislation concerning weekly rest was 571 and the amount of fines inflicted was 7,540 pesos. The corresponding figures for the period January-June 1937 were: 26,874; 390; and 4,643 pesos.

Yugoslavia. — According to the report of the central labour inspectorate, the labour inspectors visited 3,459 undertakings during 1936. The number of workers employed in these undertakings was 123,085, of which 90,851 were men and 32,234 were women.

The labour inspectors imposed (under §§ 12-15 of the Workers' Protection Act which applies the Convention) fines in 163 cases.

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 1937, 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

1936 - 30 September 1937 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	26. 5.1936	21. 4.1938
Australia	28. 6.1935	6.11.1937
Belgium	19. 7.1926	27.10.1937
Bulgaria	6. 3.1925	27.11.1937
Canada	31. 3.1926	1. 2.1938
Chile	18.10.1935	5. 1.1938
Colombia	20. 6.1933	16. 3.1938
Cuba	7. 7.1928	7. 1.1938
Denmark	12. 5.1924	9.12.1937
Estonia	8. 9.1922	22.10.1937
Finland	10.10.1925	6.11.1937
France	16. 1.1928	23.12.1937
Great Britain . . .	8. 3.1926	17.11.1937
Greece	14. 6.1930	7. 3.1938
Hungary	1. 3.1928	27. 4.1938
India	20.11.1922	22.12.1937
Ireland	5. 7.1930	8.11.1937
Italy	8. 9.1924	
Japan	4.12.1930	1. 2.1938
Latvia	9. 9.1924	11.12.1937
Luxemburg	16. 4.1928	17. 1.1938
Netherlands	17. 6.1931	1.10.1937
Nicaragua	12. 4.1934	
Norway	7.10.1927	16.10.1937
Poland	21. 6.1924	17.11.1937
Rumania	18. 8.1923	11. 4.1938
Spain	20. 6.1924	30. 3.1938
Sweden	14. 7.1925	17.11.1937
Uruguay	6. 6.1933	30.11.1937
Yugoslavia	1. 4.1927	18.11.1937
* * *	* * *	* * *
Burma ¹	20.11.1922	29.11.1937

For the general information supplied by the Government of *Colombia* in its letter of 28 February 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

In addition to the legislation noted below under Points I and IV for applying the

¹ See the introduction to the present volume, p. 4.

Convention, or bearing on the question of the supervision of its enforcement, the report of the Government of *Finland* mentions two Acts of 4 June 1937 providing for the discontinuance of the seamen's offices, which exercise certain functions in supervising the signing on and off of seamen in Finland, and for transferring these functions to, and concentrating all such functions in the hands of, State registration officers appointed by the Shipping Board. These Acts, however, did not come into force until 1 January 1938 and thus did not affect the position during the period covered by the annual report.

For the general information supplied by the *Greek* Government in its letter of 1 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

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

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

For the general information supplied by the Government of *Spain* in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Uruguay* states in its report, that a Bill for amending the Child Labour Code is being prepared which will bring the provisions of the Code into complete harmony with those 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.

Argentine Republic.

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 (L. S. 1934, Can. 4).

Chile.

Legislative Decree No. 678 of 27 November 1925, concerning recruitment for the military and naval forces.

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).

Cuba.

Legislative Decree No. 592 of 16 October 1934 (concerning in particular, the minimum age for admission of young persons to employment as trimmers or stokers (L. S. 1934, Cuba 9).

Denmark.

Seamen's Act No. 181 of 1 May 1923 (L. S. 1923, Den. 2).

Act No. 29 of 26 February 1872 concerning the registration of seamen and the supervision of their engagement and discharge.

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) as amended by Act of 26 May 1925 (L. S. 1925, Fin. 2) and Act of 11 May 1928 (L. S. 1928, Fin. 2).

Order of 23 December 1924 respecting the signing on and off of the crews of vessels (L. S. 1924, Fin. 4) as amended by Order of 20 September 1929 (L. S. 1929, Fin. 4).

Order of 19 September 1925 bringing the Convention into force.

Order of 29 October 1925 concerning the Shipping Board.

See also introductory note.

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 (International Labour Conventions) Act, 1925 (L. S. 1925, G. B. 5).

Greece.

- Act No. 4505 of 7 April 1930 ratifying the Convention.
 Decree of 3 January 1937 concerning the Managing Committees of Seamen's Employment Exchanges and the working of these Exchanges.

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 (No. 80-M, II/31, of 5 December 1931).

Ireland.

- Merchant Shipping (International Labour Conventions) Act, 1933 (L. S. 1933, I. F. S. 2.).

Japan.

- Act No. 35 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).

Luxembourg.

- 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 (L. S. 1922, Neth. 1) as amended by Act of 14 June 1930 (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, and supplementary Acts No. 2 of 28 May 1892 and No. 2 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 Labour and Social Welfare of 3 October 1935, enumerating the occupations in which young persons and women may not be employed. (L. S. 1925, Pol. 2).
 Seamen's Code (German) 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 Decree of 18 July 1911 concerning seamen's employment offices and the signing on and off seamen, etc., as amended by the Decree of 22 December 1922.

Uruguay.

- See introductory note.

Yugoslavia.

- Order of 29 March 1935 respecting the conditions of employment on board in seagoing vessels of the Kingdom of Yugoslavia (L. S. 1935, Yug. 2).
 See also, under *Convention No. 2 (Unemployment)*, point I, the information supplied by Yugoslavia.

Burma.

(Report of the Government of Burma for the period 1 April-30 September 1937 communicated through the Government of the United Kingdom.)

See under *Convention No. 1 (Hours of work, industry)*, point I.

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.

Uruguay. — See introductory note.

ARTICLE 2.

Young persons under the age of eighteen years shall not be employed or work on vessels as trimmers or stokers.

Uruguay. — See introductory note.

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.

Greece. — The report states that there are no school ships in Greece and, that the

persons referred to in paragraph (b) of the Article are not excluded from the application of Greek legislation.

Uruguay. — See introductory note.

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.

Greece. — The report states that Greek legislation does not make any provision for the exception referred to in this Article.

Uruguay. — See introductory note.

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.

Uruguay. — See introductory note.

ARTICLE 6.

Articles of agreement shall contain a brief summary of the provisions of this Convention.

Uruguay. — See introductory note.

III.

Article 11 of the Convention is as follows:

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of 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.

France. — In the case of *Morocco* the report states that it is impossible as yet to contemplate the application of the Convention, since the resulting costs might hinder the development of an industry which is still in its infancy.

In *Tunis* no legal provisions exist. The Convention is, however, applied *de facto* since the port authorities only permit the engagement of seamen possessing seaman's books which are issued exclusively to adults. It is intended shortly to introduce legal provisions concerning the minimum age of trimmers and stokers. The age limit may be reduced by one year in view of the precocity which results from the tropical climate.

Great Britain. — The report states that the provisions of the Convention have now been applied with certain modifications to the additional dependency of *Ceylon* by the Order of His Majesty in Council, dated 18 March 1937, entitled the Merchant Shipping (International Labour Conventions) (*Ceylon*) Order, 1937. For the definition of "ship" under this Order, see under *Convention No. 8 (Unemployment indemnity, shipwreck)*.

For *Hong Kong* it is stated that the effect of the Order in Council, dated 3 March 1936, and previously reported is that the application of the provisions of the Convention extends to young persons employed as trimmers or stokers on all vessels except the classes of vessels specified in section 1 (4) of the Order.

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.

Finland. — See introductory note.

Greece. — The report states that the application of the Convention is entrusted to the Harbour Authorities and the Maritime Labour Section of the Seamen's

Employment Exchange at the Piraeus. It adds that the supervision exercised by the employment exchanges ensures the application of the Convention.

Latvia. — The report states that the supervision of the enforcement of the Convention is at present exercised by the Labour Protection Department of the Ministry of Social and Public Affairs.

Uruguay. — See introductory note.

V.

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

The reports supplied do not mention any such decisions.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection and registration services, and 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 that 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 1936 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 the Maritime Labour Inspectors pay constant attention, on their visits to vessels, to the strict observance of the relevant provisions. 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 report does not contain any fresh information on this point.

Cuba. — The report states that, according to information communicated to the Ministry of Labour by the port authorities, no young persons were signed on as trimmers or stokers. Neither the employers' nor the workers' organisations have made any observations with regard to the application of the Convention or the Legislative Decree which implements it.

Denmark. — The report states that the organisations of employers or workers concerned have made no 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 during the period under review no breaches of the law have been recorded. No observations have been received from the employers' or workers' organisations concern-

ed 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 in regard to the Convention. No statistics are available showing the number of persons covered by its provisions.

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 gives statistics of the number of young persons under 18 entered as light hands (over 16) and ship's boys on 1 July 1937 :

Rating	Employed		Not employed	Total
	Merchant service	Fishing		
Light hands	1,614	2,750	1,011	5,375
Ship's boys	1,315	3,450	780	5,545
Total	2,929	6,200	1,791	10,920

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. — The report states that no observations have been made by the occupational organisations concerned with regard to the application of the Convention.

Hungary. — The report states that, according to the report of the Royal Hungarian Maritime Navigation Office, during the period 1 October 1936-30 September 1937 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 of Ordinance No. 32043 of 1933 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. The report states 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.

Ireland. — 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.

Japan. — The report states that statistics for the inspection services and the number of workers affected are not available. The offices of the competent authorities responsible for inspection and supervision number 27 in Japan proper and 2 in Taiwan. The number of cities, towns and villages with offices for the coasting trade is 164 in Japan (as compared with 159 in the previous year) and 14 in Taiwan. During the period October 1936-September 1937, one case of contravention was reported. The report adds that no observations concerning the application of the legislation implementing the Convention were received from employers' or workers' organisations.

Latvia. — The report states that no observations regarding the application of the Convention have been received from the trade union organisations during the period under review.

Luxemburg. — See introductory note.

Netherlands. — The Government states that 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 observations have been received from the shipowners' and seamen's organisations.

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

Rumania. — The report states that the Convention is strictly applied.

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. — See under *Convention No. 7 (Minimum age, sea)*, point VI, for statistics regarding the application of Maritime Conventions.

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 1937, 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 1936-30 September 1937 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Argentine Republic.	26. 5.1936	21. 4.1938
Australia	28. 6.1935	26.11.1937
Belgium	19. 7.1926	27.10.1937
Brazil	8. 6.1936	8. 1.1938
Bulgaria	6. 3.1925	27.11.1937
Canada	31. 3.1926	1. 2.1938
Chile	18.10.1935	5. 1.1938
Colombia	20. 6.1933	16. 3.1938
Cuba	7. 7.1928	7. 1.1938
Estonia	8. 9.1922	22.10.1937
Finland	10.10.1925	6.11.1937
France	22. 3.1928	23.12.1937
Great Britain	8. 3.1926	17.11.1937
Greece	28. 6.1930	7. 3.1938
Hungary	1. 3.1928	27. 4.1938
India	20.11.1922	22.12.1937
Ireland	5. 7.1930	8.11.1937

COUNTRIES	Date of registration of ratification	Report received
Italy	8. 9. 1924	
Japan	7. 6. 1924	1. 2. 1938
Latvia	9. 9. 1924	11. 12. 1937
Luxemburg	16. 4. 1928	17. 1. 1938
Netherlands	9. 3. 1928	1. 10. 1937
Nicaragua	12. 4. 1934	
Poland	21. 6. 1924	17. 11. 1937
Rumania	18. 8. 1923	11. 4. 1938
Spain	20. 6. 1924	30. 3. 1938
Sweden	14. 7. 1925	17. 11. 1937
Uruguay	6. 6. 1933	30. 11. 1937
Yugoslavia	1. 4. 1927	18. 11. 1937
* * *	* * *	* * *
Burma ¹	20. 11. 1922	29. 11. 1937

The Government of *Colombia* refers to its previous report in which it stated 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 statutory law. The report pointed out that in *Colombia* there are no undertakings engaged in maritime transport, properly speaking, as *Colombian* shipping is 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 8-hour day to health services, compulsory collective insurance, etc. For the general information supplied by the Government in its letter of 28 February 1938 see under *Convention No. 1 (Hours of work, industry)*, introductory note.

In addition to the legislation noted below under Points I and IV for applying the Convention or bearing on the question of the supervision of its enforcement, the report of the Government of *Finland* mentions two Acts of 4 June 1937 providing for the discontinuance of the seamen's offices, which exercise certain functions in supervising the signing on and off of seamen in *Finland*, and for transferring these functions to, and concentrating all such functions in the hands of, State registration officers appointed by the Shipping Board. These Acts, however, did not come into force until 1 January 1938

¹ See the Introduction to the present volume, p. 4.

and thus did not affect the position during the period covered by the annual report.

For the general information supplied by the *Greek* Government in its letter of 1 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

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

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

For the general information supplied by the Government of *Spain* in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Uruguay* states in its report, with reference to this Convention, that a Bill for amending the Child Labour Code is being prepared which will bring the provisions of the Code into complete concordance with those 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.

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 by Decree No. 112,924 of 25 August 1937.

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).

Brazil.

Decree No. 220 of 3 July 1935 to approve the new regulations for harbour authorities (L. S. 1935, Braz. 5).

Bulgaria.

Regulations of 8 August 1923 relating to the crews of merchant vessels belonging to the Bulgarian Navigation Company.

Canada.

Canada Shipping Act (L. S. 1934, Can. 7).

Chile.

Legislation Decree No. 678 of 27 November 1925 concerning recruitment for the army and navy.

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.

Commercial Code, Book III, § 823.

Colombia.

See introductory note.

Cuba.

Legislative Decree No. 592 of 16 October 1934 concerning, in particular, the compulsory medical examination of children and young persons employed at sea (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) as amended by Act of 26 May 1925 (L. S. 1925, Fin. 2), and Act of 11 May 1928 (L. S. 1928, Fin. 2).

Order of 23 December 1924 respecting the signing on and off of the crews of vessels (L. S. 1924, Fin. 4) as amended by Order of 20 September 1929 (L. S. 1929, Fin. 4).

Order of 19 September 1925 bringing the Convention into force;

Order of 29 October 1925 concerning the Shipping Board.

See also introductory note.

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 (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 the above Act.

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).

Notification No. 80-M of the Department of Commerce of 8 August 1931.

Ireland.

Merchant Shipping (International Labour Conventions) Act, 1933 (L. S. 1933, I. F. S. 2).

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. 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), supplemented and amended 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).

Seamen's Code (German) of 2 June 1902 (French text in B.B. Vol. I, 1902, p. 357).

Order (German) of 1 July 1905 relating to the certification of the fitness of sailors for employment.

Rumania.

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

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

Act of 1907 respecting the organisation of the mercantile marine.

Spain.

Labour Code of 23 August 1926 (L. S. 1926, Sp. 5).

Royal Order of 15 January 1930 promulgating rules for the medical examination of seamen of the mercantile marine.

Rules of 26 August 1935 concerning contracts of employment in maritime transport.

Sweden.

Royal Order No. 263 of 22 May 1925 concerning the standard of health and physique required of seamen before engagement for certain voyages.

Royal Order of 31 December 1917 relating to medical certificates for seamen, amended by the Royal Decree No. 264 of 22 May 1925.

Uruguay.

See introductory note.

Yugoslavia.

Orders No. 1300 of 21 October 1919, No. 1400 of 26 October 1919, No. 1450 of 30 October 1919 and No. 1500 of 31 October 1919, issued by the Directorate of Maritime Affairs.

Circular No. 2821 of 14 May 1871 of the former Directorate of Maritime Affairs.

Order No. 2667 of 26 April 1852 of the Minister of Commerce and Industry.

Decree No. 663 of 25 January 1873 issued by the former Directorate of Maritime Affairs.

Instructions issued by the Minister of War in 1921 contained in a Circular.

Regulations of 1 June 1930 concerning the medical examination of persons employed on board vessels in the Mercantile marine of the Kingdom of Yugoslavia (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.

* * *

Burma.

(Report of the Government of Burma for the period 1 April-30 September 1937 communicated through the Government of the United Kingdom.)

See under *Convention No. 1 (Hours of work, industry)*, point I.

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.

Brazil. — Under § 224 (1) of Decree No. 220 of 3 July 1935, merchant vessels are defined for the purpose of the Decree as including all Brazilian vessels, whether publicly or privately owned, irrespective of trade and employment, except ships of war.

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 report states that § 35 of the Regulations concerning the registration of seamen, as amended by Decree No. 112,924 of 25 August 1935, provides that in order to receive a permit of embarkation, young persons between 16 and 18 years of age are required to prove their fitness for work on board. To this end they shall produce a certificate issued by the National Department of Hygiene or the local public health authority at their place of residence. This medical certificate of fitness is not required, however, from young persons joining a ship in which only members of the same family are employed.

Brazil. — The report states that in virtue of § 369 of Decree No. 220 of 3 July 1935 any applicant for employment on board ship must produce not only a certificate of vaccination but also a medical certificate. These documents must be deposited with the harbour authorities at the place where the seamen has been registered, at the time of registration. Under §§ 8 and 367 of the Decree, the obligation to register is laid on all persons over 16 desiring employment on board ship.

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 § 35 of the Regulations concerning the registration of seamen referred to above, provides that the medical certificate shall be renewed every year. No provision has been made to deal with the case in

which a medical certificate expires in the course of the voyage.

Brazil. — Decree No. 220 of 3 July 1935 does not refer to this point. See also under *Convention No. 7 (Minimum age, sea)*.

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.

Brazil. — Decree No. 220 of 3 July 1935 does not provide for this exception.

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. — In the case of *Morocco* the report states that it is impossible as yet to contemplate the application of the Convention, since the resulting costs might hinder the development of an industry which is still in its infancy. In *Tunis*, the report states, the application of the Convention would be of value but would encounter many practical difficulties particularly in the case of fishing and coastal boats sailing from the smaller ports.

Great Britain. — The provisions of the Convention have now been applied with certain modifications to the addi-

tional dependency of *Ceylon* by the Order of His Majesty in Council, dated 18 March 1937, entitled the Merchant Shipping (International Labour Conventions) (*Ceylon*) Order, 1937. For the definition of "ship" under this Order, see under *Convention No. 8 (Unemployment indemnity, shipwreck)*.

For *Hong Kong* it is stated that the effect of the Order in Council, dated 8 March 1936, and previously reported is that the application of the provisions of the Convention extends to young persons employed as trimmers or stockers on all vessels except the classes of vessels specified in § 1 (4) of the Order.

IV.

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

Brazil. — Under § 15 of the Decree No. 220 of 3 July 1935 the harbour authorities are entrusted with the supervision of the registration, engagement, discharge and qualifications of the seamen.

Finland. — See introductory note.

Greece. — The report states that in accordance with the Decree of 3 January 1937 concerning the managing committees of seamen's employment exchanges and the working of the exchanges, the authority responsible for the application of the Convention at the Piraeus is the Maritime Labour Section of the Seamen's Employment Exchange.

Latvia. — The supervision of the application of the Convention is exercised by the Labour Protection Department of the Ministry of Social and Public Affairs.

V.

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

The reports supplied do not mention any such decisions.

VI.

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

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 report of the Director-General of Health concerning the operation of the Convention during the year 1936-1937 recalls that medical officers of the Commonwealth Department of Health, stationed at all ports in the Commonwealth, are appointed Medical Inspectors of Seamen under the provisions of the Navigation Act. Close and continued co-operation exists between the Commonwealth Navigation Service and the Commonwealth Department of Health, and a satisfactory system has been maintained to give practical effect to the provisions of the Convention. It is considered an essential feature of this system that the medical examiners are in close touch with port and shipping conditions and with conditions of seafaring life. The Director-General's Report then gives a table showing that 250 young persons under 18 years of age were medically examined in the principal ports of the Commonwealth during the year ending 30 September 1937, 231 of them being passed as fit (including 12 re-examined), 16 being rejected as unfit, and 3 being deferred and still outstanding for re-examination. The table also indicates in detail the medical grounds for the rejection of the 16 unfit persons and for the 3 cases deferred and outstanding for re-examination.

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 1936 by employers' or workers' organisations.

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

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. — No breaches of the law have been reported, and no observations have been received from either the employers' or the workers' organisations concerned with regard to the practical application of the provision 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. 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.

France. — See under *Convention No. 15 (Minimum age, trimmers and stokers)*, point VI.

Great Britain. — No observations have been received from the organisations of employers or workers concerned regard-

ing 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 Convention is strictly applied. No observations have been made by the occupational organisations concerned with regard to its application.

Hungary. — According to the report of the Royal Hungarian Maritime Navigation Office no young person of under eighteen years of age was employed on board any Hungarian vessel during the period under review. 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, 28 young persons were medically examined for employment none of whom was 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.

Ireland. — The report states that very few young persons are employed on Saorstat 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.

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 164 in Japan proper (as compared with 159 in the previous year) 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 1936, 1,121 young persons of 14 to 18 years of age (among whom was one young girl) who had been engaged for employment at sea, were medically examined by the 28 doctors charged with this duty. Of this number 13 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.

Rumania. — The report states that the Convention is strictly applied.

Spain. — The report does not contain any information on this point. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

Sweden. — The Government states that no general statistical information is available as required under this heading, but that the Convention may be considered to be satisfactorily applied in Sweden. This opinion is confirmed by the fact that no complaints with regard to the application have been received from the occupational organisations.

Uruguay. — See introductory note.

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 1937 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 1936-30 September 1937 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria	21. 8. 1936	12. 1. 1938
Belgium	3. 10. 1927	27. 10. 1937
Bulgaria	5. 9. 1929	27. 11. 1937
Chile	8. 10. 1931	5. 1. 1938
Colombia	20. 6. 1933	16. 3. 1938
Cuba	6. 8. 1928	7. 1. 1938
Hungary	19. 4. 1928	16. 12. 1937
Latvia	29. 5. 1928	11. 12. 1937
Luxemburg	16. 4. 1928	17. 1. 1938
Mexico	12. 5. 1934	24. 11. 1937
Netherlands	13. 9. 1927	1. 10. 1937
Nicaragua	12. 4. 1934	
Portugal	27. 3. 1929	25. 11. 1937
Spain	22. 2. 1929	
Sweden	8. 9. 1926	17. 11. 1937
Uruguay	6. 6. 1933	30. 11. 1937
Yugoslavia	1. 4. 1927	18. 11. 1937

The Government of *Colombia* refers to its report for last year in which it stated that a Bill providing for compulsory accident insurance was under preparation. For the general information supplied by the Government in its letter of 28 February 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The *Mexican* Government states in its report that the differences between the

provisions of Mexican law and those of the Convention have already been recognised. The principal difference lies in the fact that the Convention requires compensation to be paid in the form of pensions, while Mexican law does not provide to this effect. In the Bill to amend the Federal Labour Act provisions have been included to bring the national legislation into conformity with the Convention, and account has been taken of the above form of payment of compensation in the Social Insurance Bill.

The report of the Government of *Spain* has not yet been received. For the general information supplied by the Government in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Uruguay* refers to its report for last year in which it stated that it would be necessary to amend the Act of 26 November 1920 concerning occupational accidents in order to bring it into complete harmony with the provisions of Articles 2, 6, 7, 9 and 10 of the Convention. In a supplementary report of 31 May 1937 the Government added that the National Labour Institute had submitted a bill to establish the necessary concordance between the Act concerning occupational accidents and the Convention. In its report for this year the Government states that this bill is still under consideration.

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 and salaried employees (excluding railway personnel).

Federal Act No. 107 of 30 March 1935 respecting social insurance in industry (L. S. 1935, Aus. 2) amended by Federal Act No. 220/1936.

Eight Orders to apply the above Act.

Railway personnel

Accident insurance Act No. 150/1929 as amended by Act No. 350/1928.

Orders Nos. 591, 592/1933.

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), 5 January 1935 (L. S. 1935, Bulg. 1) and 30 June 1936.

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).

Resolution No. 34 of 1937 containing in particular provisions relating to workmen's compensation for accidents in gold, silver and platinum mines.

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).

Luxemburg.

Act of 17 December 1925 respecting the Social Insurance Code, Books II and IV (L. S. 1925, Lux. 2), as amended by Act of 6 September 1933 (L. S. 1933, Lux. 3).

Act of 21 July 1927 respecting the reassessment of accident pensions (L. S. 1927, Lux. 2).

Grand Ducal Orders of 23 January, 7 and 23 April 1903, 11 June 1926, 4 April, 29 July, 23 December 1927, 7 December 1928, 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).

Draft Staff regulations for civil servants.

The Government states that in virtue of § 133 of the Political Constitution, the provisions of the Convention have the force of a constitutional Act in view of the fact that the Convention has been duly approved, ratified and promulgated. 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), 23 May 1935 (Staatsblad, No. 304 and 19 July 1936 (Staatsblad, No. 800). (L. S. 1935, Neth. 3).

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).

Decree No. 27,649 of 12 April 1937 issuing regulations concerning compensation for industrial accidents and occupational diseases under Act No. 1942 of 27 July 1936. (L. S. 1936, Port. 2).

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).

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), 14 June 1933 (L. S. 1933, Swe. 1), 26 June 1936 (L. S. 1936, Swe. 5) and 11 June 1937.

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 and 9 November 1928.

Royal Decree of 9 November 1928 respecting reports upon industrial accidents, etc., amended by the Decrees of 4 December 1930 and 24 November 1932.

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.

See also introductory note.

Yugoslavia.

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

Regulations of the Miners' Insurance Fund for workers and salaried employees employed in 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.

Austria. — As regards workers and salaried employees (excluding railway personnel) the scope of application of accident insurance is identical with that of sickness insurance (see *Convention No. 24 (Sickness insurance, industry, etc.)*). No exception is made in respect of non-manual workers whose remuneration exceeds a certain limit. *Railway personnel* is insured without exception, in accordance with Act No. 150 of 1929.

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.

Austria. — The report states that an exception is made in the case of certain workers and salaried employees (excluding

railway personnel) covered by § 3, paragraph 2 of the Act. See *Convention No. 24 (Sickness insurance, industry, etc.)*¹. As regards *railway workers* and *salaried employees*, an exception is made in the case of those who, in consequence of an industrial accident, are entitled, together with their survivors, to pensions at least equivalent to those which they might claim under the accident insurance scheme.

Mexico. — The report states that the staff regulations of Civil Servants, which will shortly come into force, provide that their occupational risks shall be covered in accordance with the terms of the Federal Labour Act.

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.

The reports supplied do not contain any fresh information on this point.

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.

Austria. — The report states that, as regards *workers* (except railway workers), compensation for an accident is paid to the injured person or his dependants in the form of a pension if, in consequence of the accident, working capacity is permanently diminished by more than one-sixth or if the person dies. If the working capacity of the injured person is diminished by more than one-sixth but not more than one-fourth, the pension is granted for not more than three years. The insurance institution may, in agreement with the injured person, substitute for each temporary pension a lump sum assessed for

each individual case but not exceeding three times the annual amount of the pension. Insured persons' pensions (but not those of their dependants) may be commuted for a lump sum by agreement between the insurance institution and the recipient of the pension, but such commutation is not permissible unless a suitable use for the lump sum is guaranteed. The commutation of the accident pension in no way affects the pension due to the surviving dependants. If a widow remarries, her widow's pension is commuted for a lump sum equal to 36 times the monthly amount of her pension. In the case of *salaried employees* (not including railway personnel) the compensation due in case of accident to the insured person or his dependants is payable in the form of a pension if in consequence of the accident his permanent working capacity is diminished by more than one-fourth or he dies. The accident pension is replaced by an invalidity pension at a higher rate if, in consequence of the accident, the insured person is permanently incapable of work in the sense of the pension insurance scheme. The pension thus assessed must not be less than the accident pension which would be due in other cases to the insured person whose working capacity was diminished to an equivalent extent. The insured person's pension or that of his dependants may be commuted by the insurance institution in agreement with the recipient of the pension, but such commutation is not permissible unless a suitable use of the lump sum is guaranteed. The commutation of the pension in no way effects the claims of the surviving dependants. If the widow of the injured person remarries her widow's pension is commuted for a sum equivalent to three times the annual amount of that pension. In the case of *railway personnel*, compensation due to the insured person or his dependants in cases of accident are paid in the form of a pension if, in consequence of the accident, his working capacity is permanently diminished by more than one-sixth or he dies. If his working capacity is diminished by more than one-sixth but not more than one-fourth the accident pension is granted for not more than three years. The insurance institution may, in agreement with the injured person, substitute for the temporary pension a lump sum assessed for each individual case, but such substitution in no way affects the pension due to the surviving dependants. Pensions to injured persons or their dependants may also be commuted for a lump sum by agreement between the insurance institutions and the recipient of the pension, provided that the local authority responsible for poor relief in respect of the pensioner consents. If the widow remarries her widow's pension is commuted for a sum equal to three times the annual amount of that pension.

¹ Summary of Annual Reports submitted in accordance with Article 408 "International Labour Conference, Seventeenth Session, 1933".

Portugal. — § 35 of Decree No. 27, 649 of 12 April 1937 provides that the capital shall be calculated in the same way as the actuarial reserve of an insurance company.

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.*

Austria. — The Government states that in the case of *workers* (excepting railway workers), the accident pension is payable from the time when the curative treatment necessitated by the accident ends, but not from a later date than the beginning of the second year from the day of the accident. The injured person is entitled to pecuniary sickness benefit from the fourth day of incapacity for work resulting from the accident and during the whole period of curative treatment. If, however, the insured person does not receive such sickness benefit or if his right to sickness benefit expires during the curative treatment, the accident insurance institution shall grant him a allowance known as a curative treatment pension. In the case of *salaried employees* (excepting railway employees) accident benefit is payable from the time when the curative treatment necessitated by the accident ends. Otherwise the provisions are the same as under A. In the case of *railway personnel* the insurance is payable from the fifth week following the accident and for the whole of the period during which the recipient's earning capacity is reduced. During the first four weeks of incapacity the sickness insurance institution is responsible for the payment of sickness benefit.

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.

Austria. — The report states that as regards *workers* and *salaried employees* (excluding railway personnel), the pension is increased by half for as long as the person injured requires the assistance of another person.

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.

Austria. — The report states that in the case of *workers* (excepting railway workers) the pension must be assessed *ex officio* or at the request of the injured person. It may be awarded for a specified or unspecified period subject to a new assessment on the expiry of that period. In the event of a material change in the circumstances of each case the insurance institution must reassess the compensation payable on application being made or *ex officio*. After the expiry of a period of two years reckoned from the termination of the curative treatment the pension may be reassessed every two years. Pensions to dependants are granted *ex officio* or at the request of the person concerned. In the case of *salaried employees* and *railway personnel*, the pension must be assessed *ex officio* or at the request of the injured person. In the event of a material change in the circumstances, it must be reassessed *ex officio* or at the request of the injured person. A new assessment may take place at any time. Pensions to dependants are granted *ex officio* or at their request. *Railway personnel* is governed by the same conditions as salaried employees.

Portugal. — § 9 of Decree No. 27, 649 of 12 April 1937 prescribes that all agreements between the parties concerning the payment of compensation must be submitted to the competent court.

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.*

Austria. — The report states that insured *workers* (excepting railway workers) receive medical, surgical and pharmaceutical aid, as provided by the sickness insurance institution, as long as they are entitled to sickness benefit from that institution. On the expiry of this period the accident insurance institution must

defray the cost of the curative treatment. It may, if the injured person agrees, grant him free treatment and maintenance in a curative institution instead of free medical attendance and the necessary medicaments. The same provisions apply to *salaried employees* (excluding railway employees), except that the pension insurance institution, which is also responsible for accident insurance, assumes responsibility when the period of sickness insurance expires. In the case of *railway personnel*, the sickness insurance institution is responsible for medical, surgical and pharmaceutical aid.

Portugal. — Chapter II of Decree No. 27, 649 of 12 April 1937 contains detailed rules for the administration of medical aid.

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.*

Austria. — The report states that, in the case of *workers* and *railway personnel*, the injured person is entitled to the supply of artificial limbs and surgical appliances adapted to his personal and occupational requirements. The insurance institution may provide that such appliances may not be replaced before the expiry of a specified period unless the injured person proves that he is not responsible for the unserviceable condition or loss of the appliances. No provision is made for an award to replace the supply of such appliances. In the case of *salaried employees* (not including railway employees) artificial limbs and surgical appliances are supplied to insured employees by the sickness insurance institution. The appliances may only be

replaced after being used for a specified minimum period.

Belgium. — The report states that 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 artificial limbs and surgical appliances for victims who have entrusted to the Service the administration of the supplementary benefits granted to them under the Act.

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.

Austria. — The Government states that, in the case of *workers*, excluding railway personnel, the Workers' Insurance Institution in Vienna and its branch offices in Salzburg and Graz are responsible for administering insurance. The Act guarantees the solvency of the Institution, contributions being fixed at a rate which enables it to meet its liabilities. The Ministry of Social Administration is the highest supervising authority for insurance and must apply the measures provided in the Act should the amount of the contribution prove inadequate. As regards *salaried employees* (excepting railway employees), the institutions responsible for administering insurance are the Salaried Employers' Insurance Institution, the Insurance Institution for Dispensing Chemists and the Press Insurance Institution. The same provisions apply as in the case of the workers. In the case of *railway personnel* the Railway Personnel Accident Insurance Institution is responsible for administering insurance. Its rates of contribution, are based on the probable total expenditure. For the purpose of guaranteeing the solvency of the Institution, an additional contribution of 25 per cent is charged. The Minister of Commerce and Industry and the Minister of Social Administration must ensure that the Institution is able to meet its liabilities.

Portugal. — Chapter V of Decree No. 27, 649 of 12 April 1937 regulates in detail the methods by which an employer may furnish the necessary security.

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.

Netherlands. — In Curaçao the Ordinance of 18 June 1936 "to proclaim the liability of employers for compensation to workers in certain industries who meet with industrial accidents or contract occupational diseases, and the right of the said workers to such compensation"¹ was promulgated in the *Publicatieblad*¹ No. 54 of 1937. §5 of the Ordinance enumerates as the industries subject to compensation: (a) industries in which at least one power engine is used, and industries dealing with explosive substances, very inflammable, hot or corrosive fluids, or gases in a liquid state or under a pressure greater than that of the atmosphere; (b) shipping; (c) transport; (d) mining; (e) industries connected with the loading and unloading of goods; (f) electricity industries; (g) building; (h) industries not covered by (a)-(g) in which operations identical with those in an industry subject to compensation are performed in respect of the said operations alone. Government operations are covered. Under §1 from the definition of worker are excluded: outworkers (except when working on dangerous substances) and the parents, wife or husband, and children, living at the home of the employer, if they perform work exclusively for him. Under §2 the Ordinance does not apply in respect of workers employed in Curaçao by an employer whose undertaking is situated outside Curaçao if the worker is covered by foreign legisla-

tion relating to accidents. (*Paragraphs 1-4*). Under §6 (5) the allowances fixed in the Ordinance are paid on the dates when wages are usually paid, although under §6 (6) the workmen's compensation board may commute any allowance for a lump sum. No provision is made in the Ordinance specifically limiting the right to compensation to injuries covering more than a certain period of incapacity. Accident returns, however, are not required when the worker is incapacitated for twenty-four hours or less. (§11, (b)). The Ordinance contains provisions relating to supervision and methods of receiving compensation. Injured workmen are entitled under §6 (1) (a) to free medical attendance and nursing, transportation in connection with the accident, medications and dressings, or repayment of expenditure for them, until such time as the patient is discharged. (*Paragraph 9*). Under §8 compensation is included among the preferential claims in the event of the employer's insolvency. Under §10 employers may be required to insure their risks with an insurance company or the 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.

Austria. — The application of the Acts indicated under point I is entrusted to: (a) the Workers' Insurance Institution in Vienna and its branch offices at Salzburg and Graz, in the case of accident insurance for *workers* in industry; (b) the Salaried Employees' Insurance Institution, the Insurance Institution for Dispensing Chemists and the Press Insurance Institution in the case of accident insurance for *salaried employees* in industry; (c) the Railway Personnel Accident Insurance Institution in the case of accident insurance for *railway personnel*. The general supervision of these various institutions is exercised by the Ministry of Social Administration in the case of the Workers' Insurance Institution and Salaried Employees' Insurance Institution and by the Ministry of Commerce in the case of the Railway Personnel Insurance Institution. An appeal from the decisions of insurance institutions lies to the competent court, in cases of benefit awards and to the competent administrative authority in all other cases.

Latvia. — The report states that the supervision of the application of the Convention is exercised by the Labour

¹ L. S., 1936, Cur. 1.

Protection Department of the Ministry of Social Affairs as well as by the Ministry of Social Welfare.

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 appends to its report the texts of thirteen decisions given on this subject.

Colombia. — The report states that a number of decisions have been given by the National Labour Department. The texts of these decisions are contained in the report of this Department.

Mexico. — The report states that the application of the legal provisions concerning workmen's compensation constantly give rise to proceedings in the courts. The Supreme Federal Court of Justice is the body competent to give authoritative interpretations of these provisions.

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.

Austria. — The Government states that no reports of the inspection services can be supplied. The report contains the following statistics for 1935:

1. Scope of application:

Number of workers insured under the Act on Social Insurance in Industry . . .	675,456
(average for 1935)	

2. Benefits in cash: Schillings

(a) Total cost of benefit .	18,258,261
(b) Average cost of benefit per insured person .	27.03

3. Benefits in Kind:

(a) Total cost of benefits .	524,960
(b) Average cost of benefit per insured person .	0.77

4. Number of accidents:

Number of accidents reported	30,005
Number of accidents which gave rise to benefit	4,441
(of which 196 proved fatal)	

5. Total cost of workers' accident insurance (including administrative costs) 22,522,375

Belgium. — The report states that 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 17,982,968 leva, and on benefits in kind, 161,793 leva. There were reported in all 4,045 accidents, of which 99 proved fatal, 14 involved permanent incapacity and 94 partial incapacity up to 50 per cent.

Chile. — The report gives the following information for 1936: (1) The total number of wage-earners, including workers, employees and apprentices, but excluding agricultural workers, seamen and fishermen was, 938,095; this number included 918,249 wage earners who were covered by the general provisions concerning workmen's compensation for industrial accidents and 19,846 employees of the State railways, for whom special provisions are in force, (2) (a) Benefits in cash amounted to 9,722,749 pesos, and the capitalised value of pensions granted to 3,907,070.39 pesos. (b) The average expenditure per injured worker was 275.67 pesos. (3) No data are available as to benefits in kind. (4) The number of accidents reported was 49,441. (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 keep certain data private on account of their commercial character.

Colombia. — The report states that owing to the lack of statistics no information can be given under this point.

Cuba. — During the year 1936 the total number of accidents which gave rise to compensation was 53,218 of which 54 cases were fatal, 1387 serious, 18,991 less serious and 32,786 light. During the first six months of 1937 the number of accidents which gave rise to compensation was 36,840 (as against 31,742 for the corresponding period of the previous year) of which 32 cases were fatal, 881 serious, 11,970 less serious and 23,957 light.

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 1936 the number of paid workers covered by the legislation concerning workmen's compensation for accidents was 881,907, of which 146,456 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 1936; benefits in cash: 7,503,234 pengö (8.51 per insured person); benefits in kind: 652,965.65 pengö (0.74 per insured person). The number of accidents notified to the National Insurance Institute was 31,102 of which 137 were fatal. The expenses involved in instituting proceedings and the expenses of administration amounted to 1,277,598 pengö. Of this amount, 248,400 pengö was borne by the State as a contribution to the administrative charges and 929,198 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. — According to a statistical publication appended to the report there occurred in 1936, 19,571 accidents, representing 14.46 per cent. of the total number of insured persons. The expenses incurred during that year may be classified as follows: medical treatment, 511,012.37 lats; compensation, 696,200.37 lats; pensions, 551,400.96 lats; payments on account of commutation, 40,990.62 lats; administrative charges, 304,841.58 lats. The number of victims of accidents registered by the Accident Insurance Section of the Ministry of Social Welfare in 1936 was 21,391. The total expenses of the Section amounted to 2,871,201.77 lats, of which 993,084.94 accounted for pensions, 136,270.04 lats for compensation, and 1,146,141.98 for medical treatment.

Luxemburg. — According to the report of the Accident Insurance Association for 1936 the total number of accidents notified during the year was 11,781, 11,320 of which were compensated. The number of wage earners in regular employment was 39,556 and the number of accidents compensated was 288 per thousand insured persons. The number of fatal accidents was 18. The amount paid in pensions was 15,245,568.27 francs; the amount spent on curative treatment was 2,372,047.50 francs; and the cost of administration was 2,311,301.67 francs. The number of commercial employees voluntarily affiliated to the accident insurance system was 432. The Government has not received any observations from the employers' or workers' organisations concerned with regard to the practical application of the Convention.

Mexico. — The report supplies statistics for 1936. Accidents were reported by 113 undertakings employing 125,600 persons. There were 29,079 accidents, of which 28,773 resulted in temporary incapacity, 233 in permanent incapacity and 73 in death. The total compensation paid was 2,459,895.22 pesos, distributed as follows: 2,081,832.36 pesos for temporary incapacity, 174,517.84 for permanent incapacity, and 203,545.02 for death.

Netherlands. — The annual report of the State Insurance Bank (*Rijksverzekeringsbank*) on accident insurance contains the following information: 1. The number of full-time workers (i.e. those working 300 days a year) in 1935 was 1,171,637. The number of undertakings covered by compulsory insurance on 31 December 1935 was 184,350. The total wages insured amounted to 1,280,338,687 florins. 2. The total cost of benefits in 1935 including benefits in kind was 14,028,508.91 florins. This includes, *inter alia*, the cost of tem-

porary compensation (2,681,119.35 florins), provisional pensions (1,389,452.39 florins), pensions definitely fixed (5,195,074.70 florins), funeral benefit (34,312.29 florins), survivors' benefit (2,497,036.78 florins), etc. 3. The cost of medical and surgical treatment for the year 1935 was 2,171,699.18 florins. 4. According to the annual report on accident insurance the number of accidents which occurred in 1935 and for which benefits were granted was 145,898. This number does not however include the cases which were attended to by the medical service of the undertaking concerned as they are not reported to the Insurance Bank. Of the 145,898 accidents which occurred in 1935, medical and surgical treatment was given in 42,888 cases. In 96,151 cases the incapacity to work lasted for more than 2 days and less than 6 weeks. Temporary grants were given in these cases. The number of cases where the incapacity to work lasted for more than 6 weeks and for which a pension was given was 6,750. 289 cases were fatal. 5. §40 of the Accident Insurance Act of 1921 as amended by the Act of 23 May 1935 lays down that in the case of employers affiliated to the Insurance Bank 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 system, for the distribution of the annual expenses including the capital value of the pensions granted during the previous year. Other regulations exist for 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 or their insurance societies pay the Bank the indemnities granted, the capital value of the pension, and a share of the cost of administration of the Bank. In 1935 the total administration costs were 4,185,353.83 florins including non-recoverable subscriptions. The share of the non-affiliated employers was 2,467,742.14 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.

Sweden. — In 1934, 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 1,612,782, including 140,022 State employees. The State Insurance Office, which includes the majority of insured persons — the remainder being insured with various mutual insurance companies — spent 12,403,699 crowns during the period covered by the report on benefits in kind. During the year 1934 the cost of

benefits in kind was 11.16 crowns per full-time worker. The cost of medical benefit for the period covered by the report was 3,367,495 crowns. During the year 1934 this cost represented 3.03 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 1936-30 September 1937, the State Insurance Office registered 182,360 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 2,137,890 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 does not refer to this point. See also introductory note.

Yugoslavia. — The report states that for the year 1936, the total number of insured persons was 616,209. 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 1936 was 17,322. 1,053 persons received medical treatment at a cost of 18,771 *dinars* a day. The number of pensions awarded in 1936 was as follows: 1,458 men, at a total value of 4,224,580 *dinars*, and 147 women, at a total value of 294,396 *dinars*. The number of family pensions in 1936 was as follows: 133 widows, at a total annual cost of 305,639 *dinars*; 259 children, at a total annual cost of 410,084 *dinars*; 1 parent, at a total annual cost of 2,508 *dinars*. The expenses of the Accident Insurance Section for 1936 were as follows: benefits in cash, 49,309,859 *dinars* (80.02 per insured person); benefits in kind, 4,801,902 *dinars* (7.79); cost of enquiries and legal proceedings, 1,060,518 *dinars* (1.72); endowment of technical reserve, 33,589,676 *dinars* (54.51). The expenses of insurance were met by the following receipts: payments by employers, 71,603,558 *dinars* (116.12 per insured person); interest and other receipts, 19,927,403 *dinars* (32.34 per insured person).

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 1937 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 1936-30 September 1937 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria	29. 9.1928	12. 1.1938
Belgium	3.10.1927	27.10.1937
Bulgaria	5. 9.1929	27.11.1937
Chile	31. 5.1933	5. 1.1938
Colombia	20. 6.1933	16. 3.1938
Cuba	6. 8.1928	7. 1.1938
Czechoslovakia . .	19. 9.1932	6.12.1937
Denmark	18. 6.1934	9.12.1937
Finland	17. 9.1927	6.11.1937
France	13. 8.1931	12. 4.1938
Great Britain . . .	6.10.1926	15.12.1937
Hungary	19. 4.1928	16.12.1937
India	30. 9.1927	22.12.1937
Ireland	15.11.1927	20.10.1937
Italy	22. 1.1934	
Japan	8.10.1928	1. 2.1938
Latvia	29.11.1929	11.12.1937
Luxemburg	16. 4.1928	17. 1.1938
Netherlands	1.11.1928	1.10.1937
Nicaragua	12. 4.1934	
Norway	11. 6.1929	16.10.1937
Portugal	27. 3.1929	25.11.1937
Spain	29. 9.1932	
Sweden	15.10.1929	17.11.1937
Switzerland	16.11.1927	1.11.1937
Uruguay	6. 6.1933	30.11.1937
Yugoslavia	1. 4.1927	18.11.1937
* * *	* * *	* * *
Burma ¹	30. 9.1927	29.11.1937

The Government of *Columbia* refers to its report for last year in which it stated

¹ See the Introduction to the present volume, p. 4.

that as the Bill concerning workmen's compensation for accidents and occupational diseases which was submitted to Congress was found to be defective, it was decided to continue the study of the problem. A special Committee had been set up to examine the question of occupational diseases which, in tropical countries, presents somewhat complex features. For the general information supplied by the Government in its letter of 28 February 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

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

The Governments of *Great Britain*, *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 three countries is summarised below under *Convention No. 42 (Workmen's compensation, occupational diseases, revised)*.

The report of the Government of *Spain* has not yet been received. For the general information supplied by the Government in its letter of 12 March 1938, 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), 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) as amended by the Act of 2 February 1937.

Belgium.

Act of 24 July 1927 respecting compensation for injury caused by occupational diseases (L. S. 1927, Bel. 7).

Royal Order 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 Order 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 Order of 8 May 1928 defining the categories of workers or assimilated employees who are exposed to the risk of lead-poisoning in the various classes of undertakings subject to the Act (L. S. 1928, Bel. 1B).

Ministerial Order of 10 August 1928 defining the categories of workers or assimilated employees who are exposed to the risk of poisoning by mercury or infection by anthrax (L. S. 1928, Bel. 1 C).

A number of Royal and Ministerial Orders 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 February 1936 (L. S. 1936, Cuba 1).

Decree No. 1049 of 22 April 1936 enumerating the industries or processes in which silicosis may occur.

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. 7B).

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.

See introductory note.

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).

Ireland.

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).

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), 5 June 1933 (L. S. 1933, Jap. 1) and 21 December 1936.

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), 1 July 1929 (L. S. 1929, Jap. 6) and 21 December 1936.

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) and No. 448 of 21 December 1936.

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.

Notification No. 599 of 28 November 1935.

Latvia.

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

Luxembourg.

Act of 17 December 1925 respecting the Social Insurance Code (L. S. 1925, Lux. 2), as amended by Act of 6 September 1933 (L. S. 1933, Lux. 3).

Grand Ducal Order of 30 July 1928 concerning the extension of compulsory insurance against accidents to occupational diseases (L. S. 1928, Lux. 1) and of 9 November 1928 issued under the Act of 17 December 1925.

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

Netherlands.

Act of 2 January 1901 respecting the statutory insurance of workers against the pecuniary consequences of accidents in specified industries (text as notified in the Decree of 28 June 1921 promulgating the Act as amended and supplemented (L. S. 1921 (Part II), Neth. 1) amended by the Acts of 2 July 1928 (L. S. 1928, Neth. 1 B), 7 February 1929 (L. S. 1929, Neth. 2 B) and 18 July 1930 (L. S. 1930, Neth. 3 A).

Act of 20 May 1922 to insure persons employed in agricultural occupations against the pecuniary consequences of accidents with which they meet in connection with their employment (L. S. 1922, Neth. 2) amended by the Acts of 21 March 1924, 13 May 1927, 2 July 1928, 7 February 1929 and 18 July 1930.

Norway.

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. 27,649 of 12 April 1937, issuing regulations relative to compensation for industrial accidents and occupational diseases provided for under Act No. 1942 of 27 July 1936 (L. S. 1936, Port. 2).

Sweden.

Act of 14 June 1929 respecting insurance against occupational diseases (L. S. 1929, Swe. 1 A), amended by the Act of 12 September 1930 (L. S. 1930, Swe. 4 A) and the Act of 26 June 1936.

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), 13 March 1931 (L. S. 1931, Swe. 2) and 11 December 1936.

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).

Decree of 9 September 1937.

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.

* * *

Burma.

(Report of the Government of Burma for the period 1 April-30 September 1937 communicated through the Government of the United Kingdom.)

See under *Convention No. 1 (Hours of work, industry)*, point I.

II.

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

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to provide that compensation shall be payable to workmen incapacitated by occupational diseases, or, in case of death from such diseases, to their dependants, in accordance with the general principles of the national legislation relating to compensation for industrial accidents.

The rates of such compensation shall be not less than those prescribed by the national legislation for injury resulting from industrial accidents. Subject to this provision, each Member, in determining in its national law or regulations the conditions under which compensation for the said diseases shall be payable, and in applying to the said diseases its legislation in regard to compensation for industrial accidents, may make such modifications and adaptations as it thinks expedient.

Please give

- (i) a brief account of the general principles of the national legislation in your country relating to compensation for industrial accidents ;
- (ii) information regarding the rates of compensation prescribed by national legislation for injury resulting from industrial accidents ; and
- (iii) information regarding the conditions under which compensation for occupational diseases is payable, and the modifications and adaptations thought expedient in applying the legislation in regard to compensation for industrial accidents to the said diseases.

Belgium. — . . . (ii) and (iii) . . . Revision of the Act on compensation for occupational diseases, with a view to bringing it into agreement with the consolidated Act on workmen's compensation as regards the amount of compensation to be granted, has not yet been taken up for consideration by Parliament.

Portugal. — For the principal provisions of Legislative Decree No. 27,649 of 12 April 1937 issuing regulations relating to compensation for industrial accidents and occupational diseases provided for under Act No. 1942 of 27 July 1936, see under *Convention No. 17 (Workmen's Compensation, 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.

Sweden. — The Act of 26 June 1936 gives the schedule of occupational diseases due exclusively or principally to the action of the following causes: arsenic or its compounds; lead, its alloys or its compounds; mercury, its amalgams or its compounds; phosphorus or its compounds; stone dust; benzene or any of its homologues (such as toluene or xylene) or any of their nitrated or aminated derivatives (such as nitro-benzene or trinitrotoluene, aniline or paraphenyldiamine); halogenated derivatives of hydrocarbons of the aliphatic series; carbon monoxide; cyanogen and its compounds; chlorine, hypochlorite or chloride of lime; chloramine; nitrous fumes; chromic acid or its compounds; radiant heat or light; x-rays, radium or other radioactive substances; anthrax infection. The Royal Notification of 11 December 1936 contains a 3 column table, in which are inscribed respectively the substances, the pathological effects and the industrial processes. Both the Act of 26 June 1936 and the Royal Notification of 11 December 1936 came into force on 1 January 1937.

Uruguay. — By the Decree of 9 September 1937 anthrax infection was included in the schedule of occupational diseases giving the right 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.

Netherlands. — In Curaçao the Ordinance of 18 June 1936 (L. S. 1936, Cur. 1) "to proclaim the liability of employers for compensation to workers in certain industries who meet with industrial accidents or contract occupational diseases and the right of the said workers to such compensation" was promulgated in the *Publicatieblad*, No. 54 of 1937. Under §§24 and 25 a number of diseases are assimilated to accidents for purposes of compensation, including: anthrax, whenever it is consequent upon the loading, unloading or transport of animals or merchandise infected with anthrax or the handling of animal carcasses or parts thereof; lead poisoning, caused by lead or its alloys or compounds, and its sequelae, whenever the said poisoning is consequent upon the performance of work in the polygraphic industries, the manufacture or repair of electric accumulators, the manufacture of lead alloys, the performance of painting operations (including the preparation or use of primings, putty or colouring substances containing lead), the handling of ore containing lead (including residues containing lead in zinc factories), the casting of old zinc and lead in ingots, the manufacture of articles made of cast lead or of lead alloys, and work in factories where lead or any compound or alloy of lead is used; and mercury poisoning, caused by mercury or its amalgams or compounds, and its sequelae, whenever the said poisoning is consequent upon the manufacture of measuring and laboratory apparatus, and in the gold mining industry.

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.

The reports supplied do not contain any fresh information of this kind.

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 four cases of poisoning alleged to have been caused by the toxic substances mentioned in the Convention were brought before the Justice of the Peace. The cases in question were : cases of death diagnosed by the doctors in attendance as lead poisoning and not recognised by the Welfare Fund as such ; — these cases are still pending ; one case of disease attributed to lead poisoning and affecting a working painter whose appeal was disallowed, and one case in regard to which ultimate disability was affixed under an Award at 25 per cent. in conformity with the conclusions of the doctors attached to the Fund.

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 report supplies in an appendix the text of a legal decision relating to a case of occupational disease.

Cuba. — The report states that awards have been made in the courts in regard to compensation for occupational diseases, in accordance with the present Convention, but the text of these decisions was not received in time for inclusion in the report.

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 statistical returns relating to occupational diseases beyond the year 1935 are not yet available.

Belgium. — The report of the Welfare Fund for persons suffering from occupational diseases, for the year 1936 indicates that in the course of the period under review 170 cases of disease were dealt with. The number of cases compensated was 88, 38 of which were lead poisoning and 10 anthrax infection. The cost of compensation for the diseases in question was 490,083 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 number of cases of occupational diseases reported was 73 for the year 1935, and 46 for the year 1936. The amounts paid in compensation amounted to 305,516 levas for cash benefits and 1,840 levas for benefits in kind. 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 the factory inspectors exercise strict and constant supervision in regard to the application of the legislative provisions. The report adds that, owing to the infrequency of cases of the occupational diseases in question, no statistical information of any value is available. In the course of last year 65 cases of occupational disease occurred as shown by the information supplied by the inspection services. Compensation of these cases was satisfactorily settled. 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 the Secretary for Labour has not been able to collect statistical data relative to the application of the Convention, but that an effort will be made to supply such information in the next report. 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 1935 which has been communicated to the Office.

Denmark. — During the period from 1 October 1935 to 30 September 1936, 23 cases of occupational diseases were notified and confirmed as such, involving a total expenditure of 52,139 crowns (3 fatal cases: 24,413 crowns; funeral allowances of 540 crowns; one case of 'lump-sum' payment: 2,142 crowns; daily benefits 23,015 crowns; medical treatment 2,029 crowns). On the other hand, for 14 cases of occupational diseases notified during the period prior to 1 October 1935 the benefits paid amounted to 27,766 crowns (one fatal case: 7,560 crowns; one case of 'lump-sum' payment: 473 crowns; payment of a pension: 8,717 crowns; payment of daily benefits: 10,440 crowns; expense of medical treatment: 576 crowns). The total expenditure for occupational diseases therefore amounted during the period in question to 79,905 crowns. For the type of processes liable to cause occupational poisoning, the number of workers engaged in the industrial undertakings carrying on these processes and the number of cases of disease recorded, see former reports, in particular that relating to the period from 1 October 1933 to 30 September 1934. It should be mentioned that the medical men engaged in inspection of industrial establishments carried out examination of workers in various undertakings between 1934 and 1936, comprising storage battery manufacture, printing works, establishments for the breaking up of ships, pottery manufacture, red lead works and china glazing. No observations with regard to the practical application of the Convention have been made by employers' and workers' organisations concerned.

Finland. — The report states that according to information provided by insurance companies and by the State Accident Insurance Office there were during the period under review, 242 cases of occupational disease. Temporary compensation in the form of medical care and daily benefit (either or both) was accorded in 182 cases. An appeal was made to the

Insurance Council in regard to an Award and 34 cases were submitted to it for investigation. Two cases of lead poisoning were recorded, one in lead works and the other in painting, and three cases of anthrax infection in a butcher's shop.

France. — As an appendix to its report appends a copy of the report on the application during the year 1935 of the Act of 25 October 1919 respecting occupational diseases amended by the Act of 1 January 1931. This report contains detailed statistics relating to cases of lead poisoning and mercury poisoning. As regards anthrax infection social statistical returns of cases of anthrax notified, under workmen's compensation legislation have also been drawn up and published yearly. Statistics for the year 1935 concerning anthrax infection are appended to the report. The employers' and workers' organisations have not made any observations during the period under review concerning the practical application of the Convention or of national legislation implementing it.

Great Britain. — See introductory note.

Hungary. — See introductory note.

India. — Statistical information is given in the workmen's compensation statistics for the year 1935 and the Note on the working of the Indian Workmen's Compensation Act, 1923. The statistics for 1936 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. Figures relating to the cases of occupational diseases notified in 1936 are not yet available but will be submitted to the Office, as soon as all the reports from the provinces are received. 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.

Ireland. — A statistical table drawn up by the Department of Industry and Commerce, shows that, during 1936, the number of cases of lead poisoning was 5. No observations have been received from organisations of employers or workers.

Japan. — The report contains the following statistical information with regard to

the application of the Convention: Number of factory workers and miners: factories (1935), 1,377,927 males, 1,126,661 females; mines (1936), 285,414 males, 27,136 females; other undertakings (1935), 835,143 males, 87,744 females. Number of cases of sickness subject to relief: factories (1935), 572 males, 934 females; mines (1936), 406 males, 36 females; other undertakings (1935), 191 males, 9 females. Cost of relief: factories (1935), 31,639 yens; mines (1936), 27,368 yens; other undertakings (1935), 7,371 yens. 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 1936 there were 19 cases of lead poisoning among working painters, and during the period 1 January-30 September 1937 there were 7.

Luxemburg. — The report of the Luxemburg Accident Insurance Association for 1936, to which the annual report of the Government refers, states that two cases of lead poisoning were reported one of which was accorded compensation. No other cases of occupational disease covered by the Convention have been reported. The Government has not received any observations from the organisations concerned with regard to the practical application of the Convention.

Netherlands. — 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.

Sweden. — In the course of the year 1934, the last year for which figures are available, the cases of occupational diseases reported rose to 145,72 of which received compensation. These latter cases were distributed as follows: 5 cases of arsenic poisoning; 21 cases of lead poisoning; 2 cases of mercury poisoning; 39 cases of silicosis; 4 cases of pathological disturbances due to light; and 1 case of anthrax infection. During the period from 1 October 1936 to 30 September 1937 the number of cases notified rose to 244. It should be mentioned that Article 59 of the general instructions for doctors, applicable to any doctor who has treated a patient suffering from a disease which may be attributed to an unhealthy occupation, requires that he should notify such disease without delay to the State medical authorities.

This body is in turn obliged to notify the administrative authorities of the Labour Department. 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. — The Office of Medical Statistics of the Swiss National Accident Insurance Fund at Lucerne registered the following cases between 1 October 1936 and 30 September 1937: *Lead poisoning*: 22 cases, 1 with invalidity pension. These 22 cases cost: (a) unemployment benefits frs. 6,133.40; (b) medical expenses 6,165.05; (c) invalidity pensions (capital outlay) 8,054, or a total of frs. 20,352.45. They represented 1,076 days of unemployment allowance and 1,100 days of treatment—364 in hospital. *Mercury poisoning*: 5 cases, one of which was accorded an invalidity pension. These 5 cases cost: (a) unemployment allowance frs. 3,877.80; (b) medical expenses 2,148.50; (c) invalidity pension (capital outlay) 18,235, or a total of frs. 24,261.30. They represented 530 days of unemployment allowance and 740 days of treatment—130 in hospital. The Federal authorities have received no information relative to the practical application of the Convention. The Federal Council's report to Parliament on its activities in 1936 in the chapter relating to the Department of Public Economy gives an account of the application of the Acts enforcing the Convention in Switzerland. The annual report of the Swiss National Accident Insurance Fund likewise contains information on this subject.

Yugoslavia. — The report states that during 1936 there were 23 cases of lead poisoning, one of which was granted a pension amounting to 1,104 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 1937, 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 1936-30 September 1937 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria	29. 9.1928	12. 1.1938
Belgium	3.10.1927	27.10.1937
Bulgaria	5. 9.1929	27.11.1937
Chile	8.10.1931	5. 1.1938
China	27. 4.1934	23. 2.1938
Colombia	20. 6.1933	16. 3.1938
Cuba	6. 8.1928	7. 1.1938
Czechoslovakia . .	8. 2.1927	6.12.1937
Denmark	31. 3.1928	9.12.1937
Estonia	14. 4.1930	22.10.1937
Finland	17. 9.1927	6.11.1937
France	4. 4.1928	28. 4.1938
Great Britain . . .	6.10.1926	17.11.1937
Greece	30. 5.1936	7. 3.1938
Hungary	19. 4.1928	16.12.1937
India	30. 9.1927	22.12.1937
Ireland	5. 7.1930	20.10.1937
Italy	15. 3.1928	
Japan	8.10.1928	1. 2.1938
Latvia	29. 5.1928	11.12.1937
Lithuania	28. 9.1934	18. 1.1938
Luxemburg	16. 4.1928	17. 1.1938
Mexico	12. 5.1934	24.11.1937
Netherlands	13. 9.1927	1.10.1937
Nicaragua	12. 4.1934	
Norway	11. 6.1929	16.10.1937
Poland	28. 2.1928	6.10.1937
Portugal	27. 3.1929	25.11.1937
Spain	22. 2.1929	
Sweden	8. 9.1926	17.11.1937
Switzerland	1. 2.1929	1.11.1937
Union of South Africa	30. 3.1926	16.11.1937
Uruguay	6. 6.1933	30.11.1937
Yugoslavia	1. 4.1927	18.11.1937
* * *	* * *	* * *
Burma ¹	30. 9.1927	29.11.1937

The Government of *Colombia* refers to its report for last year in which it stated that in practice, national and foreign workers received equal treatment as regards workmen's compensation for acci-

dents, in view of the fact that the Constitution of the Republic, in theory, provided for reciprocity of treatment, that is to say, foreigners in Colombia had the same rights as were 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, made no distinction between national and foreign workers. The Government added that when this legislation was amended the provisions of the Convention would be included in the new Act. For the general information supplied by the Government in its letter of 28 February 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

For the general information supplied by the *Greek* Government in its letter of 1 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

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

The report of the Government of *Spain* has not yet been received. For the general information supplied by the Government in its letter of 12 March 1938, 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 amendment Act No. 1 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).

¹ See the Introduction to the present volume, p. 4.

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).

Federal Act No. 31 of 1937 concerning the provisional measures to be applied to insured persons in agriculture, etc. affiliated to the salaried employees' insurance institution.

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 application 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 by the 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 concerning the application of the Act respecting the insurance of wage-earning employees against accidents.

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 1925 (L. S. 1925, G. B. 3) and 1926 (L. S. 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 Act (Northern Ireland) 1931.

Workmen's Compensation (Coal Mines) Act 1934 (L. S. 1934, G. B. 2).

The Adoption of Children (Workmen's Compensation) Act 1934.

Various Orders, Regulations, and Schemes concerning Workmen's Compensation dating from 1909 to 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).

Legislative Decree of 30 October 1935 to ratify the Convention.

Act No. 649 of 1937 respecting liability for payment of compensation to victims of accidents in public works undertakings.

Ministerial Decree No. 10,703 to approve the Regulations respecting the method of affiliation to insurance and the recovery of contributions by the Social Insurance Institution.

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 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 No. 15 of 1933 (L. S. 1933, Ind. 2) and No. 7. of 1937.

Workmen's Compensation (Transfer of Funds) Regulations of 13 March 1935.

Notifications Nos. L-1821 of 28 and 29 January 1937, extending the list of occupational diseases in respect of which compensation is payable.

Notification No. L-3002 of 27 March 1937, extending the scope of the Workmen's Compensation Act to persons employed in the handling or transport of goods in warehouses.

Ireland.

Act. No. 9 of 22 March 1934 to consolidate and amend the law relating to compensation to workmen for injuries suffered in the course of their employment (L. S. 1934, I.F.S. 1).

Workmen's Compensation Act, 1934 (Industrial Diseases) Order of 28 July 1934, pursuant to section 76 of the above Act (L. S. 1934, I.F.S. 2).

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), on 25 June 1929 by Imperial Ordinance No. 202 (L. S. 1929, Jap. 1 C) and on 21 December 1936 by Imperial Ordinance No. 447.

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) 5 June 1933 (L. S. 1933, Jap. 1), and by Ordinance No. 55 of the Ministry of the Interior, dated 21 December 1936.

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), 1 July 1929 (L. S. 1929, Jap. 6) and 21 December 1936 (No. 449).

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 the above-mentioned Act No. 54 (L. S. 1931, Jap. 2 A), amended by Imperial Ordinances No. 314 of 13 December 1933 (L. S. 1933, Jap. 2) and No. 448 of 21 December 1936.

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 the above-mentioned Act No. 55 (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.

Act of 30 April 1936 concerning insurance against occupational accidents (L. S. 1936, Lith. 3).

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.

Federal Labour Act of 18 August 1931 (L. S. 1931, Mex. 1).

The Government states that the 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.

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).

Decree No. 27,649 of 12 April 1937 issuing regulations concerning compensation for industrial accidents and occupational diseases under Act No. 1942 of 27 July 1936 (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).

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), 14 June 1933 (L. S. 1933, Swe. 1), 26 June 1936 (L. S. 1936, Swe. 5) and 11 June 1937.

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 28 March 1917 respecting the organisation of the Federal Insurance Court and the procedure to be followed before it.

Federal Order of 9 June 1927 ratifying the Convention.

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.

* * *

Burma.

(Report of the Government of Burma for the period 1 April-30 September 1937 communicated through the Government of the United Kingdom).

See under *Convention n° 1 (Hours of work, industry)*, point I.

II.

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

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to grant to the nationals of any other Member which shall have ratified the Convention, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals.

This equality of treatment shall be guaranteed to foreign workers and their dependants without any conditions as to residence. With regard to the payments which a Member or its nationals would have to make outside that Member's territory in the application of this principle, the measures to be adopted shall be regulated, if necessary, by special arrangements between the Members concerned.

Please indicate the legislative or other provisions relating to the payment of compensation to persons injured in industrial accidents or their dependants, if they reside outside the country from which compensation is due:

- (a) *in the case of national workers and their dependants;*
- (b) *in the case of foreign workers and their dependants.*

Please give information regarding any special arrangements which may have been made with other Members concerned, forwarding copies of the texts.

Austria. — The report states that foreigners enjoy, in principle, the same treatment as nationals. Where the legal

provisions in force contain nevertheless special regulations on foreigners, such regulations are not applicable, under Article 1 of the Convention, to nationals of countries which have ratified the Convention. The provisions applying to foreigners are the following: (a) § 59 (2), third paragraph, and § 194 (2) of the Federal Act respecting social insurance in industry (accident insurance of workers in industry); (b) § 59 (2), third paragraph, of the above Act (accident insurance of salaried employees in industry); (c) § 42 of the Accident Insurance Act of 1929 (accident insurance of employees of general traffic railways); (d) § 84 (2) of the Act concerning social insurance institutions in agriculture (accident insurance of agricultural workers); (e) § 59 (2), third paragraph, of the Federal Act respecting social insurance in industry (accident insurance of salaried employees in agriculture).

France. — The report states that the negotiations referred to in last year's report for the conclusion of an arrangement between France and Spain have not resulted in any definite agreement, as the examination of the amendments to be made to the draft arrangement previously drawn up is still proceeding. A preliminary study is now being made with a view to commencing shortly the contemplated negotiations for the conclusion on the same basis of an agreement between France and the Netherlands. Owing to various difficulties arising from the serious divergencies between the legislation in force in the two countries, it has not yet been possible to undertake these negotiations.

Greece. — The report states that as Act No. 6298 of 1934 concerning social insurance has been applied in Greece since 1 December 1937, Greek legislation ensures to all persons working in Greek territory a system of insurance against industrial accidents. Act No. 6298 and Decree No. 10703 concerning the method of affiliation to insurance do not make any distinction between foreign workers and nationals as regards lump sum payments and the right to a pension. The Act lays down a condition of residence, but this condition applies to all persons concerned, including Greek nationals. Thus the pension of every pensioner, whatever his nationality, may be suspended if he resides abroad for more than six months without the approval of the Social Insurance Institution. In this case, at the request of the pensioner, he may be granted a lump sum by way of compensation equal to three times the amount of his annual pension. Once this sum is paid to him he forfeits the right to a pension for himself and his dependants.

India. — ... Special arrangements for the payment of claims outside India have

also been made with the United Kingdom and the Federated Malay States.

Lithuania. — The Act of 30 April 1936 concerning insurance against occupational accidents does not distinguish in any way between national and foreign workers as regards the payment of accident compensation. Nevertheless, § 37 of the Act lays down that a worker's dependants are not entitled to a pension unless they were residing in Lithuanian territory at the time of the accident. This restriction, however, does not apply to nationals of States which, in similar circumstances, grant a pension to the dependants of Lithuanian nationals, or to nationals of States with which Conventions have been concluded to that effect.

A special Convention concerning accident compensation, which was concluded with the Government of the Argentine Republic on 20 October 1932, expressly guarantees that the heirs or dependants of a worker who is a national of one of the contracting parties and the victim of an occupational accident on the territory of the other party, shall receive the lawful amount of compensation, even if, at the time of the accident, they were not residing in the territory of the country in which the accident occurred.

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.

Finland. — The report states that the governments of Denmark, Finland, Norway and Sweden concluded a special agreement in Oslo, on 3 March 1937, respecting accident insurance for workers employed as fitters, or in a temporary or intermittent capacity on behalf of an employer or undertaking situated principally in the territory of another party to the treaty.

France. — See under ARTICLE 1.

ARTICLE 3.

The Members which ratify this Convention and which do not already possess a system, whether by insurance or otherwise, of workmen's compensation for industrial accidents agree to institute such a system within a period of three years from the date of their ratification.

Please state whether legislative provision has already been made in your country for workmen's compensation for industrial accidents, and, if not, what measures have been taken to give effect to this Article.

Lithuania. — The report mentions the Act of 30 April 1936 which provides for a worker's compensation system for industrial accidents.

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.

Greece. — The report refers to Act No. 649 of 1937 respecting liability for payment of compensation to victims of accidents in public works undertakings and to Decree No. 10.703 of 1937 concerning the method of affiliation to insurance and the recovery of contributions by the Social Insurance Institution.

India. — The Government states that Notifications No. L-1821 of 28 and 29 January 1937 extend the list of occupational diseases in respect of which compensation is payable. Notification No. L-3002 of 27 March 1937 extends the scope of the Workmen's Compensation Act to persons employed in the handling or transport of goods in warehouses.

Lithuania. — The report states that there have been no modifications since the Act of 30 April 1936 came into force on 1 January 1937.

Portugal. — Decree No. 27.649 of 12 April 1937 issues regulations for the application of Act No. 1942 respecting the right to compensation for injury resulting from industrial accidents or occupational diseases. The provisions of the Act have not been modified.

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 proposed promulgation of the Convention in the Federation of Indo-China on the date of the covering into force in this territory of the Decree of 9 September 1934 concerning compensation for industrial accidents to Europeans and assimilated persons in Indo-China, has been considered inopportune owing to existing local conditions.

Great Britain. — In the Bechuanaland Protectorate, Proclamation No. 28 of 1936 concerning workmen's compensation makes no distinction between national and foreign workers.

Netherlands. — The Government states that in Curaçao the Ordinance of 18 June 1936 "to proclaim the liability of employers for compensation to workers in certain industries who meet with industrial accidents or contract occupational diseases and the right of the said workers to such compensation" ¹ was promulgated in the *Publicatieblad*, No. 54 of 1937. The Ordinance contains no limitation of nationality in regard to the workers covered. It provides, however, in § 6 (7) that a worker in receipt of a periodical allowance shall not leave the island where the undertaking of the employer liable for compensation is situated without the consent of the said employer, on pain of forfeiture of the right to medical attendance and nursing and to the allowance, until the expiry of a period of three years.

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.

Greece. — The report states that the application of the provisions of the Convention is entrusted to the Labour Inspect-

orate, the sanitary committees of the Social Insurance Institution and the insurance courts.

Latvia. — The report states that the Department for the Protection of Labour of the Ministry of Social and Public Affairs and the Section for Social Insurance against Industrial Accidents of the Ministry of Social Welfare are responsible for supervising the application of the Convention.

Lithuania. — The report states that insurance is administered by the Accident Insurance Fund under the supervision of the Supreme Social Insurance Board.

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, although the Labour Courts and administrative authorities frequently give decisions which recognise the rights of foreigners under the legislation implementing the Convention, the Factory Inspection Service has in its possession the text of only one of these decisions. This decision, the text of which is appended to the report, was to the effect that a Bolivian subject, about to return to his own country, should receive compensation for permanent partial incapacity in a lump sum.

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.

¹ L. S. 1936, Cur. I.

Austria. — The report states that it is impossible to indicate the number and nationality of foreign workers employed in Austria, their territorial and occupational distribution, or the number and nature of the accidents occurring to them. The insurance institutions 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 ask the insurance institutions in future to collect such information, and thereby to undertake a considerable amount of extra work. No observations have been received from employers' or workers' organisations with regard to the practical application of the Convention or of the national legislation which implements it.

Belgium. — No observations have been made by employers' or workers' organisations with regard to the practical application of the Convention.

Bulgaria. — The report states that the number of foreign workers in Bulgaria is 4,315, of whom 1,800 are Russians, 480 Armenians, 554 Yugoslavs, 287 Hungarians, 272 Czechs, 255 Germans, 189 Italians, 148 Austrians, etc. Classified according to occupations, there were among these foreigners 3,104 workers, 995 technical experts, 146 administrative managers and 70 technical managers. The Government 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 it.

Chile. — The report states that the number of foreign workers in Chilean territory is 32,998. Of this number, 2,537 salaried employees and 5,332 workers were employed in industry, 7,246 salaried employees and 1,335 workers in commerce, and 481 salaried employees and 2,741 workers in agriculture. The number of industrial accidents suffered by foreign workers was 579. 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. — See introductory note.

Cuba. — The Government states that it was not possible to compile statistical information but that every effort will be made to supply such information in the next report. 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 1935 which has been communicated to the Office. The report for 1936 will be communicated as soon as it has been published.

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

Estonia. — 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 Accident Office there were, during the period covered, 137 industrial accidents in which the victims were foreigners. Of this number 124 cases gave rise to the grant of daily benefits, while 8 cases are still pending. Classified according to their nationality, the victims included 101 Russians, 2 Ingueians, 5 Estonians, 3 Germans, 4 Carelians from Viena, 1 Carelian from Aunus, 7 Swedes, 3 Danes, 1 British, 2 Swiss, 2 Poles, 1 Italian, 1 Lithuanian, 1 Netherlands, 1 Austrian and 2 owners of Nansen passports.

France. — With regard to the approximate number of foreign workers in France, the report states that a general census of the population was taken in March 1936 and that its results concerning foreign workers are not yet known. Only the numerical strength of the total foreign population in France has been compiled, which is 2,453,507. According to the 1926 and 1931 census reports, of the total foreign population in France the percentage of workers was 44. Assuming that changes in the economic situation have not appreciably affected the figures given in the census reports it could be stated that the number of foreign workers in France in March 1936 (the date of the census) was about 1,079,000. As a result of the emigration and immigration of foreign workers this figure has undergone same changes. Taking into account these changes it could be stated that the number of foreign workers in France on 30 September 1937 was between 1,000,000 and 1,100,000.

Great Britain. — The report states 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 of workers.

Greece. — The report states that no observations have been received from the occupational organisations.

Hungary. — 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. — 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.

Ireland. — The report states that it is not possible to supply useful particulars under this heading. No observations have been received from organisations of employers or workers.

Japan. — The report states that no statistics are available as regards foreign workers employed in undertakings to which the legislation concerning compensation for accidents applies. With regard to the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention, no observation have been received from the organisations of employers or workers concerned.

Latvia. — The report states that the Social Insurance Section of the Ministry of Social Welfare has no statistical information available regarding the practical application of the Convention.

Lithuania. — The report states that it has not been possible to draw up the required statistics, but that the Government hopes to include such information in its next report. No observations have been received from employers or workers regarding the application of the Convention.

Luxemburg. — The report of the Luxemburg Accident Insurance Association for 1936, to which the report of the Government refers, contains the following information: out of a total of 74 persons in receipt of life annuities who were paid a lump sum during 1936, 9 were foreigners; out of a total of 11,781 accidents reported during 1936, 2,508 (21.29 %) 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. — 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. — 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 1,021 pensions to victims of accidents resident abroad were paid during the second half of 1936, the total amount of the sums thus transferred being about 223,000 zloty. During the first half of 1937, there were 1,060 beneficiaries residing abroad and the total amount of the sums transferred was about 202,000 zloty. In this calculation no account has been taken of the classification of the beneficiaries according to their country or origin; it may be presumed, however, that these figures include a large number of nationals of countries which have ratified the Convention.

Sweden. — In the absence of the necessary particulars the information requested under this heading cannot be supplied. The report points out, however, that the Convention is satisfactorily applied. This conclusion is confirmed by the fact that no complaints regarding the application of the Convention have been made by the industrial organisations.

Switzerland. — The Convention is fully observed in Switzerland. 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 205 survivors' pensions granted from 1 October 1936 to 30 September 1937 on account of industrial accidents, 225 related to accidents to Swiss citizens, and 20 to foreigners, i.e. about 8.8 %. The nationalities of the 20 fatally injured foreign workers were as follows: German, 4; Austrian, 1; Danish, 1; French, 4; Italians, 10. 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 several employers, as well as certain organisations of workers, have repressed the view that the present system of insurance of workmens' compensation, i.e. through insurance companies, is too costly. Efforts are being made to reduce the administration costs of the system.

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.

be incorporated in the positive law of the country when economic conditions permit, but that in view of the economic and industrial situation the immediate application of the Convention could not be considered. At the same time the Government stated that the provisions of the Convention would be put into force in due time. The report for this year states that there has been no change in this situation. For the general observations made by the Government in its letter of 28 February 1938, 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 observations made by the Government of *Spain* in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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 1937 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 1936-30 September 1937 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Bulgaria	5. 9. 1929	27. 11. 1937
Chile	31. 5. 1933	5. 1. 1938
Colombia	20. 6. 1933	16. 3. 1938
Cuba	6. 8. 1928	7. 1. 1938
Estonia	23. 12. 1929	22. 10. 1937
Finland	26. 5. 1928	6. 11. 1937
Ireland	15. 3. 1937	5. 1. 1938
Luxemburg	16. 4. 1928	17. 1. 1938
Nicaragua.	12. 4. 1934	
Spain	29. 8. 1932	16. 3. 1938
Uruguay	6. 6. 1933	24. 2. 1938

In its report for the period 1 October 1935 to 30 September 1936 the Government of *Colombia* stated that its main object in ratifying this Convention had been to demonstrate its spirit of international co-operation in the study of labour problems. It added that it desired to have at hand a formal text which could

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).
Legislative Decree of 2 February 1937 to supplement § 18 of the Act respecting hygiene and safety in employment (L. S. 1937, 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. 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 2 December 1936 to prohibit night work in bakeries (L. S. 1936, Est. 6).

Order of 15 December 1936 to fix the hours during which work in bakeries is prohibited and the exceptions permitted thereto (L. S. 1936, Est. 6).

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.

Ireland.

Night work (bakeries) Act of 14 August 1936 (L. S. 1936, Ir. 3).

Order of 9 January 1937 bringing the above Act into operation on 1 February 1937.

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.

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.

This prohibition applies to the work of all persons, including proprietors as well as workers, engaged in the making of such products; but it does not apply to the making of such products by members of the same household for their own consumption.

This Convention has no application to the wholesale manufacture of biscuits. Each Member may, after consultation with the employers' and workers' organisations concerned, determine what products are to be included in the term "biscuits" for the purpose of this Convention.

In addition, if advantage has been taken of the exception provided for in the last paragraph of this Article, please indicate what definition, if any, of the term "biscuits" has been adopted and what method was employed for consultation with the employers' and workers' organisations concerned.

Bulgaria. — The Legislative Decree of 2 February 1937, which came into force on 1 March 1937, adds a seventh paragraph to § 18 of the Act respecting hygiene and safety in employment, prohibiting the employment of hired labour in bakeries during the night.

Estonia. — § 1 of the Act of 2 December 1936, which came into force on 1 January 1937, lays down that in undertakings producing bread, pastry or other flour confectionery, the making of these products is prohibited during seven hours of the night.

Ireland. — § 2 of the Act of 14 August 1936 lays down that the Act applies to every bakery carried on for the manufacture of bread, pastry or other flour confectionery, except where the work of such manufacture is done by members of a household for their own consumption. § 3 of the Act prohibits any owner of an undertaking coming under the Act to make or to cause to be made during the night the products mentioned in § 2, except in the case of the manufacture of biscuits for sale wholesale. § 6 provides that the Minister for Industry and Commerce, after consultation with the employers' and workers' organisations concerned may, by order, make regulations prescribing the goods which shall be considered as biscuits for the purposes 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.

Subject to the exceptions hereinafter provided, the making of bread, pastry or other flour confectionery during the night is forbidden.

ARTICLE 2.

For the purpose of this Convention, the term "night" signifies a period of at least seven consecutive hours. The beginning and end of this period shall be fixed by the competent authority in each country after consultation with the organisations of employers and workers concerned, and the period shall include the interval between eleven o'clock in the evening and five o'clock in the morning. When it is required by the climate or season, or when it is agreed between the employers and workers' organisations concerned, the interval between ten o'clock in the evening and four o'clock in the morning may be substituted for the interval between eleven o'clock in the evening and five o'clock in the morning.

In addition, please state

- (1) *what method was employed to consult the employers' and workers' organisations concerned for the purpose of fixing the beginning and end of the night period indicating, as far as possible, also the hours so fixed;*
- (2) *whether, in the circumstances specified in the last sentence of this Article, the interval between 10 o'clock in the evening and 4 o'clock in the morning has been substituted for the interval between 11 o'clock in the evening and 5 o'clock in the morning, and, if so, for which one of the three reasons provided for in the Article.*

Bulgaria. — Under the terms of the Legislative Decree of 2 February 1937 inserting a seventh paragraph in § 18 of the Act respecting hygiene and safety in employment, the term "night" means the period from 8 p.m. to 4 a.m.

Estonia. — § 1 of the Act of 2 December 1936 provides that the night period of seven hours during which the making of bread is prohibited must include the interval between 11 p.m. and 5 a.m., and that the beginning and end of this period shall be fixed by the Minister of Social Affairs after consultation with the organisations of employers and workers concerned. In accordance with the above provision, § 1 of the Order of 15 December 1936 provides that the night interval shall be from 10 p.m. to 5 a.m. § 3 of the Act of 2 December 1936 lays down that, in pursuance of an agreement between the employers' and workers' organisations concerned, the Minister of Social Affairs may substitute the interval between 10 p.m. and 4 a.m. for the compulsory interval specified in § 1.

Ireland. — § 4 of the Act of 14 August 1936 provides that the Minister for Industry and Commerce may, after consulting representatives of the employers and workers concerned, make regulations prescribing the interval to be considered as the period of night for the purposes of the Act, which must in any event include the period of six consecutive hours from 11 p.m. to 5 a.m. An Order of 9 January 1937 (§ 3) defines the period of night for the whole country as being the period between 10 p.m. and 6 a.m. The report states that before the Order was made, the Minister consulted the several associations of employers and workers in writing and that he subsequently held a joint consultation with representatives of these associations.

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).

Estonia. — § 4 (1) of the Act of 2 December 1936 authorises the Minister of Social Affairs, after consultation with the employers' and workers' organisations concerned, to grant the permanent exceptions necessary for the execution of preparatory or complementary work, provided that young persons under the age of eighteen years are not employed in such work. In accordance with this provision § 4 of the Order of 15 December 1936 provides that, in order to carry out preparatory and supplementary work a certain number of workers may begin work at 3 a.m. one week out of every two. In bakeries where the owner works with a single employee, he must perform the preparatory and complementary work himself. The following processes are considered to be preparatory or complementary: firing the ovens, mixing, kneading and cutting up the dough, moulding, weighing and baking and also the addition of special ingredients. Similarly, in order to ensure the observance of the weekly rest day, § 8 of the Order provides, in accordance with § 4 (2) of the Act, that two men may be employed in large undertakings on preparatory and complementary work on the night following a Sunday or public holiday and that, in 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. With regard to temporary exceptions, § 3 of the Order provides, in pursuance of § 4 (3) of the Act, that during the summer season (1 June to 1 September) work may be begun at 4 a.m. in the bakeries of certain watering and seaside resorts. § 2 of the Order also provides that work may be performed during the night before certain important festivals.

Ireland. — The report states that advantage has been taken to make the following exceptions, as provided under (a) and (d) of this Article: under § 5 of the Act of 14 August 1936 an Order of 9 January 1937 excepts from the provisions of Article 1 the processes of flour-blending, dough-making and sponge-making. Another Order of the same date provides that all processes of manufacture in bakeries in the County of Donegal shall be excepted to enable them to cope with the demand for locally manufactured bread. Finally three Orders of 23 March, 12 May and 24 July 1937 provide for temporary exceptions to enable bakeries to deal with unusual pressure of work at certain festival seasons. These exceptions were in each case for two nights only: 25-27 March, 13-15 May, 29-31 July. The report points out that no advantage was taken of the exceptions in (b) and (c) of this Article. The method of consultation with the employers' and workers' organisations concerned was as indicated in the reply under Article 2; in the case of exceptions for a limited period, all associations were consulted in writing and, in one instance, there were also verbal discussions.

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.

Estonia. — Under § 2 of the Act of 2 December 1936 exceptions to the prohibition of night work in the undertakings concerned are allowed 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.

Ireland. — § 8 of the Act of 14 August 1936 provides that to take advantage of the exception under this Article, the employer must be in a position to prove that the exception was necessary: to avoid serious interference with the ordinary working of the undertaking; on account of an accident, actual or threatened; on account of urgent repairs to plant or machinery, or owing to an act of God.

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.

The reports supplied do not contain any fresh information in this connection.

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.

Estonia. — § 5 of the Act of 2 December 1936 lays down that the Labour Inspectorate and the police shall be responsible for the supervision of the observance of the Act and of the Orders issued thereunder and for the prosecution of persons who contravene the said Act or Orders. The Act adds that a new provision shall be added to the Penal Code, under which any occupier or manager of a bakery who is guilty of failure to observe the regulations prohibiting night work in

bakeries will be liable to detention for not more than three months or a fine not exceeding 300 crowns.

Ireland. — The report states that the Department of Industry and Commerce is responsible for the administrative arrangements applying the legislation giving effect to the Convention. The State Police force (Garda Síochána) is, however, responsible for enforcing the application of the legislation and takes the necessary initial steps for instituting proceedings in the ordinary law courts. Individual workers or organisations of workers and employers are at liberty to give information to the local officers of breaches or suspected breaches of the provisions of the Act. The Government adds that the distribution of the police and their knowledge of local circumstances are such that they are in a position to confirm (without necessarily having recourse to actual inspection of premises) that the provisions of the Act are being complied with or to become aware of any breaches that may occur.

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 twelve relevant decisions involving fines for various breaches of the regulations.

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. — The report states that 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. — A report of the General Labour Inspectorate states that, as time goes on, and with the growing collaboration of the workers (who formerly often agreed with their employers to evade the law), the regulations are being observed. The report also points out that the employers conclude mutual agreements to avoid competition from those bakeries which, by infringing the law, are able to supply new bread earlier in the morning, thus complying with a traditional requirement of the population. The question raised by the employers' organisations of amending the legislation owing to the people's habit of eating new bread early in the morning is still pending. The General Labour Inspectorate, together with the General Department of Health, made experiments in some undertakings to discover how far it would be possible to supply the public with new bread in the early morning, while conforming in every way with the regulations. The report adds that the results were not at all satisfactory. The number of workers covered by the relevant legal provisions is 12,274; 609 breaches of the Act were noted.

Colombia. — See introductory note.

Cuba. — The Government states that, according to information received from the National Labour Inspectorate, it would appear that some offences against the legislation have occurred, and adds that it is unable to forward the Inspectorate's report as the latter is not complete.

Estonia. — The report states that the number of undertakings in which night work in bakeries was carried on at the end of 1936 was 368. These undertakings employed 877 workers. During that year 185 breaches were reported. The labour inspectors instituted proceedings in 168 cases and in 17 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 with regard to the practical application of the legislation implementing the Convention.

Finland. — The report states that in 1936 the number of bakeries subject to inspection was 1,680 employing 5,869 workers, including 3,803 women. The number of visits of inspection made during the year was 2,177, 61 of which were made at night. Proceedings were taken in 29 cases of infringement. The employers' and workers' organisations concerned have not made any observations with regard to the application of the Convention or of the national legislation implementing the Convention.

Ireland. — The report states that prior to 1 February 1937, when the Act of 14 August 1936 came into force, night work was not carried on, except in bakeries in some country districts, save in so far as the exceptions in Article 3 of the Convention permitted. The period of approximately 6 months (extended up to 1 May 1937 in the case of one area) which was allowed to elapse between the date of the passing of the Act and the date of its entry into force gave bakeries an opportunity of installing the necessary plant. The Government states that statistics of the number of workers affected by the exceptions allowed under Article 3 are not available. The reports from the inspection services indicate that the pro-

visions of the legislation are being observed. Since the Act of 14 August 1936 came into force, 1,485 visits of inspection have been made in 782 undertakings. Two prosecutions have been taken for minor breaches of the Act. 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 organisations of employers or workers.

Luxemburg. — The Government states that the Labour Inspectorate mentions no breaches 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 or of the national law implementing the Convention.

Spain. — The Government states that owing to the civil war which has been going on for more than a year, it is unable to supply full statistical information under this heading. It adds 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.

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

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 1937 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 1936-30 September 1937 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Albania	17. 3. 1932	
Australia	18. 4. 1931	30.10.1937
Austria	29.12.1927	8.11.1937
Belgium	15. 2. 1928	27.10.1937
Bulgaria	29.11.1929	27.11.1937
Colombia	20. 6. 1933	16. 3. 1938
Czechoslovakia . .	25. 5. 1928	6.12.1937
Finland	5. 4. 1929	6.11.1937
Hungary	3. 2. 1931	18. 2. 1938
India	14. 1. 1928	22.12.1937
Ireland	5. 7. 1930	20.10.1937
Japan	8.10.1928	1. 2. 1938
Luxemburg	16. 4. 1928	17. 1. 1938
Netherlands . . .	13. 9. 1927	1.10.1937
Nicaragua	12. 4. 1934	
Uruguay	6. 6. 1933	30.11.1937
* * *	* * *	* * *
Burma ¹	14. 1. 1928	29.11.1937

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

The Government of *Australia* refers to its previous reports in which it stated

¹ See the Introduction to the present volume, p. 4.

that it has not been found necessary to adopt legislation or issue administrative regulations for the application of the provisions of the Convention.

The Government of *Austria* refers to its previous reports in which it stated 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 Emigrant Act.

The Government of *Colombia* refers to its previous reports in which it stated 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 formal text which, if occasion arose, could be incorporated in the positive law of the country. In these reports it pointed out that in present circumstances, effect has not been given of the Convention for reasons of convenience, and in order to avoid complicating the legislation concerning emigrants on board ship, adding that 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, in its letter of 28 February 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Finland* refers to its previous reports in which it stated that it had not been found necessary to draft special legislation for the application of the Convention, as there were no ships in Finland of the kind to which the Convention referred. The Convention had nevertheless been put into force by an Order dated 1 March 1929.

The Government of *India* refers to its previous reports in which it stated that no official system exists in India for the inspection of emigrants during the voyage. It pointed out that 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 Government 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* Government states that there are no regulations in force regarding inspectors on board emigrant ships. The 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 will undertake that the provisions regarding emigrant ships in this new legislation will not be out of harmony with the Convention.

The Government of *Japan* refers to its last report in which it stated that no legislation exists providing for the placing of an official inspector on board an emigrant vessel and stipulating his duties and powers. This report, however, pointed out that 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* refers to its previous reports in which it stated 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 that it has nothing to add to its last report in which it stated 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 Government 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.

Emigration Act of 1908.

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).

Ireland.

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.

* * *

Burma.

(Report of the Government of Burma for the period 1 April-30 September 1937 communicated through the Government of the United Kingdom).

See under *Convention No. 1 (Hours of work, industry)*, point I.

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.

The reports supplied do not contain any fresh information on this point.

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.

The reports supplied do not contain any fresh information on this point.

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.

The reports supplied do not contain any fresh information on this point.

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.

The reports supplied do not contain any fresh information on this point.

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.

The reports supplied do not contain any fresh information on this point.

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.

The reports supplied do not contain any fresh information on this point.

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.

The reports supplied do not contain any fresh information on this point.

III.

Article 12 of the Convention is as follows :

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

In application of the second paragraph of Article 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.

The reports supplied do not contain any fresh information on this.

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.

The reports supplied do not contain any fresh information in this connection.

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. — The report states that the Federal Government has not received any observations from employers' or workers' organisations with regard to the practical application of the Convention.

Belgium. — The Government states that the slight increase in emigration from the port of Antwerp to North and South America apparent at the beginning of 1936 was only temporary and that during the course of the year emigration again became normal, the figures for 1936 only exceeding those for 1935 by a small number of persons. The supervision of the emigrants, who seldom numbered more than about 50 in any one group, was entrusted to the ships' doctors, for the most part Belgian subjects, with the exception of a group of about 300 Poles who left on a French boat and were accompanied by a Polish official. 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.

Finland. — The Government supplies the following statistics. The number of emigrants amounted to 573 in 1935 and to 711 in 1936, these two years showing an increase over 1934 when the numbers were lowest, being only 402. Emigration has been increasingly directed towards Sweden, to which country 253 persons were transferred in 1935 and 392 in 1936. Other countries for which emigrants departed were the United States of America (94), Canada (56) and South Africa (54). As regards occupations, 184 of the emigrants were domestic servants and 179 agricultural workers. The majority of those who went to Sweden were female domestic servants.

Hungary. — In 1935, 1,093 Hungarian nationals were carried overseas as emi-

grants. During the first nine months of 1936 the number was 775.

India. — The number of emigrants who went to Ceylon and Malaya during the year 1936 was: Ceylon 40,803 and Malaya 3,754. During the year 1937 their number up to 31 July was: Ceylon 22,334 and Malaya 39,002. The increase in the number of Indian emigrants to British Malaya during 1937 was due to the fact that rubber production and export, which was restricted to 60 and 65 per cent. of the basic quotas during the first and second halves of 1936, was allowed up to 75 per cent. during the first quarter and 80 per cent. during the second quarter of 1937.

Ireland. — During the year 1936 the number of emigrants of Saorstát Éireann nationality was 1,261. 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 (when it was impossible to distinguish the emigrants from the other passengers, the third class passengers being considered as emigrants) on board ships flying the Japanese flag during the year 1936:

Destination	Number of emigrants
South America (Brazil, Argentine Republic, etc.)	7,023
North America (Mexico, Canada, etc.)	134
South Seas (Davao, Surabaya, etc.)	3,930
Elsewhere	2,440
Total	<u>13,527</u>

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 Government states that 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 1937, 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 1936-30 September 1937 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Australia	1. 4. 1935	12. 11. 1937
Belgium	3. 10. 1927	27. 10. 1937
Bulgaria	29. 11. 1929	27. 11. 1937
Chile	18. 10. 1935	5. 1. 1938
China	2. 12. 1936	23. 2. 1938
Colombia	20. 6. 1933	16. 3. 1938
Cuba	7. 7. 1928	7. 1. 1938
Estonia	10. 5. 1929	22. 10. 1937
France	4. 4. 1928	23. 12. 1937
Great Britain . . .	14. 6. 1929	17. 11. 1937
India	31. 10. 1932	22. 12. 1937
Ireland	5. 7. 1930	12. 11. 1937
Italy	10. 10. 1929	
Luxemburg	16. 4. 1928	17. 1. 1938
Mexico	12. 5. 1934	24. 11. 1937
Nicaragua	12. 4. 1934	
Poland	8. 8. 1931	17. 11. 1937
Spain	23. 2. 1931	30. 3. 1938
Uruguay	6. 6. 1933	30. 11. 1937
Yugoslavia	30. 9. 1929	18. 11. 1937
* * *	* * *	* * *
Burma ¹	31. 10. 1932	29. 11. 1937

¹ See the Introduction to the present volume, p. 4.

The *Chinese* Government states, in its report, that in accordance with Article I, this Convention does not apply to vessels engaged in the coasting trade. As no sea-going vessels registered in the Ministry of Communications have engaged in other trades than the coasting trade, the Convention has therefore temporarily no practical application in the Republic of China.

In its report for this year the Government of *Colombia* refers to its previous report in which it stated that effect had not been given to the Convention because national economic conditions did not, then, require its embodiment in the statutory 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 embody the principles of the Convention in its doctrine with a view to adapting the provisions of the Convention to national conditions by means of legislation, should occasion arise. For the general information supplied by the Government in its letter of 28 February 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

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

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

For the general information supplied by the Government of *Spain* in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

In a letter dated 31 May 1937 the Minister of Industry and Labour of *Uruguay* stated that it had been ascertained that there was one foreign-going ship registered in the country and that one of the Departments of the Administration was about to acquire a number of tankers. In its report the Government states with reference to this Convention, which has

not yet been implemented in national law, that Parliament still has under consideration Bills which have been submitted to it with a view to adding to national legislation the provisions which are necessary as a result of ratification of this and other Conventions.

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 amended in particular in 1925, 1927 and 1929.

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.

Act of 7 March 1931 respecting merchant shipping (L. S. 1931, Bulg. 1).

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.

Shipping Act of 24 June 1878.

China.

See introductory note.

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.

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);

Order of 24 May 1928 relating to the Seamen's Institute Act;

Order of 12 June 1928 relating to the Seamen's Act.

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 1906¹.

India.

Indian Merchant Shipping Act, 1923 (L. S. 1923, Ind. 4).

Indian Merchant Shipping (Amendment) Act, 1931 (L. S. 1931, Ind. 1).

General Clauses Act, 1897.

Indian Contract Act, 1872.

Ireland.

Merchant Shipping Acts of 1894 and 1906¹.

Luxemburg.

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

Mexico.

§ 123 of the Constitution of 1917.

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).

Decree of the President of the Republic of 2 July 1935 promulgating the Convention (*Diario Oficial*, Vol. XCI, No. 32, 6 August 1935).

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, German), as amended by the Act of 17 March 1933 (L. S. 1933, Pol. 4).

Act of 28 May 1929 concerning Polish merchant shipping, amended by Decree of the President of the Republic of 6 March 1928.

Instruction of 28 November 1929 concerning the conditions of work of Seamen;

Instruction of 18 October 1932 respecting the termination of articles of agreement and the notice to be given thereto.

Collective agreement of 6 July 1937 respecting the Conditions of work in Merchant Shipping.

¹ International Labour Office, Studies and Reports, Series P, No. 1, pp. 2 and 56 (extracts).

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 respecting conditions of employment on board seagoing vessels of the Kingdom of Yugoslavia (L. S. 1935, Yug. 2).

See also, under *Convention No. 2 (Unemployment)*, point I, the information supplied by Yugoslavia.

* * *

Burma.

(Report of the Government of Burma for the period 1 April-30 September 1937 communicated through the Government of the United Kingdom.)

See under *Convention No. 1 (Hours of work, industry)*, point I.

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.

China. — See introductory note.

Mexico. — National legislation makes no distinction between different types of vessel and has no fixed tonnage limit for vessels engaged in the home trade. The only distinction made is between *distant*,

coasting and *inland* navigation. Distant navigation is held to mean navigation between a port or place in a foreign country and a port or place in the national territory. By coasting navigation is meant navigation between any two ports or points of Mexican territory whether on direct ocean routes, in coastal waters or in sheltered waters under the conditions laid down in the relevant regulations. Inland navigation is held to mean navigation in ports or waterways, on lakes or lagoons of the Republic (§§ 222, 223 and 224 of the Act concerning public lines of communication).

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.

China. — See introductory note.

Mexico. — The report states that Mexican legislation lays down no geographical limits for vessels considered as being engaged in the home trade but that, in addition to the United States and Guatemala, Cuba is deemed to be a "neighbouring country" owing to the proximity of its territorial waters in the Yucatan Channel. The Act of 18 August 1931 (§ 133) applies to all those (including the master and officers) who perform any work on board the vessel on account of the shipowner, and that under the Act of 10 September 1932 concerning public lines of communication (§ 379) the crew of a vessel is held to mean "the whole body of persons responsible for the navigation of the vessel and duties of every kind on board thereof". Under § 134 of the Federal Labour Act the master is a person who exercises direct command on board a vessel. The Act applies to all vessels excepting only vessels of war (see also under *Article 1* above).

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.

China. — See introductory note.

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 Act of 18 August 1931. § 23 of this Act provides that every contract of employment shall be drawn up in writing. With regard to employment at sea in particular, § 137 (Chapter XV of the Act) lays down that the articles of agreement of the members of the crew of a vessel must be drawn up in quadruplicate, one copy being delivered to the seaman, one to the shipowner or his representative, a third to the harbour authority or the consul as the case may be, and a fourth to the competent conciliation or arbitration board. Mexican legislation thus ensures that the seaman will become acquainted with the terms of his articles and enables the competent public authority to exercise 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 provides that the legal provisions shall apply in place of the clauses which are void. In the case of collective agreements, the Act provides in § 140 in addition to the general provisions of § 43 and § 47 which, under § 41, are applicable to seamen) that the owner, as the employer, shall sign the agreement with the crew or with the industrial asso-

ciation to which a majority of the crew belongs. § 381 of the Act of 10 September 1932 concerning public lines of communication 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. Finally § 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.

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.

China. — See introductory note.

Mexico. — The report states that, under the national legislation, any clause of a contract of employment which aims at departing from the ordinary rules as to jurisdiction over the agreement shall be null and void. Such invalidity is based on § 22 (first paragraph and IV) of the Act which lays down that the "conditions, even if explicitly laid down in the contract, which constitute a renunciation by the employee of any right or privilege granted by this Act, shall be null and void, and shall not bind the contracting parties".

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.

China. — See introductory note.

Mexico. — The report states that under § 111 (XIV) of the Federal Labour Act the employer must give free of charge to any employee who is leaving the under-

taking a certificate in writing concerning his services, if he so requests. Neither the general provisions nor the special provisions concerning employment at sea make any mention of what such certificates should contain or omit. Nevertheless, if § 112 (VII) is interpreted in a general sense, employers may not make statements in the certificate which might be prejudicial to the worker. The report adds that the Services concerned had no certificates, of this kind to forward with the report (see also under *Article 14*).

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.

China. — See introductory note.

Mexico. — The report states that under § 138 of the Act of 18 August 1931, a seaman's agreement may be made, in Mexico, for a definite period, for an indefinite period, or for a voyage. The obligation of indicating clearly in the contract the respective rights and duties of each of the parties is so evident that no special provisions are required for this purpose. Under § 24 of the Act, which covers all contracts of employment, articles of agreement must 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 along which the vessel plies, and in case of doubt the port of registry of the vessel. In agreements for a definite or indefinite period the port to which the seaman is to be taken back shall be specified, and in default of such specification the place at which the seaman was engaged shall be deemed to be the port in question". Finally, under § 381 of the Act of 10 September 1932 concerning public lines of communication, articles of agreement must include clauses relating to repatriation. The report adds that the Act of 18 August 1931 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.

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.

China. — See introductory note.

Mexico. — The report states that § 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 shipowner and approved by the Department of Communications.

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.

China. — See introductory note.

Mexico. — The report states that all the provisions of this Article of the Convention are contained in the regulations for service on board drawn up and approved in the manner stated under Article 7 (see Article 7).

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.

China. — See introductory note.

Mexico. — Mexican legislation does not define the formalities necessary to terminate a contract of employment entered into for an indefinite period, but lays down, in § 39 of the Act of 18 August 1931, that if the causes out of which the contract arose and the occasion for the work still exist, the contract shall be

prolonged for such time as the circumstances continue without any formality being required for this purpose. The report states that 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 then be shown for notice of discharge. As regards legislation affecting seamen in particular, § 145 of the Act prohibits the termination of a seamen's agreement while the vessel is at sea, or while the vessel is in port if a request to terminate it is only 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. It should be noted that, apart from the above exceptional cases in which notice cannot take effect, the seaman may terminate his agreement at will. There are no provisions which define effectively the seaman's responsibilities and the owner has no means of compelling the seaman to work in execution of his contract. The seaman may give up his employment when he deems it to be to his advantage and give notice or not to his employer as he may wish. The liability at civil law thereby incurred by the employee under § 125 has never been invoked by employers. In case he may be held responsible for the wrongful dismissal of an employee, it is to the employers' advantage to inform the employee, in whatever way he may deem fit, of his intention of terminating the contract.

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.

China. — See introductory note.

Mexico. — The report states that the agreement is terminated by mutual consent of the parties (§ 126 (I)) of the Federal Labour Act, death of the seaman (§ 126 (II)), loss owing to capture or casualty (first paragraph of § 147). § 126 also enumerates a certain number of other cases in which the contract is likewise

terminated. These are : an event expressly stated in the contract to be a reason for its termination ; the termination of the work for which the employment was contracted ; cancellation of the contract for the reasons stated in §§ 121 and 123 of the Act (see under *Articles 11 and 12* below) ; the bankruptcy or judicial liquidation of the undertaking if the receiver or liquidator, in pursuance of the relevant legal proceedings, decides that the undertaking shall be suspended ; the complete closing down of the undertaking or the definitive stoppage of the work ; the physical or moral incapacity of either party or the incompetence of the employee, rendering the execution of the contract or the continuation of the undertaking impossible ; if an employee occupying a position of management, supervision or superintendence loses the confidence of the employer ; an unforeseen event or *force majeure*. § 143 also mentions the change of nationality of a vessel as a reason for terminating the contract.

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.

China. — See introductory note.

Mexico. — The report states that the master may discharge the seaman in the cases stipulated in § 121 of the Act of 18 August 1931, which are of general application in all undertakings. Such cases are : if the employee, or his industrial association deceived the employer by means of false certificates or references attributing to the employee abilities, skill or qualities which he does not possess (these grounds for cancellation shall cease to be operative when the employee has been at work for thirty days) ; if the employee in the course of his employment is guilty of a dishonest or dishonourable action, violence, threats or ill-treatment towards the employer or members of the family of the employer or one of his superiors in the service ; if the employee is guilty of any of the acts mentioned in the preceding item towards any of his fellow-workers, and the discipline of the workplace is affected in consequence of such acts ; if the employee is guilty outside his employment of any of the above acts towards aforesaid persons, and the said acts are of such a serious nature as to render compliance with the contract of employment impossible ; if the employee, during the performance of his work or in

connection therewith, wilfully causes material damage to the buildings, works, machinery, appliances, raw materials or other articles connected with the work or if the employee, acting without malicious intent but with negligence, causes damage as specified in the preceding item which is of a serious character ; if the employee is guilty of immoral conduct in the establishment or workplace ; if the employee reveals manufacturing secrets or communicates matters of a private character to the detriment of the undertaking ; if the employee by his inexcusable imprudence or carelessness compromises the safety of the undertaking or of the persons therein ; if the employee is absent from work more than three times in a month without the permission of the employer or sufficient reason ; if the employee disobeys the employer or his representative without sufficient reason in matters connected with work under the contract ; if the employee plainly refuses to adopt the preventive measures or follow the procedure laid down for the prevention of accidents or diseases ; if the employee attends for work in a state of intoxication or under the influence of a narcotic or harmful drug (§ 155 forbids members of the crew to bring intoxicating drinks or harmful drugs on board and § 167 provides that it shall be deemed to a sufficient reason for the dismissal of a seaman if he is in a state of intoxication at the time when the vessel sails or during the voyage) ; if the employee fails to comply with the contract of employment owing to his imprisonment in pursuance of an enforceable sentence. § 121 also authorises the discharge of an employee on any grounds similar to those laid down in the preceding items, if they are of equal gravity and entail similar consequences as far as the work is concerned.

In addition to such general reasons for dismissal, § 167 of the Act, which applies specially to seamen, authorises the master to discharge any member of the crew who fails to come on board at the time fixed for sailing or who comes on board and subsequently goes ashore and fails to make the voyage. Under § 122 an employee dismissed for no legitimate reason is entitled to compensation or to payment of the wages due to him from the date on which he submitted his claim until the end of the time limit fixed by the Act for the issue of the final decision by the competent conciliation and arbitration board, and for further periods if the award has not been issued within the legal time limit (§ 123 (XXII) of the Constitution provides that such compensation shall be equivalent to three months' wages). § 111 (XVI) of the Act makes it compulsory for the employer to pay the employee the wages corresponding to the time lost when the employee was unable to work through the fault of the employer.

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.

China. — See introductory note.

Mexico. — The report states that the national law contains no provisions authorising a seaman to apply for his immediate discharge. The seaman may, however, ask for the cancellation of his contract and consequently for his immediate discharge (unless this is materially impossible) for the reasons stated in § 123 of the Federal Labour Act, which is applicable to all forms of undertaking. Thus an employee may cancel his contract: if he fails to receive the wages due on the date and at the place fixed by agreement or custom; if the employer or the employers' association proposing the employment to him, as the case may be, deceived him with respect to the conditions thereof at the time of the conclusion of the contract (this reason for cancellation shall cease to be operative when the employee has been at work for thirty days); if the employer, the members of the employer's family or his employees acting with the employers' approval or consent are guilty in the course of the employment of a dishonest or dishonourable action, violence, threats, insults, ill-treatment or the like towards the employee, his wife, parents, children or brothers and sisters or if the same persons acting with the authority or consent of the employer are guilty of such acts outside the employment and the said acts are of such a serious nature as to render compliance with the contract of employment impossible; if the employer wilfully causes damage to the employee's implements or tools; if there is grave danger to the safety or health of the employee or his family either on account of the unsatisfactory hygienic conditions at the workplace or owing to failure to comply with the preventive and safety measures prescribed by law; if the employer by his inexcusable imprudence or carelessness compromises the safety of the workplace, office or undertaking or of the persons therein; if the employer reduces the employee's wages without his consent, unless the competent conciliation and arbitration board issues a decision in the matter. The contract may also be cancelled for reasons similar to those laid down in the preceding items, if they are of equal gravity and entail similar consequences as far as the work is concerned. Further, if within ten days before the date of the expiration of an agreement a fresh voyage has to be undertaken, the duration of which exceeds the above time limit, the employee may, under § 144,

request the cancellation of his agreement by giving notice three days before the sailing of the vessel. Finally, in addition to the cases referred to in the report, it should be mentioned that, under § 145, a seaman may, if his vessel is in a home port, demand that his agreement be cancelled: (1) immediately, when the master or the destination of the vessel has been changed; (2) subject to more than twenty-four hours' notice before the sailing of the vessel in other cases, provided that (§ 146) the vessel is not abroad in an uninhabited place or exposed to risk in port on account of bad weather or other circumstances.

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.

China. — See introductory note.

Mexico. — The report states that the national legislation contains no provisions which expressly authorise the seaman to claim his discharge, if he can provide a substitute, when he has found a post of a higher grade than the one he holds. The seaman may, however, leave his employment whenever he wishes, despite the liability he may incur in principle at civil law under § 125 for a breach of the contract of employment for reasons other than those mentioned in § 123. The courts have, in point of fact, never had to deal with actions brought by employers for reasons of this kind. In addition to these details given in the report, it should be mentioned that it is evident from the scope of §§ 145 and 146, which govern seamen's articles of agreement, that a seaman may demand the cancellation of his agreement in any home port without being required to state his reasons for doing so, subject to the reservations mentioned in connection with the application of Article 12 (see under *Article 12*, at end).

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.

China. — See introductory note.

Mexico. — The report states that the only relevant provision under the national law is that which enables the employee to demand a certificate concerning his services from the employer, in accordance with § 111 (XIV) of the Act, supplemented by § 678 which provides that a fine of from 10 to 50 pesos shall be imposed upon any employer who fails to furnish the said certificate. It has not been possible to obtain copies of such certificates. It is usual for a seaman when leaving a vessel, to have his discharge entered in the ship's articles, which shall be signed by the master, subject to his responsibility.

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.

France. — In the case of *Morocco* the report states that it is impossible as yet to contemplate the application of the Convention, since the resulting costs might hinder the development of an industry which is still in its infancy. In *Tunis* the question of seamen's articles of agreement is governed by the Decree of 15 December 1906, §§ 30, 31 and 32, in terms similar to those provided in the Convention.

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.

China. — See introductory note.

Mexico. — The report states that application of the legislation mentioned under I and II above is entrusted to the Department 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 685 of 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.

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.

Chile. — The Government states in its report that the Labour Courts constantly give decisions 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 report states that during the year ended 30 June 1937, the number of individual seamen signed on in Australia was 11,813 and the total number of engagements during this period was 31,200. No observations on the Convention have been received from employers or employees.

Belgium. — The report states that, during 1936, 14,046 seamen were signed on for service under the Belgian flag; of these 573 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 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 the number of the crew of the Chilean merchant fleet is now 3440, and the total number of persons protected by the relevant legislation is 5345. No infringements have been reported. 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.

China. — See introductory note.

Colombia. — See introductory note.

Cuba. — The Government states that no reports are available from the inspection services. Neither the employers' nor the workers' organisations have submitted observations concerning the practical application of this Convention.

Estonia. — On 1 September 1936 the number of seamen signed on was 2,737 of whom 605 were deck officers, 404 engineer officers, 29 wireless operators, 1,072 deck hands, 354 engine room staff and 273 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 1937 and attached to the report give detailed information as to the number of seamen to whom the legislation on seamen's articles of agreement is applicable. These statistics show that on the above date the French mercantile marine was made up as follows: 116,983 seamen (50,247 for the merchant fleet and 66,736 for the fishing fleet). The number of seamen attached to the merchant fleet included 47,002 French seamen, 1,851 colonials and 1,394 foreigners. The number of French seamen employed in various trades was as follows: foreign-going, trade, 20,718; extended home trade 18,565; limited home trade 7,326; pleasure boats, 393. 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 report states that 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.

Ireland. — During the period covered by the report there were no contraventions of the law. 8,977 seamen signed on during the year ended 30 June 1937. No complaints or observations have been received from organisations of seamen or employers regarding the application of the relevant provisions.

Luxemburg. — See introductory note.

Mexico. — The Government states that no statistics exist, and that no observations have been received from employers' or workers' organisations.

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

Spain. — The report does not contain any fresh information on this point. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

Uruguay. — See introductory note.

Yugoslavia. — The report states that during the period 1 October 1936-30 September 1937, the number of vessels visited by the inspection services was 61 and the number of seamen in service was 5,577. During the same period, the number of fines inflicted under the Decree of 29 March 1935, which applies the various maritime Conventions ratified by Yugoslavia, was 32.

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 1937, 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 1936-30 September 1937 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium	3.10.1927	27.10.1937
Bulgaria	29.11.1929	27.11.1937
China	2.12.1936	23. 2.1938
Colombia	20. 6.1933	16. 3.1938
Cuba	7. 7.1928	7. 1.1938
Estonia	9. 7.1928	22.10.1937
France	4. 3.1929	23.12.1937
Ireland	5. 7.1930	2.11.1937
Italy	10.10.1929	
Luxemburg	16. 4.1928	17. 1.1938
Mexico	12. 5.1934	24.11.1937
Nicaragua	12. 4.1934	
Poland	8. 8.1931	17.11.1937
Spain	23. 2.1931	30. 3.1938
Uruguay	6. 6.1933	30.11.1937
Yugoslavia	30. 9.1929	18.11.1937

The *Chinese* Government states, in its report, that as Article I of the Convention does not apply to vessels engaged in the coasting trade, and as no sea-going vessels registered in the Ministry of Communications have engaged in other trades than the coasting trade, the Convention has therefore temporarily no practical application in the Republic of China."

In its report for this year the Government of *Colombia* refers to its previous reports in which it stated that there were no undertakings engaged in maritime shipping, properly speaking, and that foreign trade was carried by foreign vessels. For the general information supplied by the Government in its letter of 28 February 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

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

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

For the general information supplied by the Government of *Spain* in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*; introductory note.

In its report the Government Uruguay states that this Convention has not yet been implemented in national law but that Parliament still has under consideration Bills which have been submitted to it with a view to adding to national legislation the provisions which are necessary as a result of ratification of this and other Conventions.

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.

China.

See introductory note.

Colombia.

Maritime Commercial Code.

Cuba.

Commercial Code of 1885 (§§ 636 and 638).
Legislative Decree No. 660 of 6 November 1934 [concerning repatriation of seamen, etc.] (S. L. 1934, Cuba 12 B).

Estonia.

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

France.

Act of 13 December 1926 to issue a Seamen's Code (L. S. 1926, Fr. 13).

Ireland.

Merchant Shipping Acts of 1894 and 1906 (International Labour Office, Studies and Reports, Series P, No. 1, pp. 2 and 56 (extracts)).

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.
Decree of the President of the Republic, dated 2 July 1935 promulgating the Convention (*Diario Oficial*, Vol. XCI, No. 33, 7 August 1935, pp. 523-531).
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 respecting public lines of communication (L. S. 1932, Mex. 3).
Regulations concerning the flag and registration of national merchant ships (§ 40).
Consular regulations (Chapter relating to the mercantile marine).
See also under *Convention No. 17 (workmen's compensation, accidents)*, point I, the information supplied by Mexico.

Poland.

Seamen's Code (German) 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.

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.

China. — See introductory note.

ARTICLE 2.

For the purpose of this Convention the following expressions have the meanings hereby assigned to them, viz :

(a) The term "vessel" includes any ship or boat of any nature whatsoever, whether publicly or privately owned, ordinarily engaged in maritime navigation.

(b) The term "seaman" includes every person employed or engaged in any capacity on board any vessel and entered on the ship's articles. It excludes masters, pilots, cadets and pupils on training ships and duly indentured apprentices, naval ratings, and other persons in the permanent service of a Government.

(c) The term "master" includes every person having command and charge of a vessel except pilots.

(d) The term "home trade vessel" means a vessel engaged in trade between a country and the ports of a neighbouring country within geographical limits determined by the national law.

In addition please indicate the geographical limits determined by the national law for the purposes of paragraph (d) of this Article.

The reports supplied do not contain any fresh information on this point.

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.

Mexico. — Under § 381 of the Act respecting public lines of communication, a vessel shall be deemed not to have a crew if the articles of agreement of the members of the crew do not contain a repatriation clause. §§ 29, 41, 138, 141, 143 and 147 of the Federal Labour Act of 18 August 1931 provide for the repatriation of Mexican seamen employed on national or foreign ships if engaged in a home port. The new General Population Act lays down in Chapter VI that all 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, and also that these provisions shall apply to seamen. § 368 of the Act respecting public lines of communication provides, *inter alia*, that a vessel cannot change its flag unless provision is first made for the repatriation of the crew as far as the home port where they were signed on. If the nationality of the vessel is changed abroad the Mexican consul shall intervene to ensure the application of § 368. Further, the Act of 18 August 1931 contains certain provisions regarding workers employed outside their habitual place of residence. § 29 of the Act, besides providing that the contract for the performance of services abroad shall be drawn up in writing, attested by the municipal authority of the place in which it is concluded and countersigned by the consul of the country in which the services are to be performed, requires that a security shall be furnished or a cash deposit made at the Bank of Mexico to the satisfaction of the competent labour authority, equal in amount to the total expenses for the repatriation of the employee and his family and the cost of the journey to his place or origin. Such security may only be cancelled by a decision of the competent authority when the employer has proved that he has covered the said expenses or the employee has refused to return to his country, and also when no wages or compensation are due to the employee.

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.

The reports supplied do not contain any fresh information on this point.

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.

The reports supplied do not contain any fresh information on this point.

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.

France. — In the case of Morocco the report states that it is impossible as yet to contemplate the application of the Convention, since the resulting costs might hinder the development of an industry which is still in its infancy. In Tunis the question of repatriation is governed by the Decree of 15 December 1906, §§30, 31 and 32, in terms similar to those provided in the Convention.

The Convention will probably be extended to the Colonies in the near future.

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.

The reports supplied do not contain any fresh information on this point.

V.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please 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 during 1936, 45 seamen were repatriated from foreign ports to Belgium. No observations were made by the employers' or workers'

organisations with regard to the practical application of the Convention.

Bulgaria. — The report states that no observations on the application of the Convention were received from employers' and workers' organisations.

China. — See introductory note.

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. — 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.

Ireland. — The Government states in its report that repatriation cases occur but rarely in Ireland. 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.

Luxemburg. — See introductory note.

Mexico. — No observations have been received from workers' or employers' organisations regarding the application of the provisions in force concerning repatriation.

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

Spain. — The report does not contain any fresh information on this point. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

Uruguay. — See introductory note.

Yugoslavia. — See under *Convention No. 22 (Seamen's Articles of Agreement)*, point VI.

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 for which the Convention came into force before 1 July 1937; 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 1936-30 September 1937 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria	18. 2.1929	12. 1.1938
Bulgaria	1.11.1930	27.11.1937
Chile	8.10.1931	5. 1.1938
Colombia	20. 6.1933	16. 3.1938
Czechoslovakia. . .	17. 1.1929	6.12.1937
Great Britain . . .	20. 2.1931	17.11.1937
Hungary	19. 4.1928	16.12.1937
Latvia	29.11.1929	11.12.1937
Lithuania	19. 6.1931	18. 1.1938
Luxemburg	16. 4.1928	17. 1.1938
Nicaragua.	12. 4.1934	
Rumania	28. 6.1929	11. 4.1938
Spain.	29. 9.1932	
Uruguay	6. 6.1933	30.11.1937
Yugoslavia	30. 9.1929	18.11.1937

The Government of *Colombia* stated in its previous report that a Bill concerning social insurance, whose principal object was the establishment of sickness insurance,

was being examined, and that the preparatory work undertaken to inaugurate this branch of insurance was already fairly advanced. The Government mentioned also certain private initiatives taken to ensure medical assistance to the workers employed in certain large undertakings. It also mentioned, finally, the Act No. 10 of 1934, in virtue of which private employees have the right in case of sickness to a part 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. In its report for 1936-37 the Government states that the Bill concerning social insurance has been approved by the Senate and that it will probably be adopted this year by the Chamber.

For the general information supplied by the Government *Colombia* in its letter of 28 February 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Great Britain* states in its report that Consolidating Acts were passed in 1936 both for sickness and for pensions insurance. They merely re-enact in codified form the provisions of the acts in force immediately prior to the consolidation.

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 1938 provides *inter alia* for the organisation of compulsory sickness insurance for domestic servants.

The report of the Government of *Spain* has not yet been received. For the general information supplied by the Government in its letter of 12 March 1938, see *Convention No. 1 (Hours of work, industry)*, introductory note.

In its report for this year, the Government of *Uruguay* states that it has nothing to add to its previous reports in which it stated, in particular, that the complete application of the Convention would involve a fundamental revision of the existing system, that for this purpose a special committee had been set up to bring the principles of the existing national legislation regarding workers' pensions and public health into harmony with the provisions of the Convention, and that the Labour Institute had demanded the adoption of such a system at the earliest opportunity 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.

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, in particular, the Legislative Decree of 5 January 1935 (L. S. 1935, Bulg. 1) and of 30 June 1936.

Chile.

Decree No. 34 of 22 January 1926 promulgating the text of Act No. 4054 respecting insurance against sickness and invalidity (L. S. 1926, Chile 1).

Decree No. 205 of 8 April 1925 issuing Regulations under Act No. 4054.

Legislative Decree No. 203 of 14 July 1932 concerning the method of constituting the Council of the Compulsory Workers' Insurance Fund.

Act No. 5937 of 16 October 1936 amending § 1 of Act No. 4054.

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, 1936 (L.S. 1936, G.B. 8).

Widows', Orphans' and Old-Age Contributory Pensions Act 1936 (L. S. 1936, G.B. 5).

Various Orders and Regulations concerning National Health Insurance dating from 1924 to 1937.

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).

Amendments of 12 October 1933 to the Order of 10 July concerning sickness insurance funds.

Order of 21 April 1933 concerning the application of the Order of 10 July 1930 respecting sickness insurance funds.

Amendments of 8 May 1937 to the Order of 10 July concerning sickness insurance funds (L. S. 1937, Lat. 2).

Order of 11 May 1937 concerning state subsidies to sickness insurance funds.

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).

Luxemburg.

Act of 17 December 1925 concerning the social insurance code (L. S. 1925, Lux. 2 A), amended by the Acts of 31 December 1925 (L. S. 1925, Lux. 2 B) and 6 September 1933 (L. S. 1933, Lux. 3).

Decrees of 16 October 1926, 24 February and 23 December 1927, 11 December 1929, 20 February and 28 June 1932, 6 December 1933, and 25 September, 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.

Act of 2 April 1937 extending social insurance to dock workers.

Act of 18 March concerning insurance against tuberculosis and Regulations of 17 July 1937 applying the above Act.

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.

The reports received contain no fresh information under this Article.

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.

Rumania. — Under the Act of 2 April 1937, in addition to the workers covered by § 1 of the Act concerning the unification of social insurance, workers employed at docks and railway stations, whose ordinary

work is the loading and unloading of vessels and wagons, as well as workers handling cereals and other goods in warehouses, are subject to compulsory sickness insurance.

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.

The reports received contain no fresh information on this point.

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 instruc-

tions 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.

China. — The report states that in practice the Insurance Fund makes use of the provision for a qualifying period for the right to medical benefit, laid down in § 22 of Act No. 4054, but that the Management of this Fund has been asked to take suitable measures with a view to bringing the practical application of the national legislation into harmony with the requirements of the Convention.

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.

The reports received contain no fresh information on this point.

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 report shows that during the period under review further progress was made towards the establishment of the administrative boards prescribed by the Act concerning social insurance in industry. At the end of this period the institution of such boards, in the form of a regional union of sick funds and the Confederation of Social Insurance Institutions, was in course of preparation.

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.

The reports received contain no fresh information on this point.

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.

The reports received contain no fresh information on this point.

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.

The reports received contain no fresh information in this connection.

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. — The Government appends to its report a copy of a decision, given by a labour court and confirmed on appeal,

which concerns the enforcement of the payment of contributions under Act No. 4054.

Lithuania. — A copy of a legal decision concerning Article 5 of the Convention is appended to the report.

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 1935, the figures for 1936 being not yet available :

	Workers' Sickness Insurance	Salaried Employees' Sickness Insurance
(1) <i>Number of insured (average) :</i>	739,333	248,518 ¹
(2) <i>Sickness benefit :</i>		
(a) <i>Total amount of payments for sickness benefit</i>	20,070,433	4,017,503
(b) <i>Average amount of payments for sick benefit per insured</i>	27.15	16.17
(3) <i>Benefits in kind :</i>		
(a) <i>Total amount of outgoings for benefits in kind . . .</i>	34,909,275	22,104,535
(b) <i>Average amount of outgoings for benefits in kind per insured</i>	47.22	88.94
(4) <i>Furnishing of resources :</i>		
<i>Total amount of contributions .</i>	71,920,128	35,571,786
<i>Share of employers</i>	31,930,000	16,598,851
<i>Share of insured</i>	39,990,000	18,972,934 ²

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 concerning sickness insurance is approximately 200,000, of whom 90,000 are employed in industry and 110,000 in commerce and domestic work. In 1936, 39,537,015 leva were spent as benefits cash and 9,528,616 leva as benefits in kind. The total amount of the receipts was 51,408,026 leva, of which 27,316,825 leva were paid by the employers, 19,299,535 by the insured persons and 4,791,666 by the public authorities. The employers' and workers' organisations have not made any observations on the subject of the practical application of the Convention.

Chile. — The report states that the number of insured persons contributing to the Compulsory Insurance Fund is a little over 900,000. If to this figure are added insured persons who have ceased to contribute but retain their right to certain benefits, the total number of persons covered by the scheme is approximately 1,300,000.

¹ Includes 41,898 persons in receipt of pensions who are insured against sickness.

² Includes 1,937,238 schillings paid as contributions by the Employers' Insurance Institution and the special sickness insurance institutions for pensioners.

The benefit expenditure of the Compulsory Insurance Fund during the period July 1936—June 1937 was as follows:—

<i>Benefits in cash :</i>	\$
Sickness benefit	8,975,980
Pensions	4,040,517
Funeral benefit	2,056,854
Refund of contributions	2,033,100
Total :	17,106,451

<i>Benefits in kind :</i>	
Drugs	6,444,767
Hospital treatment	12,688,149
Medical treatment	28,472,202
Total :	47,605,118

The average cost of benefits in cash per insured person was \$13.25, and that of benefits in kind \$36.23.

The revenue of the Compulsory Insurance Fund during the same period was as follows:—

	\$
Employers' contributions	46,414,801
Insured persons' contributions	34,208,088
Contributions of the State	20,245,246
	100,868,135

Colombia.— See introductory note.

Czechoslovakia. — The report states that according to the census figures, the total number of employees on 1 December 1930, was 3,845,143 not including employees in the public administration and in State undertakings. Of this number 785,867 were engaged in agriculture, forestry and fisheries: 2,189,244 in industry and trades: 378,669 in commerce, finance and transport: 31,037 in the sanitary services: 48,510 in the liberal professions: 33,341 in the clothing industry: 289,370 in domestic service, 99,680 daily workers in industries, not specified and 1293 in various other professions. The average number of employees covered by sickness insurance in 1936 was 2,676,094, of whom 2,568,707 were compulsorily insured, 68,753 were drawing allowances under the pension insurance system, and 38,634 were in voluntary insurance schemes. Total cash benefits amounted to 298,305,455 crowns (111.47 per insured person); and benefits in kind to 506,533,541 crowns (189.38 per insured person). Total receipts amounted to 1,152,313,030 crowns including 1,038,030,991 crowns in contributions. The share of the employers who paid half of the contributions to compulsory insurance was 501,535,880 crowns.

Great Britain. — The report states that, since the National Health Insurance Acts apply to serving soldiers, sailors and airmen, seamen and sea fishermen, in addition to workers in industry and commerce, domestic servants and agricultural workers, and since the benefits

provided in the Acts include disablement and maternity benefits in addition to medical and sickness benefits, it is not possible to furnish separate statistical information with reference only to the persons and the benefits covered by the Convention. The statistics given below refer to Great Britain: the figures in brackets refer to Northern Ireland.

1. Scope of application :

Number of workers insured on 31st December 1936	19,170,000 ¹ (400,000) ¹
-----------------------------------------------------------	---------------------------------------------------

During year ended 31 December 1936

2. Benefits in cash :

	£
(a) Total cost of sickness benefit . .	10,703,000 (205,000)
(b) Average cost of sickness benefit per insured person	11s. 11.9d. (11s. 1d.)
(c) Total cost of disablement benefit	6,531,000 (196,000)
(d) Average cost of disablement benefit per insured person . . .	7s. 3.8d. (10s. 9d.)

3. Benefits in kind :

(a) Total cost of medical benefit . .	10,851,000 (235,000)
(b) Average cost of medical benefit per insured person	11s. 7.6d. (11s. 9d.)
(c) Total cost of additional treatment benefits provided under the scheme	2,894,000 (33,000)
(d) Average cost of additional treatment benefits per insured person	3s. 2.9d. (3s. 0d.)

4. Financial resources :

(a) Contributions from employers .	14,384,000 (274,000)
(b) Contributions from employees .	13,852,000 (269,000)
(c) Contributions by Exchequer (including cost of central administration)	7,090,000 (166,000)
(d) Interest on accumulated funds and sundry receipts	6,316,000 (65,000)

Total Financial Resources.

On 31 December 1936, the total accumulated funds amounted to £136,390,000 (£1,433,000) of which £133,717,000 (£1,397,000) 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 in-

¹ This figure includes 1,325,000 (28,000) insured persons over 65 years of age who are entitled to benefits in kind but who are not entitled to benefits in cash.

surance but by some other form of protection against the risk of sickness. The average number of wage-earners subject to compulsory sickness insurance in 1936 amounted to 1,030,095, of whom 362,370 were women. For 1935 the benefits in cash amounted to 15,745,265 *pengös* (average per insured person: 16.30 *pengös*); the benefits in kind amounted to 33,667,803 *pengös* (average per insured person: 35.2 *pengös*). The total financial resources amounted to 59,093,637 *pengös*. The contribution of the State to the cost of insurance amounted to 1,657,200 *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 states that the application of the Convention is ensured by the Labour Protection Department of the Ministry of Public and Social Affairs and by the Ministry of Social Welfare. The report adds that no difficulty has arisen with regard to the practical application of the Convention. A statistical publication appended to the report, shows that in 1936, benefits in cash paid to insured persons and members of their families amounted to 4,089,887.73 lats and benefits in kind amounted to 10,413,732.58 lats.

Lithuania. — The report states that the average number of wage-earners subject to compulsory sickness insurance during the year 1 July 1936-30 June 1937 was 56,445 of which 38,564 were in industry, 8,847 were in commerce and 9,034 in domestic service. The amount of benefit paid was 1,003,796.37 litas (17.78 per insured person) and the cost of medical benefit amounted to 2,857,820.66 litas (50.63 per insured person). During the same period the total resources of the insurance funds amounted to 5,127,928.16 litas of which 4,704,164.20 litas were contributed in equal parts by the insured persons and their employers, and 423,763.96 litas by the public authorities. The report states that no observations were received on the practical application of the Convention.

Luxembourg. — The report refers to the record concerning sickness insurance in the Grand Duchy of Luxembourg during 1936 published by the Central Committee of Sickness Insurance Funds, in which the following figures are given: number of workers insured in 1936, 51,800 (17.44 per cent. of the total number of persons legally domiciled in the country); cash benefits to sick persons 6,427,415.49 francs (representing an average of 124.08 francs per insured person); expenditure for medical treatment 6,419,784.02 francs (123.93 francs per insured person); expenditure on pharmaceutical products, etc. 4,473,718.15 francs (85.77 francs per insured person);

expenditure for treatment in hospitals 3,349,648.01 francs (64.65 francs per insured person); total receipts 23,917,610.96 francs (461.72 per insured person); receipts from contributions 21,383,113.77 francs (412.88 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 1,418,564.18 francs (27.38 per insured person). 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 report supplies the following particulars with regard to the period 1 April 1936 to 31 March 1937: number of insured persons: 884,257; benefits in cash: 113,154,801 lei (sickness benefit: 83,362,129 lei; maternity benefit: 9,848,863 lei; nursing benefit: 3,935,018 lei; funeral benefit: 15,349,788 lei; extraordinary expenses: 659,003 lei); benefits in kind including medicines, hospital treatment, medical assistance, baths, etc.: 251,494,535 lei; contributions paid in equal parts by employers and insured persons: 823,534,408 lei.

Uruguay. — See introductory note.

Yugoslavia. — The report gives the following figures concerning the application of sickness insurance for the year 1936: average number of insured persons: 616,209, of whom 168,068 were women (this figure does not include about 50,000 miners and 70,000 transport workers who are insured by their own insurance funds); cash benefits: 85,646,000 *dinars* (138.99 per insured person); benefits in kind: 142,324,000 *dinars* (230.96 per insured person); total receipts: 292,162,000 *dinars*; employers' contributions: 149,097,000 *dinars*; contributions from insured persons: 139,182,000 *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 for which the Convention came into force before 1 July

1937 and which, in accordance with Article 22 of the International Labour Organisation, were called upon to submit reports for the period 1 October 1936-30 September 1937 or for a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria	18. 2.1929	12. 1.1938
Bulgaria	1.11.1930	27.11.1937
Chile	8.10.1931	5. 1.1938
Colombia	29. 6.1933	16. 3.1938
Czechoslovakia . .	17. 1.1929	6.12.1937
Great Britain . . .	20. 2.1931	17.11.1937
Luxemburg	16. 4.1928	17. 1.1938
Nicaragua	12. 4.1934	
Spain	29. 9.1932	
Uruguay	6. 6.1933	30.11.1937

For the general information supplied by the *British* Government see under *Convention No. 24 (Sickness insurance, industry, etc.)*, introductory note.

The Government of *Colombia* stated in its previous report that a Bill concerning social insurance, whose principal object was the establishment of sickness insurance, was being examined, and that the preparatory work undertaken to inaugurate this branch of insurance was already fairly advanced. In its report for the present year the Government states that the Bill concerning social insurance has been approved by the Senate and that it will probably be adopted this year by the Chamber. For the general information supplied by the Government in its letter of 28 February 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of *Luxemburg* refers to its reports for 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 Chamber of Deputies 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 subsidised by the

Government with a view to assisting the unemployed. Moreover the Central Committee of the sick funds has suspended all the provisions in the statutes which impose an age limit or require a medical examination before admission to insurance in respect of unemployed persons. In its report for the present year the Government states that the proposed revision of the Insurance Code provides for the organisation of sickness insurance in agriculture. It was not possible to undertake this revision last year, but this will probably be done during the course of this year.

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

The report of the Government of *Spain* has not yet been received. For the general information supplied by the Government in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

In its report for this year the Government of *Uruguay* states that it has nothing to add to its previous reports in which it stated, in particular, that the complete application of the Convention would involve a fundamental revision of the system in force and that for this purpose a special committee had been set up to bring the principles of the existing national legislation regarding public health and old age and invalidity pensions into harmony with the provisions of the Convention. While the Government recognised that the organisation of sickness insurance for agricultural workers was called for, it pointed out that agricultural conditions in Uruguay were entirely different from those in Europe and that consequently it would 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) the Federal Act of 30 March 1935 concerning social insurance in industry (L. S. 1935, Aus. 2) and from 3 February 1937, the Federal Act concerning the provisional measures applicable to insured agricultural workers etc. affiliated to the Employees' Insurance Institution.

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) and of 30 June 1936.

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.

Act No. 5937 of 16 October 1936 amending § 1 of Act No. 4054.

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, 1936 (L. S. 1936, G.B. 8).

Widows', Orphans' and Old-Age Contributory Pensions Act 1936 (L. S. 1936, G.B. 5).

Various Orders and Regulations concerning National Health Insurance dating from 1924-1937.

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. 8).

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.

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.

The reports supplied do not contain any fresh information on this point.

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.

The reports supplied do not contain any fresh information on this point.

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.

The reports supplied do not contain any fresh information on this point.

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.

Chile. — See under Convention No. 24 (Sickness insurance, industry, etc.), point II, Article 4.

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.

The reports supplied do not contain any fresh information on this point.

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 report states that a rural sick fund is still managed by a Government official but that it will soon be managed by administrative boards as prescribed by the Federal Act No. 264 of 1936.

The reports supplied do not contain any fresh information on this point.

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.

The reports supplied do not contain any fresh information on this point.

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.

The reports supplied do not contain any fresh information on this point.

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.

The reports supplied contain no fresh information in this connection.

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. — The Government appends to its report copies of two decisions of the Compulsory Insurance Fund, imposing fines on agricultural employers for non-payment of contributions under Act No. 4054.

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, 269,930 persons were notified as entering into insurance in 1935. The report gives the following statistics on the cost of insurance during the same year.

(2) *Benefits in cash :*

Schillings.

(a) Total cost of benefits in cash . 3,069,364.40

(b) Average cost of benefits in cash per insured person . . . 11.37

(3) *Benefits in kind :*

(a) Total cost of benefits in kind . 8,398,363.54

(b) Average cost of benefits in kind per insured person . . . 31.11

(4) *Financial resources :*

Total amount of contributions . 13,405,223.06

(a) Contributions from the employers 6,644,146.84

(b) Contributions from the insured persons 6,761,076.22

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. 24 (Sickness insurance, industry, etc.)*, point V.

Chile. — See under *Convention No. 24 (Sickness insurance, industry, etc.)*, point V.

Colombia. — See introductory note.

Czechoslovakia. — See under *Convention No. 24 (Sickness insurance, industry, etc.)*, point V.

Great Britain. — See under *Convention No. 24 (Sickness insurance, industry, etc.)*. The information supplied there applies equally to agricultural workers.

Luxemburg. — 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 1937 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 1936-30 September 1937 or for part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Australia	9. 3. 1931	22.11.1937 26.11.1937 29.11.1937 27.12.1937 15. 1. 1938
Bulgaria	4. 6. 1935	27.11.1937
Canada	25. 4. 1935	1. 2. 1938
Chile	31. 5. 1933	5. 1. 1938
China :	5. 5. 1930	23. 2. 1938
Colombia	20. 6. 1933	16. 3. 1938
Cuba	24. 2. 1936	7. 1. 1938
France	18. 9. 1930	23.12.1937
Great Britain . . .	14. 6. 1929	17.11.1937
Hungary	30. 7. 1932	23.12.1937
Ireland	3. 6. 1930	3.12.1937
Italy	9. 9. 1930	
Mexico	12. 5. 1934	24.11.1937
Nicaragua	12. 4. 1934	
Norway	7. 7. 1933	16.10.1937
Spain	8. 4. 1930	
Union of South Africa	28.12.1932	9.11.1937
Uruguay	6. 6. 1933	4. 5. 1938

By a communication dated 8 January 1938 the Government of *Canada* has supplied certain information relating *inter alia* to the present Convention. For the text of this Communication see under *Convention No. 1 (Hours of Work, industry)*, introductory note.

The *Chinese* Government states that the Minimum Wage Act of 23 December 1936 has not yet come into force. After the promulgation of the Act, the Ministry of Industry examined the possibility of applying its provisions to a few trades within certain areas, but owing to the economic situation and political difficulties no further steps have been taken.

The report of the Government of *Colombia* states that various Bills were combined with the help of the Government into a single Minimum Wage Bill, which was submitted by the Committee on Social Questions to the Chamber of Representatives. For the general information supplied by the Government of *Colombia* in its letter of 28 February 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The *Cuban* Government states that although the present Convention was ratified by Cuba only in 1936 its provisions had already been embodied in Legislative Decree No. 727 of 30 November 1934. Cuban legislation is therefore in harmony with the provisions of the Convention.

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

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

The report of the Government of *Spain* has not yet been received. For the general information supplied by the Government in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The Government of the *Union of South Africa* states in its report that during the year under review two new measures were passed by Parliament, the Industrial Conciliation Act, 1937, and the Wage Act, 1937. These Acts are consolidating statutes intended to overcome defects revealed by experience in administration

while preserving the principal features of the existing legislation. The provisions regarding the association of employer and employee organisations with the wage-fixing machinery have been preserved. The statutes in question were not promulgated during the period under review and will be described in full in the next annual report.

The Government of *Uruguay* stated in its report for last year that no legislation had been passed concerning methods of fixing minimum wages or carrying out completely the provisions of the Convention. The Government, however, added that on the basis of §53 of the Constitution of 1934, which guarantees to all wage earners a fair remuneration, the National Institute of Labour and its various services had prepared draft legislation providing for the establishment of minimum wage boards. This legislation must be drawn up in harmony with the provisions of the Convention, and must be submitted to the Government in the very near future. In its report for this year the Government forwards a letter dated 15 January 1938 addressed by the National Institute of Labour to the Minister of Industry and Labour, from which it would appear that the Institute had communicated to the Minister on 28 October 1936 draft legislation concerning wages and the establishment of minimum wage boards. By a note dated 29 June 1937 the Minister stated that it would be advisable to have this draft legislation approved by Parliament as early as possible. In its letter the Institute refers, in the following terms, to the Act of 4 August 1937 concerning minimum wage rates in the building industry:

"The Act of 4 August 1937 introduces in the building industry the essential principles laid down in Convention No. 26 and Recommendation No. 30 minimum wage fixing machinery. The minimum rates of wages fixed by a collective agreement between employers and workers in this industry apply to all employers and workers in the industry in question including those who did not sign the agreement and those belonging to associations which did not participate in drafting it." The Institute mentions also a Decree of the Executive Power dated 7 December 1936 which fixes minimum rates of wages for workers employed in public works.

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.

Territory for the Seat of Government:

Industrial Board Ordinance, 1936 as amended by Ordinances Nos. 42 of 1936 and No. 12 of 1937.

Northern Territory of Australia:

Commonwealth Conciliation and Arbitration Act, 1904-1934.

Aboriginals Ordinance, 1918-1938, and Regulations thereunder (Regulations of 27 June 1938. L. S. 1938, 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. 18; 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. 8) and 1934 (L. S. 1935, Austral. 8).

Regulations under the above Act.

Victoria.

Factories and Shops Act, 1928 (L. S. 1929, Austral. 18) and amendments of 1934 (L. S. 1934, Austral. 11) and 1936.

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.

Bulgaria.

Legislative Decree of 5 September 1936 concerning the contract of employment (L. S. 1936, Bulg. 5).

Legislative Decree of 22 September 1936 concerning collective labour agreements and the regulation of labour disputes.

Canada.

See under *Convention No. 1 (Hours of Work industry)*, 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.

Cuba.

Legislative Decree No. 727 of 30 November 1934 to set up a minimum wage board (L. S. 1934, Cuba 6).

Act No. 22 of 19 March 1935 to extend the provisions respecting the minimum wage to commercial undertakings (L. S. 1935, Cuba 3).

Legislative Decree No. 18 of 18 June 1935 to set up the National Minimum Wage Board (L. S. 1935, Cuba 3).

Decree No. 2142 of 26 August 1935 containing regulations with regard to the organisation and the working of the National Minimum Wage Board.

Legislative Decree No. 436 of 26 November 1935 amending §2 of Legislative Decree No. 18 and Decree No. 2142.

France.

Basic Act of 10 July 1915 covering home-workers in the clothing industry and also male workers performing similar work in their homes.

Decree of 24 September 1915 amended by the Decrees of 24 September 1919 and 10 April 1929, dealing, in particular, with the conditions for giving publicity to the decisions of the bodies set up by the Act and with the working of the Central Board.

Decree of 3 November 1915 issued under the above.

Public Administrative Regulations of 10 August 1922 (L. S. 1922, Fr. 1) extending the protection accorded by the Act of 10 July 1915 to the allied trades of the clothing industry.

Decree of 30 July 1926 to issue public administrative regulations, extending the application of the Act of 10 July 1915 to industries other than the clothing industry (L.S. 1926, Fr. 8).

Act of 14 December 1928 abolishing inequality of treatment between men and women home workers covered by the regulations and prescribing new penalties for infringements of the Act (L.S. 1928, Fr. 11).

Decree of 25 July 1935 extending the protection accorded by the Act of 10 July 1915 to the silk or rayon weaving industry.

Code of Labour and Social Welfare, Book 1 §§ 33 to 33 m concerning the fixing of the minimum wage for home workers and codifying the various provisions enumerated above.

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).

Ireland.

Trade Boards Act, 1909 (B. B. Vol. V, 1910, p. 23).

Trade Boards Act, 1918.

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.

Union of South Africa.

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

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

Act No. 16. Wage Determinations Validation Act, 1935 (L. S. 1935, S. A. 1).

Various Regulations issued under the Acts.

See also introductory note.

Uruguay.

See introductory note.

II.

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

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to create or maintain machinery whereby minimum rates of wages can be fixed for workers employed in certain of the trades or parts of trades (and in particular in home working trades) in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low.

For the purpose of this Convention the term "trades" includes manufacture and commerce.

Australia. — The Government supplies the following information :

Territory for the Seat of Government. — § 2 of the Industrial Board Ordinance, 1937, provides for the filing with the Secretary of the Board of industrial agreements, which thereupon become binding upon the parties thereto and upon all members of any organisation which is a party thereto.

New South Wales. — The Industrial Arbitration Acts provide for the constitution of an Industrial Commission and Conciliation Committees. On application to these bodies, by registered Industrial Union of employers or of employees, an award may be made fixing minimum wages. The minimum wage is not to be less than the living wage, which is declared twice yearly by the Industrial Commission. The living wage is declared on the basis of an amount sufficient to provide the determined standard of living for a man, wife and one child.

Victoria. — The Victorian Industrial Law has been strengthened by the passage of the Factories and Shops Act, 1936, which provides *inter alia* for :

- (1) The removal of practically the whole of the restrictions placed by previous Acts on the powers of Wages Boards. Wages Boards may now deal with any "industrial matter" other than that of preference of employment to members of Trade Unions ; and
- (2) The appointment of a General Board to deal with employees in such trades as may be prescribed from time to time and as are not already subject to a Board.

Cuba. — §2 of Legislative Decree No. 727 of 30 November 1934 provides that the Minimum Wage Board shall be responsible for fixing the minimum wage which must be paid in each trade and zone after consultation with the employers' and employees' organisations concerned. For the purpose of fixing the said minimum wage, the Board shall take as a basis the cost of living index number, for the ascertainment of which it shall collect all the necessary data and information. Under §4 of the Legislative Decree minimum wage is defined as the wage which ensures a suitable standard of living. For the purpose of fixing a minimum wage regard shall be had to the rates of wages paid for similar work in trades where the workers are adequately

organised and have concluded effective collective contracts or agreements. If no such standard of reference is available the board shall take into account the general level of wages prevailing in the provinces or the Republic. The transitional provisions of Legislative Decree No. 727, which were in force during the period covered by the report, provide that the board shall fix the minimum rate of wages provisionally at 18 centavos for industrial and agricultural work performed elsewhere than in a town, and 1 peso for work performed in urban areas, and for industrial work in the preparation and handling of sugar. It shall not be lawful to reduce the wages paid at present if they exceed the provisional minimum wage rate fixed. Act No. 22 of 19 March 1935 extends the provision of Legislative Decree No. 727 to commercial undertakings and to piece or job work.

Norway. — According to the report of the Homework Council appended to the Government's report the provisions of the Act concerning the fixing of the minimum wage for industrial homework have been extended to the boot and shoe trades.

ARTICLE 2.

Each Member which ratifies the Convention shall be free to decide, after consultation with the organisations, if any, of workers and employers in the trade or part of trade concerned, in which trades or parts of trades, and in particular in which home working trades or parts of such trades, the minimum wage fixing machinery referred to in Article 1 shall be applied.

In addition, in application of this Article, please indicate what method was adopted to consult the organisations of workers and employers.

Australia. — The Government supplies the following information :

New South Wales. — Organisations of employers and employees are parties to proceedings before the Industrial Commission, Conciliation Committees, and the Industrial Registrar, for the making and variation of industrial awards involving the fixation of a minimum wage. The Conciliation Committees are composed of a Commissioner and representatives of employers and employees.

Cuba. — See under ARTICLE 3.

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. — The Government supplies the following information.

New South Wales. — The minimum rates of wages fixed by awards are binding on all employers in the industry covered by the award. No industrial agreement having a wage less than the living wage can be registered.

Bulgaria. — The report states that two methods for fixing minimum wages are laid down, one under §21 of the Legislative Decree of 5 September 1936 concerning the contract of employment, and the other under §§ 8, 9, 10 and 11 of the Legislative Decree concerning collective labour agreements and the regulation of labour disputes. The latter Decree lays down that in the absence of a collective agreement, or in cases where more than half of the workers employed in one or several undertakings of the same branch of industry, situated in the same commune, consider their conditions of work and their wage rates unsatisfactory they may apply for an increase in wages through the local association recognised by the Act or through the general association of workers. The bodies which examine and take decisions upon these applications are (1) the Communal Conciliation Board ; (2) the Central Conciliation Board attached to the Department of Labour and Social Insurance ; (3) the Ministry of Commerce, Industry and Labour ; and (4) the Council of Ministers. The Communal Conciliation Board is composed of the judge of the district concerned or his substitute who is the chairman of the board, a representative of each local branch of the occupational associations of employers and of workers recognised by the Act, or a representative of each general occupational association of employers and of workers. The Central Conciliation Board is composed of the judge of the Supreme Administrative Court who

is the chairman of the Board, a representative of the Department of Labour and Social Insurance, a representative of the workers' trade union and the representative of the employers' union recognised by the Act.

Cuba. — §2 of Legislative Decree No. 436 of 26 November 1935 amending §2 of Legislative Decree No. 18 and §1 of Decree No. 2142 lays down that the National Minimum Wage Board shall be presided over by the Secretary for Labour or by an official nominated by him, and shall be composed of seven representatives of the employers in the sugar, cattle-raising, coffee and tobacco industries, in commerce and in railways, and by seven representatives of workers in these same industries of national production engaged in technical or secretarial work or in manual labour. The employers' and workers' representatives shall be nominated for a year by the Secretary for Labour. In addition to these members the Board shall also consist of an official of the Department of Commerce, an official of the Department of Agriculture and the Chief of the Statistical Section of the Ministry of Labour who shall act as secretary to the Board. Under §3 of Decree No. 2142 of 26 August 1935 (Regulations of the Board) the presence of two-thirds of the members, i.e. 12 persons, shall be necessary to constitute the Board. For ordinary meetings the quorum shall be eight ; for a meeting following a second or subsequent convocation this number may be reduced to six if the Minister of Labour or his representative is present. For the decisions of the Board to be valid the presence of five members is enough. Decisions are taken by a majority of votes. In the event of an equal number of votes being cast the chairman shall have the casting vote (§ 11). § 5 of the Decree provides for the appointment of sub-committees for the different branches of industries. The Board may appoint non-members to act as assessors in the sub-committees without having the right to vote (§ 7). The Government states that no use was made of the provisions of paragraph 3 of this Article of the Convention.

Norway. — The report of the Homework Council states that in connection with the extension of the provisions of the Act concerning industrial homework to the boot and shoe trades the Council consulted the wage boards in Grytten and Hen in which were included, for the purpose two employers and two workers in the trades in question. The report of the Government states that no advantage has been taken of the exception provided in Article 3 (3) of the Convention.

Union of South Africa. — The report contains a list of cases submitted to the Wage Board by the Minister of Labour

and states that the necessary investigations have either been commenced or are to be put in hand shortly. During the period under review collective agreements were substituted in certain districts for determinations under the Wage Act 1925 in the following trades: bespoke tailoring, building, clothing, furniture manufacturing, motor industry and native trade.

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 information supplied by the Government with regard to the States of the Commonwealth is as follows:

New South Wales. — A list of awards showing the trades covered is attached to the report, which adds that there are no statistics available of the approximate numbers of workers covered for each trade. Practically all employees engaged in industry and commerce are covered. The living wages fixed by the Industrial Commission were £3.10s. per week for adult males and £1.18s. per week for adult females in October 1936, and £3.11s.6d. per week for adult males and £1.16s.6d. per week for adult females in April 1937. The standard working week is 44 hours, for which the living wage is payable.

Victoria. — The report states that the General Board provided for in the Factories and Shops Act 1936 is functioning and has issued a Determination dealing with the lead and shot trade. There are approximately thirty other trades and branches of trades still to be dealt with. The report is accompanied by a Summary of Wages Board Determinations up to 1 July 1937.

Tasmania. — The report states that the statistics required by article 5 of the Convention are contained in the Annual Report (1936) of the Public Health Department for 1936, copies of which are forwarded with the report.

Bulgaria. — The report states that § 21 of the Legislative Decree concerning the contract of employment has not yet been applied as the Decree itself has only been recently introduced. The report, however, gives the following cases of the fixing of the minimum wage under the Legislative Decree: (1) for workers in the tobacco industry the minimum wage is fixed in conformity with the procedure laid down in § 8 and the sections following it of the Legislative Decree concerning collective labour agreements; (2) for chemists and their assistants, for workers in

depôts handling and exporting eggs in the region of Ploven, and for workers in tanneries the minimum wage is fixed in conformity with the procedure prescribed in § 1 and the sections following it of the same Decree.

Chile. — A report of the General Labour Inspectorate appended to the Government's report states that during the period under review minimum wage boards have been set up for and in the following industries and towns: baking industry in Tocopilla, Valparaiso, Santiago and Loncomilla; hotel industry in Valparaiso, Santiago and Talca; printing, cardboard, newspaper and milling industries, hairdressing saloons and social clubs in Santiago; printing industry in Valparaiso; cardboard industry in San Bernardo; milling and wood industries in Talca; wine-growing industry in San Javier. It also gives a number of examples of the scales fixed for various industries and occupations. The report adds that it is impossible at present to indicate the number of workers covered by this regulation or the number of men, women and young persons protected by the regulations fixing minimum wages.

China. — The Government states that owing to the facts of armed aggression and military occupation of Chinese territory by Japan, a Member State of the Organisation, it is impossible in the present circumstances to supply any information collected with regard to the undertakings in which minimum wage rates have been fixed during the period covered by the report.

Cuba. — The report states that the National Minimum Wage Board had given 32 decisions up till 31 July 1937 of which 11 were during the period covered by the report. The following industries and categories of workers are subject to the minimum wage regulations: apprentices, messengers, office boys etc., in industries and commercial houses: jobbing dress-makers, vermicelli industry, tobacco industry, agricultural and industrial work in connection with the manufacture of sugar; manufacture of stockings, socks and evening shoes, interpreters in the hotels at Havana, singers and dancers in casinos, cabarets etc., workers in salt works, newspaper undertakings, building industry and tanneries. Among the minimum wage rates (in pesos) in force during the period covered by the report, the following may be cited: (1) building industry in Havana and in the neighbouring localities—mason 2.40, carpenter 2.40, mason's labourer 1.40; (2) worker in salt works 1.60; (3) apprentice in Havana (without board and lodging) under 16 years of age 16.00, from 16 to 18 years 20.00, more than 18 years 24.00, per month; (4) tanneries—tanner 2.70,

tanner's help 2.35, day labourer 1.85; (5) tobacco industry in the region of Remedios, for handling 150 lbs (gross) of tobacco, 10.36; (6) vermicelli industry in Havana—master 3.25, presser 2.75, stretcher 2.50, loader 2.50, mechanics assistant 2.25, day labourer 2.00, apprentice 1.00. The National Minimum Wage Board has recognised as legal the sliding scale as a method of payment of wages by which the two parties agree to fix an independent factor, such as the selling price of an article produced, as the regulator of wages. The rates fixed on this basis cannot, however, be less than the minimum wage rate fixed by the Board. The report states that at present it is not possible to give the number of workers subject to the regulation or the number of men, women and children protected by the regulations fixing minimum wages.

France. — The report states that the minimum wage rates fixed under the Act for the various occupations and departments concerned are regularly published in the *Recueil des Actes administratifs* of the departments concerned. These documents, which are appended to the report, show that in application of the Act concerning the 40-hour week the rates were generally increased in 1937. Thus, for instance, in the department of Seine there was a rise of 10 to 20 per cent. and the hourly rates now vary according to the nature of the employment from Fr. 2.80 to Fr. 6.98 in the manufacture of rainproof coats and ready-made suits for men, from Fr. 3.85 to Fr. 7.30 in the manufacture of military dress, from Fr. 2.86 to Fr. 5.95 in the manufacture of ready-made clothes for women and from Fr. 7.70 to Fr. 9.18 for workers in the bootmaking industry. The report contains a table based on information supplied by the Labour Inspection Service indicating for the year 1936 by industries the approximate number of homeworkers covered by the minimum wage regulations. There were 19,008 in 4,624 undertakings employing less than 10 workers, 51,320 in 2,843 undertakings employing from 10 to 100 workers and 18,883 in 120 undertakings employing more than 100 workers.

Great Britain. — The report gives detailed information concerning the minimum time rates of wages in operation on 30 September 1937, the numbers of learners' certificates, apprentices' certificates and permits of exemption issued and the number of establishments on Trade Board lists. In the case of Northern Ireland the estimated number of workers in each trade covered is also given. On 30 September 1937 the total number of establishments on Trade Board lists in Great Britain was 87,482; while in Northern Ireland the number of employers on Trade Board lists was 2,644 and the estimated number of workers covered was 49,800.

Hungary. — The report states that the number of workers covered by the minimum wage legislation is about 175,000. The report further gives a list of the minimum wage rates fixed. In fixing these rates account was taken of the different regions of the country and the different categories of workers in the same industry. Information is given for the following industries: joinery, carpentry and masonry, furniture making with bent wood, cutting of wood for fuel, manufacture of sheets of veneer, manufacture and laying of inlaid-wood flooring, paper hanging, boot and shoe repairing, manufacture of boots, shoes, slippers, etc., dressmaking, printing, tin-making, plumbing, installation of central heating, salami and preserved meat industry, pork butchers' and butchers' trades, bakery, wool industry, cotton and silk industry, jute industry, hemp industry, hairdressing, manufacture of eye-glasses, spectacles etc., polishers, sign-painters, white-washers, gilders, manufacture of furs and skins, manufacture of buttons, manufacture of ribbon, trimmings and lace, embroidery, manufacture of window curtain materials, knitting and hosiery trades, manufacture of artificial silk and linen thread.

Ireland. — The report states that the number of workers in establishments inspected was 1,806 males and 5,842 females. Arrears of wages recovered as a result of inspection and in respect of which receipts were forwarded to the Department of Industry and Commerce totalled £1,839.8s.1d.

Mexico. — The Government states that as the decisions of the Special Minimum Wage Boards are in force for two years, the wage rates fixed at the end of 1935 and indicated in the study entitled "The Problem of Minimum Wages in 1936" (appended to last year's report), remained unchanged during the period 1 October 1936-30 September 1937. The preparatory work for fixing new minimum wage rates for 1938 and 1939 has been undertaken within the period prescribed by the Federal Labour Act.

Norway. — The report states that following the extension of the Act concerning industrial homework to the boot and shoe trades minimum rates for these trades were fixed and came into force on 15 September 1937. The Government states that all time and piece-rates have been raised by about 10 per cent. during the past year and that the total number of home workers covered by the minimum wage regulations for the year 1936 was about 4,000. The Government appends to its report the report of the Homework Council and detailed tables showing the minimum wage rates in force.

Union of South Africa. — The report states that copies of all wage regulating measures which came into force during the period under review are appended to the report, which also contains comparative information with regard to the minimum weekly rates of pay prescribed in terms of the laws relating to apprenticeship, industrial conciliation and wages in certain industries at 30 September 1937. The report also contains a statement showing in respect of each activity subject to wage regulation, the type of wage regulating measure in operation and the number of employers and employees affected.

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.

France. — In *Algeria* the Decrees of 1 August 1936 and 25 March 1937 provide for the appointment of regional committees, composed of the Prefect or Sub-Prefect or his delegate, the Chief of the local agricultural service or his delegate, a European member of the Chamber of Agriculture, a Native member of the Chamber of Agriculture two representatives of the regional agricultural societies, two French representatives of the agricultural workers, and two Native representatives of the

agricultural workers, all appointed for one year. The committees are instructed to draw up wage schedules and the payment of wages at rates less than those fixed is an offence. In addition a draft Decree is being studied providing for the application to *Algeria* of the sections of Book I of the Labour Code concerning the wages of workers engaged in the home production of articles connected with the clothing industry. In *Morocco* the Convention is applied *de facto* although it has not been made applicable *de jure*. A Dahir of 18 June 1936 amended by the Dahir of 26 October 1937, concerning the minimum wages of workers and employees provides that the minimum wage of all workers and employees of either sex or any nationality may not be less than the rates fixed by Order of the Secretary-General of the Protectorate. An Order of 26 October 1937 has established various rates for the different regions. The same Dahir provides that workers and employees employed in public works undertaken on behalf of the State, municipalities or public establishments may not be paid less than the minimum wage rates annexed to the estimates for the works in question. The rates are fixed by regional committees consisting of the chief administrative officer, the public works engineer and an employer and worker appointed by the administrative officer. In *Tunis* steps are being taken to apply the provision of the Convention through the extension of the French Act of 24 June 1936 concerning collective agreements. The legislation is, however, too recent to enable a decision to be taken regarding the complete application of the Convention.

Great Britain. — The following new legislation providing minimum wage-fixing machinery of a simple character has been enacted:

The *Bahamas* Labour Minimum Wage Act, 1936, which was brought into force on 19 June 1937; *Basutoland* Proclamation, No. 37 of 1936; the *Bechuanaland Protectorate* Proclamation, No. 20 of 1936; *Swaziland* Proclamation, No. 21 of 1937. In *Palestine* the draft of an Ordinance to give effect to the provisions of the Convention was published on 2 May 1935 but it has not yet been found possible to bring the proposed legislation into operation. In the *Leeward Islands* a Bill providing for the creation of wage-fixing machinery will shortly be introduced. The Governor of *North Borneo* has reported that provision for fixing the minimum wage payable to male and female immigrant labourers by notification in the Gazette is being made in connection with the importation of Netherlands Indian labourers in a Bill to amend the Labour Ordinance. In *St. Lucia* an amending Ordinance, No. 3 of 1937, provides for the appointment of inspectors for the purpose of investigating complaints and otherwise

securing the proper observance of the Labour (Minimum Wage) Ordinance, 1935. In the case of *St. Vincent*, it is reported that the reference made in the report for 1934/35 to Ordinance No. 14 of 1935 should be amended to read Ordinance No. 14 of 1934. This Ordinance has been amended by Ordinance No. 21 of 1936 which deletes the provisions stipulating that in fixing the rates of wages of employees regard shall be given to benefits and privileges enjoyed by them. The following information is communicated on the action taken in consequence of the existing minimum wage-fixing legislation: In the *Bahamas* an advisory board was appointed on 19 June 1937 to enquire into the wages paid to unskilled labourers in New Providence. As the result of the report of that board an Order in Council, No. 21 of 1937, was issued on 11 August 1937, fixing a minimum rate of wages for persons engaged in the occupation of unskilled labour in the building trade. In *Ceylon* minimum rates of wages are fixed for Indian labourers on tea and rubber estates under Ordinance No. 27 of 1927. In 1937 a commission appointed to investigate into wages earned by the harbour workers in Colombo recommended certain rates which were adopted. The question of introducing a minimum wage for labourers whether agricultural or industrial, to which the provisions of Ordinance No. 27 of 1927 do not apply is under consideration. In *Malta* draft Orders were published on 4 May 1937. Order No. 1 of 1937 provides *inter alia* for minimum rates of wages for employees in shops and is to come into operation from 1 January 1938. Order No. 2 of 1937 provides for rest periods and minimum rates of wages for persons employed in the transport service by land. In the *Straits Settlements*, *Federated Malay States* and *Unfederated Malay States*, standard rates of wages for Indian labourers are fixed from time to time. In *Grenada*, under an Order of the Governor in Council, dated 19 August 1935 (No. 5 of 1935), made under the Labour (Minimum Wage) Ordinance, 1934, minimum rates of wages were prescribed for agricultural labourers. In *St. Lucia* the following Orders have been made by the Governor in Council under Ordinance No. 5 of 1935: Order No. 55 of 1936 which prescribed minimum rates of wages to be paid to agricultural labourers; Order No. 1 of 1937 which prescribed various minimum rates of wages to be paid to persons engaged in the coaling industry; and Order No. 40 of 1937 which prescribed various minimum rates of wages to be paid to agricultural labourers in the sugar industry. In *St. Vincent* an Order of the Governor in Council, dated 8 January 1937, made under Ordinance No. 14 of 1934, prescribed minimum rates of wages to be paid as from 1 February 1937 to agricultural labourers and to labourers employed in agricultural factories and on

estate work generally. The Governments of the *Falkland Islands*, *Fiji*, the *Gambia*, *Gibraltar*, the *Gilbert and Ellice Islands*, *Gold Coast*, *Hong Kong*, *Mauritius*, *Kenya*, *Nigeria*, *Northern Rhodesia*, *St. Helena*, *Seychelles*, *Sierra Leone*, *Uganda* and *Zanzibar* have reported that up to the present it has not been found necessary to exercise the powers conferred by the local minimum wage legislation in regard to fixing minimum rates for workers employed in any particular trade or profession. The Governor of *Nigeria*, however, reports that in 1934 a committee was formed to examine and co-ordinate wage rates paid by the Government in Lagos and district. This has developed into a permanent labour board which, although it deals only with the rates of pay of Government employees; has a marked effect on the minimum wage figure offered by outside employers since the Government is the largest employer of labour. Steps have recently been taken to establish similar boards in every province. The Governor of *Trinidad* reports that under the Labour (Minimum Wage) Ordinance, 1935, he has appointed an advisory board to consider the wages paid to clerks and assistants in shops. The High Commissioner for the Western Pacific has reported that the question of the minimum wage of Native labourers in the *British Solomon Islands* has been investigated by an advisory board who have advised that the minimum rates should be made as at present fixed. The matter may be re-investigated during 1938.

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 Government supplies the following information:

New South Wales. — Payment of less than award rates is punishable by fine, and the difference between the amount received and award rates is recoverable through process of law by the employee from the employer. Compliance with awards is enforced by Government industrial inspectors. The report includes statistics for the years 1903 to 1936 of the principal awards in force at the end of the year and of the numbers of awards made, complaints of breaches of awards received, general inspections made, total complaints and inspections, prosecutions instituted, convictions recorded, total amount of wages paid to employees upon Departmental settlement, cases for the recovery of wages, amounts of wages claimed, and amounts recovered during each year.

Bulgaria. — The report states that in cases where the wages of a worker have not been laid down in his contract of employment he has the right to receive the minimum wage fixed by collective labour agreements, or that approved by the Council of Ministers, or the minimum wage paid to workers doing the same work in the undertaking or in any similar undertaking in the neighbourhood. In case of a dispute the wage rate is fixed by an expert appointed by the Arbitration Court.

Cuba. — The report states that the inspectors of the Ministry of Labour are entrusted with the application of the provisions concerning minimum wage. Under § 6 of Legislative Decree No. 727 every employer shall be bound to specify the relevant rates of wages in contracts of employment or agreement for employment, both individual and collective, and to keep a register stating the names of the employees, the duties performed by them and the remuneration which they receive. The said register shall be submitted to the inspectors of the Ministry of Labour. Persons who employ home workers shall deliver to each home worker employed by them a card stating the name of the home worker, the nature of his work, the place where it is performed and the wages paid to him. § 11 of the Decree provides that the minimum rates of wages shall be published in the *Gaceta Oficial*, and the employers shall be bound to display a statement of the said rates in every workplace or place where wages are paid. Under § 12 of the Decree every employer who contravenes the provisions of this Legislative Decree shall be liable in each case to a fine of not less than 50 nor more than 500 pesos, and every worker who has suffered thereby shall be entitled to recover by distress procedure the amount to which he is entitled. The Decree, however, does not fix any time has for recovering the amount due.

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 supplies the following information :

New South Wales. — No decision of any court of law regarding the application of the Convention has been recorded. The report draws attention, however, to a recent decision of the Supreme Court of New South Wales based on the provision of the Industrial Arbitration Acts that no award, order or proceeding of the Industrial Commission shall be appealed against, reviewed or called in question by any court of judicature on any account whatever. The case in question was brought by a moneylender to restrain an employer from paying a certain employee his wages in full, the employee having assigned part of his weekly wages to the applicant moneylender. The employee was bound by an award which provided that wages due to an employee should be paid in full, notwithstanding that the employee may have signed an order authorising the payment of certain portions of his wages to a moneylender ; but the moneylender who brought the case in question contended that this provision was not valid, being in respect of something which, it was contended, was not an industrial matter. The Court held that the section of the Industrial Arbitration Act, 1936, referred to above prevented it from enquiring into the case, and the application was accordingly dismissed.

Chile. — The report states that during the year 1936/37 several legal decisions relating to the application of the Convention were given. Copies of two of these decisions have been forwarded to the Office. One of these decisions sentences an employer to pay a worker the difference between the wages actually paid and the minimum rates fixed for the category of the worker in question. The other declares as unjustifiable the claim of a group of waiters engaged temporarily, for the payment of a gratuity payable under the regulations only to permanent workers.

Cuba. — The report states that pending the establishment of labour courts contraventions of this Legislative Decree are within the jurisdiction of the criminal magistrate of the place where the contravention was committed. The report adds that as the decisions of the magistrates are given orally, their texts cannot be supplied.

Ireland. — The report states that during the year 1936 court proceedings were taken against two employers under the Boot and Shoe Repairing Trade Board and under the Tailoring Trade Board. In each case the employer was convicted and ordered to pay arrears of wages due.

Mexico. — The report states that a number of decisions have been given concerning the application of the national legislation implementing the Convention, but that there is nothing of particular importance to report in this connection.

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 Government supplies the following information :

New South Wales. — The reports of the Industrial Officer of the Department of Labour and Industry bear out the view that the terms of industrial awards fixing rates of pay and other conditions of employment are well observed. Where breaches of the terms of awards occur, necessary action is taken to vindicate the law and ensure compliance in the future. The non-observance of awards in the baking industry during the year under review was more general than is usual, and led to a number of prosecutions against employers who in some cases were heavily fined. The principle of fixation of wages by *ad hoc* authorities in New South Wales is universally accepted as the best method of ensuring standards of living and industrial peace. The report quotes, in this connection, an article which appeared in the *Australian Manufacturer* of 3 July 1937 which includes the following passages : " Australia, from the industrial point of view, is perhaps the most fortunate of all the nations, for it possesses a means of settling disputes and of adjusting wages and hours, which, if wisely used, cannot fail to preserve and promote industrial peace and prosperity. We refer, of course, to the Industrial Arbitration Courts presided over by expert and impartial judges whose function is to weigh all evidence advanced and to give judgment accordingly. No doubt, in spite of this we do not escape occasional industrial trouble. But what would be the condition of affairs in Australia if no such tribunal existed ? The article goes on to endorse a suggestion that there be set up an inter-State and Commonwealth tribunal to determine a uniform basic wage for the whole of Australia. Such a proposal, it adds, " if adopted, would make Australia's Industrial Arbitration Courts incomparably the greatest instruments of industrial peace—and, therefore, of industrial prosperity—in the civilised world."

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. See also under point II, Article 5.

Chile. — A report of the General Labour Inspectorate states that the legis-

lation in force does not assure a worker with a family a wage sufficient to provide him with the necessities of life. §44 of Legislative Decree No. 178 defines " minimum wage " as a wage not less than two-thirds nor more than three-fourths of the normal or current wage. This definition of the minimum wage is not the most satisfactory to ensure to the workers the purchasing power and the means of existence required by present day conditions. For this reason there were constant applications in all branches of activity for an increase in wages, which necessitated the intervention of conciliation boards for the purpose of bringing about an agreement to raise, though only partially, the wages and the rates fixed. The Government has submitted for the approval of Congress a Bill to amend the provisions relating to minimum wages and to remove these difficulties.

China. — The Government states that no observations have been received from employers' or workers' organisations. See also introductory note.

Colombia. — See introductory note.

Cuba. — In an appendix to the report statistics are given relating to the infringements of Legislative Decree No. 727 of 30 November 1934. Since the commencement of the application of this Decree up to October 1937, 889 fines had been inflicted for infringements. The amount collected, namely 44,450 pesos, was paid to the general pensions fund of employees and workers. The report states that no observations have been received from employers' or workers' organisations concerned.

France. — The report states that the Government has not received any observations from the employers' or workers' organisations with regard to the minimum wage-fixing machinery.

Great Britain. — In Great Britain during the year ended 30 September 1937 the number of inspections made was 19,208, the number of workers whose wages were examined was 224,140 and the number of prosecutions undertaken was 15. The amount of arrears of wages collected by the Ministry of Labour was £27,836. 0s. 9d. In Northern Ireland during the same year the number of workers whose wages were examined was 17,158 and the number of prosecutions for infractions of the Act was 2. Arrears of wages collected for the same period amounted to £775. 1s. 4d. Detailed information is also given for each of the trades covered concerning the inspections completed, visits paid, workers whose wages were examined and to whom arrears were paid and numbers of establishments in respect of which offences were reported. The report states 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.

Ireland. — The report states that no observations have been received from organisations of employers or workers during the period under review.

Mexico. — The Government states that the provisions of the Convention are applied, *ipso facto*, by §§ 99, 100, 414

to 424 of the Federal Act of 18 August 1931, which relate to minimum wages.

Norway. — The Government states that the Convention is strictly applied. The report of the Central Homework Council (appended to the Government's report) contains information regarding the visits of inspection and enquiry undertaken by the Council. The report adds that no observations have been received from organisations of employers or workers.

Union South Africa. — The report states that information in regard to the administration of the industrial laws in the Union will be found in the Report of the Department of Labour and Social Welfare for the year ended December 1935 (U.G. No. 4, 1937), a copy of which was forwarded to the Office.

Uruguay. — See introductory note.

TWELFTH SESSION (GENEVA, 1929).

27. Convention concerning the marking of the weight on heavy packages transported by vessels.

Article 3 of the Convention provides that "it shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary-General. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered".

The Convention came into force on 9 March 1932. The following table shows the States Members where the Convention came into force before 1 July 1937 and which, in accordance with Article 22 of the International Labour Organisation, were called upon to submit reports for the period 1 October 1936-30 September 1937 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Australia	9. 3.1931	6.11.1937
Austria	16. 8.1935	8.11.1937
Belgium	6. 6.1934	27.10.1937
Bulgaria	4. 6.1935	27.11.1937
Chile	31. 5.1933	5. 1.1938
China	24. 6.1931	23. 2.1938
Czechoslovakia . . .	26. 3.1934	6.12.1937
Estonia	18. 1.1932	22.10.1937
Finland	8. 8.1932	6.11.1937
France	29. 7.1935	23.12.1937
Greece	30. 5.1936	7. 3.1938
India	7. 9.1931	22.12.1937
Ireland	5. 7.1930	20.10.1937
Italy	18. 7.1933	
Japan	16. 3.1931	1. 2.1938
Lithuania	28. 9.1934	
Luxemburg	1. 4.1931	17. 1.1938
Mexico	12. 5.1934	24.11.1937

COUNTRIES	Date of registration of ratification	Report received
Netherlands	4. 1.1933	1.10.1937
Nicaragua	12. 4.1934	
Norway	1. 7.1932	16.10.1937
Poland	18. 6.1932	17.11.1937
Portugal	1. 3.1932	23.11.1937
Rumania	7.12.1932	11. 4.1938
Spain	29. 8.1932	
Sweden	11. 4.1932	17.11.1937
Switzerland	8.11.1934	1.11.1937
Uruguay	6. 6.1933	30.11.1937
Venezuela	17.12.1932	3. 1.1938
Yugoslavia	22. 4.1933	18.11.1937
* * *	* * *	* * *
Burma ¹	22.12.1937	29.11.1937

The *Greek* Government states in its report that no Act or Decree has been passed to apply the Convention. The report adds that the Decree provided for in § 3 of the Emergency Act of 30-31 October 1935 is being published. It is in conformity with the provisions of the Convention and regulates all the details of its application.

For the general information supplied by the Government in its letter of 1 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

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 report of the Government of *Spain* has not yet been received. For the general information supplied by the Government in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

¹ See the introduction to the present volume, p. 4.

The Government of *Uruguay* states in its report that Parliament still has under consideration the Bills which have been submitted to it with a view to adding to the national legislation the provisions rendered necessary by ratification of this 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 (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).

Austria.

Act N 380/1935 to ratify the Convention. (*Bundesgesetzblatt*, No. 104 of 27 September 1935, p. 1592).

Federal Act N 64/1936 concerning the marking of the weight on heavy packages transported by vessels (*Bundesgesetzblatt*, No. 10 of 5 March 1936, p. 59).

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.

Legislative Decree of 25 March 1935 to carry out the Convention concerning the marking of the weight on heavy packages transported by vessels (L. S. 1935, Bulg. 3).

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.

Revised regulations of 10 December 1936 concerning the marking of the weight on heavy packages transported by vessel.

Czechoslovakia.

Act of 18 December 1934 concerning the marking of the weight on heavy articles transported by vessels. (L. S. 1934, Cz. 10).

Decree of the Minister of Public Works of 25 June 1936 implementing the above Act.

Transport Regulations of the Czechoslovak Railways, supplement to § 58.

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.)

Greece.

See introductory note.

India.

Various measures taken by the competent authorities for the ports of Bombay, Karachi, Aden, Tuticorin, Madras, Calcutta, Rangoon, Chittagong and Cochin.

Ireland.

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.).

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.

Act concerning the marking of the weight on heavy packages transported by sea or by inland waterway, published in *Monitorul Oficial*, No. 70, 25 March 1937.

Administrative regulations under the above Act, published in *Monitorul Oficial*, No. 63, 17 March 1938.

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 of an organising and administrative nature to implement the Federal Act of 28 March 1934 in certain cantons.

Uruguay.

Act No. 5032 concerning the prevention of industrial accidents.

Regulation of 22 January 1936 in application of the above Act.

See also introductory note.

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. See also under *Convention No. 2, unemployment*, point I, the information supplied by Yugoslavia.

* * *

Burma.

(Report of the Government of Burma for the period 1 April-30 September 1937 communicated through the Government of the United Kingdom.)

See under *Convention No. 1 (Hours of work, industry)*, point I.

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. — As regards shipping within the jurisdiction of the State Governments, the report states that *Victoria*, *Queensland* and *Western Australia* have followed the Commonwealth Regulations in the matter and in *New South Wales* legislation is being prepared to give the Maritime Services Board power to make the necessary Regulations. The authorities in *South Australia* and *Tasmania*, however, are not disposed at present to adopt similar Regulations.

Austria. — The report states that the obligation laid down in the first paragraph of this Article is incorporated in § 1 (1) of the Austrian Federal Act. The powers conferred under the second paragraph of the Article have been included in § 1 (2) of the Austrian Federal Act. As regards the fourth paragraph of Article 1 the consignor has been required to have the weight marked (§ 1 (1) of the Austrian Federal Act). § 2 of the Austrian Federal Act also contains supplementary provisions.

Bulgaria. — The report states that § 3 of the Legislative Decree of 25 March 1935 lays down that packages weighing over 1,000 kg. that are not marked in conformity with the Convention may not be loaded on to ships. Under § 2 of the same Decree the duty of marking the weight rests on the consignor.

Chile. — The report states that owing to the pressure of other urgent work the Ministry of Labour has not yet been able to undertake the final revision of the new regulations on industrial health and safety, in which are included the provisions concerning the marking of the weight on heavy packages transported by vessels.

Greece. — See introductory note.

Rumania. — Under § 1 of the Act concerning the marking of the weight on packages, any object or package of 1,000 kgs or more gross weight intended to be transported by sea or inland waterway must, before being put on the ship, bear an indication of its weight marked plainly and durably on the outside. In exceptional cases where it is difficult to determine the exact weight, the approximate weight may be marked, based on the volume and the nature of the package or object. Responsibility for marking the weight rests on the consignor or on the agent appointed by him to despatch the package or object. The administrative

regulations under the Act state that these provisions do not apply to objects or packages in transit unless they are re-exported from Rumania with new consignment papers (§ 1). The regulations also provide that if an approximate weight is marked this must be clearly stated. The approximate weight as marked must be within 5 per cent. of the real weight. The approximate weight may be marked when the nature, composition or dimensions of the object make it difficult to determine the real weight, and when the weight is subject to appreciable fluctuations owing to atmospheric conditions (§ 2). The administrative regulations further prescribe that the weight shall be marked in figures and in letters at least 8 cm. high. If possible, the places where the ropes and chains are to be slung during loading and handling are to be marked on the package or object (§ 3). If, when the object or package is being loaded it is found that the weight is not marked or is inadequately marked, it cannot be taken on board unless the competent authority can indicate the weight from the consignment papers. To ensure stricter application of the provisions of the regulations, verification of the marking of the weight will also be effected at the port of destination before unloading (§ 4).

Venezuela. — The report states that Regulations under the Labour Act are still in course of preparation.

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 in *Papua* no cases of failure to mark packages have come under notice since the last report.

France. — The report states that the early application of the Convention to all French possessions, is being considered. The same is the case for *Tunis*, where it appears that the Convention will be applied in the near future.

Netherlands. — The report states that the application of this Convention in the *Netherlands Indies* is possible only in ports which are generally open to foreign trade. The administrative regulations that are to be adopted in the matter have reached an advanced stage of preparation.

IV.

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

Austria. — The report states that the authorities responsible for the application of the Convention and for the enforcement of the relevant Federal Act are the general administrative authorities and, within their own jurisdiction, the Federal police. The authorities have been specially directed to ensure compliance with the relevant provisions. In the last resort supervision of the enforcement of the provisions of the Convention is a matter for the Federal Ministry of Trade and Communications. Under § 3 of the Act offences against the provisions of the Act or of orders issued pursuant to it are subject to administrative penalties and are punishable by the authorities mentioned by fines up to 1,000 schillings, or imprisonment up to three months.

Bulgaria. — Responsibility for the enforcement of the Legislative Decree of

25 March 1935 lies with the Directorate General of Railways and Ports, Navigation Section.

Greece. — See introductory note.

Mexico. — The report states that the Secretaries of Finance, Public Credit, Communications and Public Works, the customs authorities and the harbour masters are the authorities responsible for the application of the Regulations and the supervision of their enforcement.

Rumania. — § 2 of the Act assigns supervision of the enforcement of the provisions of § 1 to the Directorate of the Mercantile Marine in the Air and Shipping Ministry. This supervision will be exercised through the Inspectorate General of Navigation and Ports. § 3 of the Act lays down that a consignor or agent who commits an offence against the provisions of § 1 or of the administrative regulations shall be punished by a fine of from 500 to 2,000 lei.

Switzerland. — The report indicates that transport undertakings, and in particular the Federal railways, are in a particularly good position to verify whether the goods consigned to them for transport bear the requisite indication. The administration of the Federal railways states that according to its own observations the relevant provisions are everywhere complied with.

Venezuela. — The report states that the authorities responsible for the enforcement of the Labour Act are the National Labour Office and the Labour Inspectorate. Both these bodies have been given additional staff. The inspectorate has been brought up to its full strength comprising 23 divisions. The number of special commissioners appointed by the inspectors has also been increased in nearly all the inspection divisions. Under a Decree of 15 November 1937 the following special and permanent labour tribunals were set up for the settlement of disputes. (1) The Superior Labour Tribunal with jurisdiction over the whole country, acting as a court of appeal as regards decisions of the lower labour tribunals and the labour inspectors. (2) Two labour tribunals of first instance for the Federal district, and (3) a labour tribunal of the first instance for the State of Zulia. It is the Government's intention to set up further tribunals in other parts of the country as the need arises. This will enable inspectors to devote themselves entirely to their administrative duties. The regulations concerning penalties for offences against labour legislation are still 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 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. — The report states that no breaches of the law came to the notice of the *Federal Government* during the year and no observations on the Convention were received from employers or employees. In *New South Wales* no observations have been received from the organisations of employers and workers concerned. No contraventions were reported in *Queensland*. With regard to *Western Australia* the report points out that the application of the Convention has worked smoothly and satisfactorily and experience has shown its necessity in the interests of safety. The Government has furnished a detailed report dated 19 October 1937 by the manager of the Fremantle Harbour Trust on the working of the regulations that apply the Convention. For various reasons, including the fact that a number of countries had not ratified the Convention, the regulations were extended to the unloading as well as the loading of heavy packages. As regards the loading of packages, only one failure to mark a weight came to notice, but there were two other cases in which the weight was wrongly indicated. When the package with no weight marked (it weighed 2 tons 3 cwt.) was being loaded, it carried away the wire of the ship's 2-ton gear and both the ship and the package were damaged. As regards packages unloaded, at Fremantle, in the two years preceding the report by the manager of the Harbour

Trust, there were six cases in which weights were wrongly stated. Four of the packages came from Queensland and two from Great Britain. The question of the packages from Great Britain was taken up with the British shipping agents, who in turn referred it to the shippers. The shippers contested the accuracy of the weighing machine at Fremantle and stated that the weights as marked were given by their own hydrostatic machine. It was however conclusively proved that the weighing at Fremantle was correct. The legal action justified by these defaults has up to the present been withheld, first by reason of a desire to give ample warning, and secondly because in each case a report was made to the Commonwealth Navigation Department and it was preferred that a higher authority should be given a prior opportunity of taking suitable action in a matter that concerns all Australian ports. With regard to the packages from Queensland, it was found that owing to various legal difficulties a prosecution could not be undertaken. As an additional precaution the Trust has equipped its cranes with a safe-load indicator. The manager of the Fremantle Harbour Trust expresses the following opinion on Article 1 of the Convention: "Article 1 of the Convention might be gradually developed so as to embrace the principle of the Commonwealth Court of Conciliation and Arbitration, that bodily strain upon labour shall as far as possible be avoided, and that if it is not practicable ultimately to alter the terms of the Convention so as to require every package to be marked with its weight, then an extension should be made to include all packages of the weight of 5 cwt. and over. From the experience of contraventions of our regulation as contained in this report, I should like to give the opinion that Article 1 of the Convention might also be reviewed and amended, so as to extend to all operations on wharves prior to the loading of packages on to vessels, and subsequent to their discharge, so as to cover all wharfside conditions in the handling of cargo." The object of this proposal is to ensure the same protection to labour working on the shore as to labour employed on board ships. No observations or complaints have been received from any organisation of employers or workers in Western Australia with regard to the enforcement of the regulations implementing the Convention.

Austria. — The report states that the shipping companies have been notified by the Federal Ministry of Trade and Communications that when accepting heavy packages they should draw the consignor's attention to the obligation to mark the weight of the packages and also to the penalties for failing to do so. One of the companies has also published the regulations on the subject in its lists of rates. The authorities are not aware of any difficulties

in the enforcement of the regulations or of any failure to comply with them. No observations on the practical application of the Convention have been submitted to the Federal Government by employers' or workers' organisations or by other bodies.

Belgium. — The report furnishes the following information: Packages of 1,000 kg. and over are rarely handled at Brussels but the weight has been marked on such packages and even on smaller ones. At Antwerp compliance with the regulations is perfect. At the port of Deux Flandres, generally speaking, the regulations are complied with; some offences have come to notice and the offenders have been warned. No offences have been reported in the districts of Liège, Namur-Luxemburg and Hainaut. At Vilvoorde most of the goods handled are bulk goods. No observations have been received from employers' or workers' organisations concerning the practical application of the Convention or the provisions of the national legislation which guarantee its application.

Bulgaria. — No observations have been received from employers' or workers' organisations.

Chile. — Reports of the Maritime Labour Inspectorate show that in practice the absence of regulations has not been felt, since all large packages transported by vessels, whether national or foreign, bear a visible indication of their gross weight. No observations have been received from employers' or workers' organisations concerning the application of the national legislation which implements it.

China. — The report states that according to the customs authorities, in a period of 70 days in April, May and June 1937, there were 14 occasions on which heavy packages and objects were consigned from Japanese ports on Japanese vessels without the weight being marked. No observations have been received from employers' or workers' organisations.

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

Estonia. — The report states that no difficulties have been encountered in the application of the Convention and no observations have been received from the employers' or workers' organisations concerned regarding the practical application of the Convention.

Finland. — The Public Prosecutor was notified that a package weighing 2,200 kg. was sent out of the country on 20 January

1937 without the weight being indicated in accordance with statutory requirements. No decision has yet been taken in the matter. The Government has received no reports from factory inspectors with regard to offences against the regulations and no observations from employers' and workers' organisations on the practical application of the Convention or on the enforcement of the relevant legislation.

France. — The report states that the enforcement of the provisions of the Act of June 1935 has not given rise to any particular difficulty. No observations have been received from employers' or workers' organisations concerning the practical application of the Convention or of the national legislation which implements it.

Greece. — The report states that no observations have been received from the employers' and workers' organisations. See also introductory note.

India. — The report states that the Government of India has not received from the organisations of employers' or workers' any observations regarding the practical fulfilment of the conditions presented by the Convention or the application of the national law implementing the Convention.

Ireland. — The report states that no contraventions of the Carriage by Sea (Heavy Articles) Act have been reported during the period under review. No observations have been received from organisations of employers or workers.

Japan. — The report states that no observations have been received from the organisations of employers or workers concerned regarding the practical application of the Convention or of the national legislation which implements it.

Luxemburg. — The report states that no breaches of the regulations are mentioned in the report of the Labour Inspectorate and no observations have been received from employers' or workers' organisations regarding the practical application of the Convention or of the national legislation which implements it.

Mexico. — The report states that the Secretary of Communications has sent a circular to the harbour masters enjoining them to enforce the regulations in co-operation with the financial authorities.

Netherlands. — The report states that by a letter of 26 July 1937 the Ministry of Social Affairs furnished the following

information on the difficulties encountered in the application of the Convention: in the case of packages loaded in the Netherlands there are no difficulties to mention. In some cases where it was found that the weight was not marked on a package the appropriate steps were taken by the competent authorities. Breaches of the law were dealt with in three inspection districts, and in one district two summonses were issued. With regard to packages coming from abroad the chief difficulty arises in connection with mass-production goods transported unpacked, e.g. rolled steel goods (plates, axles, girders, etc.) which are not considered as packages or objects within the meaning of the Convention but rather as bulk goods. Some countries go even further and exempt timber, stone, iron bars and similar articles. The Ministry of Social Affairs doubts whether such articles can really be considered as bulk goods and suggests that for the purposes of the Convention "bulk goods" means unpacked goods such as grain, coal, ore and liquids, or in certain cases such goods in sacks, bales, cases, casks and drums. When they are being loaded or unloaded at the docks such goods may be transferred to containers which, when full, may weigh over 1,000 kg. It is obviously impossible to hold the consignor of the goods responsible for marking the weight on the containers used at the docks. Against the view that a consignment of girders, axles or stone is not a package or object covered by the Convention, the contention may be advanced that such a consignment may be subsequently divided up and single pieces transported by themselves. Then these pieces bear no indication of their weight. The Ministry is of opinion that it would be in conformity with the Convention to assume that "bulk goods" implies the use of certain working methods or equipment and upon the method or equipment selected will depend the quantity of cargo handled at a time, whereas in the case of the goods mentioned above, one piece at a time may be handled and this one piece may weigh over 1,000 kg. The Port Inspectorate has compiled, for heavy packages, a table showing those that were not marked as required by the Convention, and mentioning the nature of the goods, the countries of origin and destination, and the method of conveyance to and from the ship. The Ministry suggests that the International Labour Office should invite every country that has ratified the Convention to compile a similar table. This would enable a clear idea to be obtained of the way in which the Convention is applied in the different countries. The report states that no observations were received from employers' and workers' organisations concerning the practical application of the Convention.

Norway. — The report states that the Convention is strictly applied and the

relevant legislation is in full harmony with the provisions of the Convention. The report adds that no observations have been received from employers' or workers' organisations.

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

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

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

Sweden. — The report states that the Convention is satisfactorily applied. No offences against the relevant regulations were committed. Two breaches of the provisions of the Convention, committed abroad, were detected in Sweden and notified to the foreign competent authority concerned. The report adds that there were no observations from employers' or workers' organisations.

Switzerland. — The report states that the Convention is fully applied in Switzerland. The report of the Federal Council to Parliament for 1936 states that the few cantons that had not taken the necessary steps to enforce the relevant Act have been invited to do so. The Act was enforced in Liechtenstein. Zurich is the only canton that has entrusted the enforcement of the regulations to the inspectors of weights and measures. According to the report of these inspectors, the arrangement appears to work satisfactorily; the inspectors are well acquainted with all undertakings likely to consign heavy packages. In St. Gall it is customary to mark the weight on packages of 100 kg. or over. The Federal authorities have received no observations from employers' or workers' organisations concerning the application of the Convention or of the national legislation which implements it.

Uruguay. — See introductory note.

Venezuela. — The Government states in its report that when the Regulations applying the Labour Act are issued the labour inspectors will ensure their strict enforcement. The report adds that no observations have been received from the employers' or workers' organisations concerning the Labour Act or the enforcement of the provisions of this Act which implement the Convention. As yet there are no statistics concerning the application of the Convention, but the compilation of such statistics will shortly be undertaken by the National Labour Office.

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

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 1937 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 1936-30 September 1937 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Ireland	5. 7. 1930	27. 10. 1937
Luxemburg	1. 4. 1931	17. 1. 1938
Nicaragua	12. 4. 1934	
Spain ¹	29. 8. 1932	

The Convention was subjected to a partial revision by the International Labour Conference at its Sixteenth Session, and the revised draft Convention was adopted by the Conference on 27 April 1932.

* * *

The Irish Government, by letter dated 20 October 1937, has communicated the

¹ 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.

following statement: "The Minister notes from Article 23 of this Convention that 'should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention, shall, *ipso jure*, involve a denunciation of this Convention'. In the light of this provision, the Minister has had under consideration the new revising Convention adopted in 1932 by the 16th Session of the International Labour Conference, and the amendment of the Docks Regulations 1928 necessary for the purpose of implementing the latter Convention, with a view to ratification. Consideration of the obligations entailed by ratification indicates the possibility of the difficulties that might arise in negotiating agreements in pursuance of the provisions of Article 18 of the revised Convention and although the position has been somewhat clarified by the report of the Reciprocity Conference held in London in July 1935, at which the Irish Free State was represented, the fulfilment of the requirements of Article 9 (1) and (3) of the Convention, as outlined in paragraph 3 of the Report of that Conference, still presents difficulties. The possibility of adapting the system in operation in the Saorstat to the requirements of this article of the Convention, is still being explored. The Minister has had before him the Brief Report on the Maritime Work of the Organisation (1929/1936) issued in connection with the 21st Maritime Session and has noted that 'the holding up of ratification appears to be due mainly to the fact that the question of ratification has become linked up with the conclusion of reciprocity agreements as provided for in Article 18 of the Convention.' The letter adds that any information bearing on the solution of the difficulties impeding ratification by other States Members would be greatly appreciated and requests that this communication be accepted in lieu of the annual report on the Convention.

The report of the Luxembourg Government states that the Convention has no practical application in the Grand Duchy.

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

FOURTEENTH SESSION (GENEVA, 1930).

29. Convention concerning forced or compulsory labour.

Article 28 of the Convention provides that "it shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General. Thereafter, this Convention shall come into force for any Member twelve months after the date on which the ratification has been registered".

The Convention came into force on 1 May 1932. The following table shows the States Members for which the Convention was in force before 1 July 1937 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 1936-30 September 1937 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Australia	2. 1.1932	13.11.1927 21. 1.1938
Bulgaria.	22. 9.1932	27.11.1937
Chile	31. 5.1933	5. 1.1938
Denmark	11. 2.1932	9.12.1937
Finland	13. 1.1936	6.11.1937
Great Britain . . .	3. 6.1931	20.12.1937 3. 2.1938
Ireland	2. 3.1931	20.10.1937
Italy	18. 6.1934	
Japan.	21.11.1932	1. 2.1938
Liberia	1. 5.1931	21. 3.1938
Mexico	12. 5.1934	24.11.1937
Netherlands	31. 3.1933	13.11.1937
Nicaragua	12. 4.1934	
Norway	1. 7.1932	16.10.1937
Spain	29. 8.1932	
Sweden	22.12.1931	17.11.1937
Yugoslavia.	4. 3.1933	18.11.1937

The Government of *Bulgaria* states that the Convention is not applicable as Bulgaria does not possess colonies.

The Government of *Chile* states that the type of labour covered by the Convention is non-existent in Chile.

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*.

The Government of *Finland* states that the Convention was ratified as a measure of support of the principles contained in it. As, however, Finland has no colonies or other territories where forced or compulsory labour exists or can arise, it is not possible to give a report on the application of the Convention as regards Finland.

The Government of *Ireland* reports that it has not under its sovereignty, jurisdiction, protection, suzerainty, tutelage or authority any territories to which the provisions of the Convention concerning forced or compulsory labour are applicable. The Government is in favour of the suppression and abolition of forced or compulsory labour on the lines laid down in the International Labour Convention. The Convention was accordingly ratified, and the Government will be prepared to act in accordance with the provisions thereof should any occasion arise.

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

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 report of the Government of *Spain* has not yet been received. For the general information supplied by the Government in its letter of 12 March 1938, see under *Convention No. 1, (Hours of work, industry)*, introductory note.

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.

For the sixth year in succession, a voluntary report upon the measures taken to give effect to the provisions of the Convention was received from the Government of the *Anglo-Egyptian Sudan* (17 November 1937).

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 report states that no forced or compulsory labour exists in *Australia* or in *Norfolk Island*. Legislation for the *Mandated Territory of New Guinea* is contained in the Native Administration Regulations, 1924; and for *Papua* in the Native Administration Regulations, 1931.

With regard to the mandated territory of *Nauru*, the report states: "There has been no occasion to make any special laws or regulations for giving effect to the provisions of the Convention on *Nauru*. What the Convention seeks to achieve has long been an accomplished fact on *Nauru*, and the extension of the Convention to *Nauru* has demanded no alteration or modification of existing law or practice. Every inhabitant on *Nauru* of whatever race, creed or nationality does now enjoy and has enjoyed for decades the rights of free citizenship, and there is, and has been, no law which would confer the power on any person, whether a Government

official or a private individual, to exact from any other person forced or compulsory labour as defined by the Convention. Any attempt to exact such labour would therefore be construed as an offence against personal liberty, and would be dealt with under the Criminal Code. The particular part of the Criminal Code which would be applicable is § 355, which reads as follows: 'any person who unlawfully confines or detains another in any place against his will or otherwise unlawfully deprives another of his personal liberty is guilty of misdemeanour and is liable to imprisonment with hard labour for three years' (see Criminal Code Act 1899 for the State of Queensland as applied to *Nauru* by the Laws Repeal and Adopting Ordinance, 1932)."

Chile. — 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".

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*, *Southern Rhodesia*, and in the following British dependencies which are not fully self-governing:

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 Government states in regard to the *United Kingdom* that the liberty of the subject is safeguarded by the Writ of Habeas Corpus (or in Scotland at Common Law) and that attempts to exact forced labour by detention or physical compulsion would form the subject of proceedings before Courts of Criminal Jurisdiction and would therefore give rise to civil action for damages.

The position in the self-governing Colony of *Newfoundland* is the same as in the *United Kingdom*.

In *Southern Rhodesia* the liberty of the subject is safeguarded at Common Law.

In the majority of the dependencies which are not fully self-governing the position is similar to that in the United Kingdom. In certain, however, the illegal exaction of forced labour is specifically prohibited by law with appropriate penalties (e.g. *Northern Rhodesia*, Penal Code §234; *Somaliland*, Indian Penal Code, §374, applied by Order-in-Council; *Zanzibar*, Decree No. 8 of 1932; *Straits Settlements*, *Federated Malay States* and *Unfederated Malay States*, Penal Code, §374.

The addition of the *Gambia* and *Trans-Jordan* to the list of dependencies where there is no law or custom permitting the exaction of forced or compulsory labour as defined by the Convention results from laws adopted since the ratification of the Convention.

In the *Gambia* the Forced Labour Ordinance, 1934, makes provision only for the exaction of compulsory labour for minor communal services and in cases of emergency. The exaction of any other form of compulsory labour is a punishable offence.

The addition of *Trans-Jordan* to the list results from the adoption of the Forced Labour (Prohibition) Law of 1934. This Law prohibits the exaction of all forced or compulsory labour, the definition of which 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.

In the case of *Bechuanaland* the British Government refers to the provisions regarding personal services to Chiefs, contained in the Bechuanaland Protectorate Native Administration Proclamation, 1934. The most important of the personal services to which a Chief is entitled is that in accordance with which, after the first rains, the Chief calls out certain of his people to plough a part of his fields. It is understood that the ceremony is a traditional one and that no Native of the tribe may plough his own land until it has been performed. There are also other personal services which a Chief can require his tribesmen to perform, namely hoeing and reaping of the Chief's land; herding the Chief's cattle, and the building of the Chief's kraal, tending of kgotla fire; hunting for the Chief or presenting him with part of the game killed; and building the Chief's house. These personal services are not, however, regarded as forced or compulsory labour within the meaning of the Convention. With few and minor exceptions the services are general throughout the Bechuanaland Protectorate. Few cases of abuses have occurred during the past

five years and it is considered that sufficient safeguards are furnished by the provisions of Proclamation No. 74 of 1934. The matter is being carefully watched by the local Government and no further legislation would appear to be necessary at present.

Forced or compulsory 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 principal laws in these territories.

Gold Coast.

- Gold Coast Colony Labour Ordinance (No. 21 of 1935).
- Ashanti Labour Ordinance (No. 32 of 1935).
- Northern Territories Labour Ordinance (No. 33 of 1935).
- Criminal Code (Cap. 29), § 449 (7).
- Criminal Code Amendment and Extension Ordinance (No. 17 of 1935), § 16.
- Roads Ordinance, Cap. 149, Amended by Ordinance No. 22 of 1935.
- Northern Territories Native Authority Ordinance (No. 43 of 1936) § 9.
- Towns Ordinance (Cap. 170), § 38 (1), amended by Ordinance No. 23 of 1935.
- Sanitary bye-laws made under the Native Jurisdiction Ordinance (Cap. 113).
- Gold Coast Colony Labour Regulations (No. B 38 of 1935).
- Gold Coast Colony Labour Regulations (No. 29 of 1936).
- Gold Coast Colony bye-laws, Nos. 8 and 9 of 1936 and Nos. 5, 6, 7, 8, 11, 12, 19 and 20 of 1937 made by the Ajumaku, Prampram, Anamabu, Agona, Ekunfi, Akim Busum, Akim Kotoku, Eguafu, and Gomoa Assin states, revoking bye-laws having reference to the maintenance of roads, which are incompatible with the provisions of the Convention.
- Ashanti Labour Regulations (No. B 44 of 1935).
- Administration (Ashanti) (Roads Repeal) Rules (No. 17 of 1936).
- Ashanti Labour Regulations (No. 28 of 1936).
- Northern Territories Labour Regulations (No. B 45 of 1935).
- Administration (Northern Territories) (Roads Repeal) Rules (No. 16 of 1936).
- Northern Territories Labour Regulations (No. 27 of 1936).

Kenya.

- Penal Code, § 243.
- Compulsory Labour (Regulation) Ordinance, 1932.
- Native Authority Ordinance, 1937.
- Government Notices, Nos. 406 of 1926, 595 of 1928, 657 and 756 of 1933.

Nigeria.

- Forced Labour Ordinance, 1933, amended by Ordinance No. 16 of 1937.
- 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, amended by Regulations Nos. 10 and 27 of 1937.
- 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.
- Order in Council No. 18 of 1937, made under § 11 of the Native Courts Ordinance.

North Borneo.

- Indian Penal Code (adopted as law in North Borneo under the Procedure Ordinance, 1926), § 374.
- Village Administration Ordinance No. 5 of 1913, § 9 (ii), as amended by Notifications Nos. 95 of 1931 and 37 of 1933.
- Land Ordinance No. 9 of 1930, § 66.
- Prohibition of Forced Labour Ordinance No. 4 of 1933.
- Notification No. 505 of 1930 (issued under the Land Ordinance, 1930), § 5.
- Notification No. 159 of 1931 (issued under the Agricultural Pests Ordinance, 1917).

Nyasaland.

- Forced Labour Ordinance No. 15 of 1933.

Sierra Leone.

- Headmen Ordinance (Cap. 91).
- Public Health (Protectorate) Ordinance (Cap. 172) § 9.
- Destruction of Locusts Ordinance No. 21 of 1931.
- Forced Labour Ordinance No. 50 of 1932.
- Protectorate Ordinance No. 32, 1933, § 9 (7).
- Sierra Leone General Orders Nos. 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, 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, Rule 2 (ii) being repealed.
- 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.

Japan. — The report 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 under Japanese Mandate* 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.

Liberia. — The report states that the following are the measures in force which were taken to give effect to the Convention:

- Act relating to the Pawning System, approved 19 December 1930.
- Act approving the Administrative Regulations proposed by the President for Governing the Hinterland Districts of the Republic, approved 17 December 1936.

Administrative Regulations, approved 17 December 1936.

The following legislation is also cited:

- Criminal Code, § 64.
- Duties of Township Officers (The Road Overseers) (§ 1416 (4) of Revised Statutes, amended by Act of 20 January 1932.

Mexico.

The Government states that it will be sufficient to state in reply to all of the questions concerning the application of the Convention that there is a 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", which prescribe 8 hours as a limit for the working day, and 7 hours as a limit for night work.

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.

The revision of the legislation with regard to the requisitioning of *heerendiensten* is under consideration.

Sudan (Voluntary Report).

- Sudan Penal Code, §§ 311, 312, 313.
- Locusts Destruction Ordinance, 1907, § 8.
- 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.

Bulgaria, Chile, Denmark, Finland, Ireland, Norway, Sweden, Yugoslavia. — See introductory note.

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.

Australia. — 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.

Great Britain. — 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.

Liberia. — The Republic of Liberia has no dependencies.

Netherlands. — 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 the reservation in regard to Article 4 must still be maintained. Information, however, is given as regarding the progress made in the redemption of the *particuliere landerijen*. See also under ARTICLE 4.

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 hereinafter provided.

At the expiration of a period of five years after the coming into force of this Convention, and when the Governing Body of the International Labour Office prepares the report provided for in Article 31 below, the said Governing Body shall consider the possibility of the suppression of forced or compulsory labour in all its forms without a further transitional period and the desirability of placing this question on the Agenda of the Conference.

See below, under ARTICLE 2.

ARTICLE 2.

For the purposes of this Convention the term "forced or compulsory labour" shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

Nevertheless, for the purposes of this Convention, the term "forced or compulsory labour" shall not include:

(a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;

(b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;

(c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;

(d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;

(e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

Australia. — See under I and ARTICLE 18.

Great Britain. — The following new information has been supplied.

Kenya. — The Native Authority Ordinance, 1937, provides in § 23 (1) that a Local Native Council may make and pass resolutions for the welfare and good government of the Native inhabitants in respect of any matters affecting purely local Native administration, particularly concerning "(m) minor communal services within the meaning of paragraph (d) of Section 2 of the Compulsory Labour (Regulation) Ordinance, 1932; Provided that no person shall be required to perform any service for more than six days in any quarter." This fulfils the provisions of § 2 (d) of the 1932 Ordinance and of Article 2 (e) of the Convention to the effect that members of the community or their direct representatives shall have the right to be consulted in regard to the need for minor communal services, 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 members of the community.

Nigeria. — Sanction was given to exact labour in the Katsina and Sokoto Provinces under Regulations No. 23 of 1935 concerning the exaction and employment of labour for preventing the spread of sleeping sickness. In the Galadima and Dan Ja Districts of Katsina, 4,010 men were employed for periods varying from one to eight days. In Sokoto no labour was exacted. The Regulations concerning the exaction of minor communal services were further amended by Regulations Nos. 10 and 27 of 1937, which provide for the planting and tending of communal fuel plantations and communal fuel reserves in additional areas of the Tiv Division of Benue Province and in certain areas of the Jos Division of Plateau Province. Such labour as is exacted under these Regulations is used solely in plantations which are to provide firewood and forest produce for the needs of the villages from which the labour actually comes. The Forced Labour (Amendment) Ordinance, 1937, repealed § 15 (2) of the principal Ordinance, which provided that refusal or failure to fulfil legal orders relating to the exaction of labour which is not forced or compulsory labour within the meaning of the Convention (minor communal and emergency services) should not be triable in Native courts. The enactment of the amendment was the result of complaints from Native authorities that it was unreasonable that they should have to resort to a distant Magistrate's Court for the purpose of exacting a trivial fine from a man who has flouted their authority and failed to join with the remainder of the village in performing such communal services as are recognised by public opinion to be necessary. The consequence was that the Native authorities tended to take the law into their own hands and resort to the primitive methods of exacting petty fines by seizure, in which illegal practice they were supported by public opinion and were therefore safe from detection and punishment. It was also considered important that Native Authorities should in cases of public calamity and emergency be empowered to deal with offenders summarily in their local courts. The effect of bringing cases of this nature within the jurisdiction of the Native Courts was carefully watched and no abuses were reported.

Liberia. — The report states that no forced or compulsory labour other than such as falls within the scope of paragraphs (a), (b), (c), (d), and (e) of this Article is lawful within the Republic. The Government views "road labour for main highways and trade routes" as falling under (b) of this Article.

Sudan (Voluntary Report). — Resort to compulsory labour for the protection of gum gardens from fire and for the safeguarding of houses and cultivation from flood and for the destruction of locusts was, in the absence of threats of major disasters, on a decreasing scale and in every case except one was in the direct interests of the individuals concerned. In this case a severe locust outbreak occurred in the Tokar District on the Red Sea littoral, which is a winter breeding centre of the desert locust, and a labour force of 520 was required to protect the cotton. Of these 460 were obtained voluntarily, the remaining 60 being impressed from the local beer shops where they were spending the money they had earned in cotton picking. All were paid the same daily

wage while engaged on this work for 15 days. As locusts bred out in the winter in this district are liable to spread during the summer over the whole of the Sudan and other parts of Africa, it was held that the use of their labour was justified by Article 2 (d) of the Convention.

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.

The reports supplied contain no fresh information on this point.

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.

Netherlands (Netherlands Indies). — The *Javasche Particuliere Landerijen Maatschappij* has bought three more private estates, known as Tjawang or Rustenburg, Batoe Tjepper, and Tjikoko, and acted in a humane manner when requisitioning the labour of the persons on the estates it works, it being possible for these persons to commute the whole of their labour dues. The state of the Treasury still prevented the purchase of private estates during the period under review, so that the reservation made with regard to Article 4 when the Convention was ratified must still be maintained.

Sudan (Voluntary Report). — There has been no forced or compulsory labour for the benefit of private individuals, companies or associations.

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.

The reports supplied contain no fresh information on this point.

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.

The reports supplied contain no fresh information on this point.

ARTICLE 7.

Chiefs who do not exercise administrative functions shall not have recourse to forced or compulsory labour.

Chiefs who exercise administrative functions may, with the express permission of the competent authority, have recourse to forced or compulsory labour, subject to the provisions of Article 10 of this Convention.

Chiefs who are duly recognised and who do not receive adequate remuneration in other forms may have the enjoyment of personal services, subject to due regulation and provided that all necessary measures are taken to prevent abuses.

Great Britain. — New information concerning the second paragraph of this Article is given under Article 10.

Liberia. — Forced or compulsory labour of the kind described in this Article does not exist, with the exception of that provided for in the third paragraph. Article 63 of the Administrative Regulations of 1936 provides that until such time as the Government is in a position to pay Chiefs an annual salary they are authorised to receive tribute from the Tribe or Clan. A Paramount Chief may require members of his tribe to prepare for him a rice farm of a size no larger than that required for the sowing of 37 bushels of seed rice, and in addition may require his tribespeople to furnish and sow the seed and harvest the crop.

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. — In *Papua* only the highest local authorities are authorised to exact forced labour and then only for the purpose of facilitating the movement of officials of the administration when on duty and the transport of Government stores.

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.

The reports supplied contain no fresh information on this point.

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 accord-

ance 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.

Great Britain. — The following new information is furnished.

Gold Coast. — It has still been found necessary occasionally to employ compulsory labour on the maintenance of roads in the Gold Coast Colony and the Southern Section of Togoland under British Mandate under the Roads Ordinance, as provided in Part III of the Labour Ordinance, No. 21 of 1935 and the Regulations made thereunder. Such labour is fully paid and employed under proper conditions.

Nigeria. — No forced or compulsory labour was exacted by chiefs or by the administration for transport or other purposes, nor was any labour exacted as tax or for the execution of public works.

Nyasaland. — No forced labour was employed during the period under review otherwise than on minor communal services.

Sierra Leone. — All labour was voluntary and paid.

Tanganyika. — The efforts made during recent years to reduce the number of men who liquidate their tax liabilities by labour instead of cash payments continued to produce good results and for the fourth year in succession a further substantial reduction in this respect can be reported. The figures for the last four years are as follows:

1933/34	59,316
1934/35	41,609
1935/36	31,605
1936/37	16,092

This further decrease during the year under review was greatly facilitated by excellent harvests and the maintenance of a reasonable price level for primary products. Twelve deaths were recorded, all due to natural causes.

Uganda. — In no case was sanction given for the exaction of forced labour from persons unable to pay poll tax. The *Luwalo* obligation was abolished in the Karamoja District of the Eastern Province as from 1 January 1937. Elsewhere, the right to commute this obligation for a cash payment is universally recognised. In Buganda Province the experiment, referred to in the last Annual Report, was continued: every person liable to *Luwalo* was given an opportunity to pay the commutation fee, and persons who were unable to do so were offered work by the Native Government as paid labourers to enable them to earn money with which to pay the fee. For various reasons, however, the enactment of legislation converting the *Luwalo* obligation into a cash tax has been deferred.

Netherlands (Netherlands Indies). — The requisitioning of *heerendiensten* in the Outer Provinces gave rise to no particular difficulties or complaints during the year under review. In some areas it was possible to lighten these dues in that considerable sums were set aside out of the yield of the special export duty on Native rubber for the construction of various roads. *Heerendiensten* were required mainly for the maintenance and repair of roads and of bridges and conduits occurring on these roads and for the collection of road metal. In a few isolated cases they were required

for the clearing of waterways. The construction of roads classified as main metalled highways by recourse to *heerendiensten* is forbidden. The construction of other roads with such labour is still allowed in some provinces. Only where the wide dispersal of the Native dwellings made this necessary did the competent authority grant a permit for the employment of persons liable to *heerendiensten* at a distance of more than 15 kilometres, or over 6 hours' journey (there and back), from their dwelling. In these cases the time spent on the journey was deducted from the statutory maximum number of working hours per day. In cases where the worker had to remain at the workplace over night, compensation was granted in the form of a reduction of the working hours, a diminution of the daily task, or an allowance in cash or in kind. No *heerendiensten* services were required during the sowing and harvest seasons or on special holidays and rest days. The maintenance of roads and waterways, for which *heerendiensten* are required, affects favourably and ensures the transport of Native products, to the economic advantage of the population. The Native chiefs and the supervisors of the technical services were responsible, under the guidance of the European or Native Civil Service, for supervising the *heerendiensten* works. By careful administration, irregularities in the calling up, etc. of persons for *heerendiensten* were eliminated, or at least reduced to a minimum. The number of persons who, owing to negligence or failure in carrying out their *heerendienst* obligations, had to be punished did not exceed the normal. In no cases were definite objections to the system expressed by the population. The system of substitutes allowed under the law was used in a few cases only, by better educated people or by persons who had found work elsewhere. Owing to the economic revival recourse was had on a larger scale to commutation. The question is being considered in certain provinces whether money might not be set aside out of the special export duty on Native rubber to assist the population to pay part of commutation fees. It is to be expected that more use will again be made of the right of collective commutation. In past years the shortage of money among the population meant that individual commutation gradually took the place of collective commutation. The rate of commutation varies with the number of days' service required and the local rates of wages. It ranges from 3 to 8 florins per person per year. The collection of commutation money was usually left to the Native chiefs under the regular supervision of officers of the Government. The collection of commutation money has given rise to no particular difficulties. The population has, so far as is possible, been granted facilities for paying the commutation money in instalments.

Sudan (Voluntary Report). — Demand for money for the purchase of luxuries and for the payment of taxes has increased voluntary labour forces with the result that labour tribute is being progressively reduced, and in the Upper Nile Province is confined to a part only of one of the eight districts. For the first time a large labour force was recruited on a voluntary basis from the still semi-wild Nilotic tribes of the Southern Sudan for work over a period of several months.

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. — In Papua §116 (4) of the Native Administration Regulations provides that not more than one-sixth of the able-bodied male adults of a village may be absent at any one time.

Liberia. — Article 21 (2) of the Administrative Regulations of 1936 provides that no person shall be forced to labour on any construction project outside the limits of the tribal territory of which he is a member.

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. — In *Papua* the maximum is twenty-one days, which may be extended in cases of great emergency to thirty-one days. Lists are made of carriers so as to prevent the same man being called upon too often.

Liberia. — Article 21 (6) of the Administrative Regulations of 1936 provides that no person shall be required to contribute more than twenty-four working days compulsory labour for road work in one year.

Netherlands (Netherlands Indies). — The statutory maximum number of days of compulsory *heerendiensten* was required or worked in a few provinces only; in several provinces the number required was well below the maximum. See also under ARTICLE 10.

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. — In *Papua* the normal hours of a carrier do not exceed those of a volunteer worker. It is not always possible to grant a weekly day of rest, as many circumstances, such as lack of food or water or the necessity of reaching a village, may prevent it.

Liberia. — The normal working hours are laid down in Article 33 (7) of the Administrative Regulations of 1936 at eight in the day. This is a reduction of two hours on the 1921 Regulations.

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. — In *Papua* carriers are paid in cash unless they prefer trade. In a district where there is no store cash is of little use.

Liberia. — Article 27 of the Administrative Regulations of 1936 provides that no Government official, employee or any other person shall force any person to contribute compulsory unpaid labour, except in cases of Government road work and tribal contributions as authorised by law. See also under ARTICLE 18.

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. — In *Papua* in the case of sickness or disability arising out of their employment, the subsistence of forced carriers would be assured.

Netherlands (Netherlands Indies). — In a few cases only it was necessary to grant compensation to the surviving dependants of persons liable to *heerendiensten* who were the victims of fatal accidents during their work.

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.

Liberia. — See under ARTICLE 11.

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.

Liberia. — See under ARTICLE 11.

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. — The report on *Papua* provides the following information in regard to the points enumerated in the Article: (a) compulsory transport is permitted only in the case of Government Officers and Government stores; (b) medical examination is provided where practicable, although this is rare; (c) statutory rules No. 7 of 1937 limit carrier's loads to 50 lbs; (d) it is proposed to issue regulations concerning the maximum distance; (e) the maximum number of days is thirty-one; (f) only Government officers may require forced portage and only to the extent required by Government service. As regards the normal daily journey, it is stated that this rarely amounts to eight hours, and that it is proposed to fix hours at eight. Steps which have been taken towards the abolition of compulsory portage are the use of (1) prisoners when available, (2) mechanical transport (aeroplane and motor) and (3) animal transport.

Liberia. — The Administrative Regulations of 1936 contain the following provisions in regard to forced or compulsory labour for transport purposes. Article 33 (3) states that it shall be the policy of the Government to employ only voluntary paid labour for portage, but that if sufficient volunteer labour cannot be obtained, compulsory paid labour may be requisitioned. Article 33 (4) provides that under no circumstances shall any person be forced to serve as a porter without payment, and Article 33 (6) and (7) prescribe the individual payment of labourers by the Government official and fix the rate at 12 cents for an eight-hour day with double pay for overtime. Article 34 provides that any traveller or trader requiring porters shall apply to the village chief, who is liable to a fine of 30 dollars

if upon reasonable application of any traveller he refuses to furnish porters as required. Article 35 provides that women shall in no case be employed as porters.

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.

The reports supplied contain no fresh information on this point.

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.

The reports supplied contain no fresh information on this point.

ARTICLE 21.

Forced or compulsory labour shall not be used for work underground in mines.

The reports supplied contain no fresh information on this point.

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. — For *Papua* it is reported that rates of pay vary from 6d. to 1/- per day according to the district, being payable by cash or trade at the option of the carrier. The following cases of compulsory portage in certain districts are recorded: Rigo, 1; Ioma, nil; Kairuku, 40 (emergency patrol in pursuit of murderers); Abau, nil; Delta Division, nil; Kulumadau, nil; Losuia (Trobriands), nil; North-Eastern Division, nil. In the *Mandated Territory of New Guinea* during the period under review it was found necessary to prosecute 13 Natives for neglecting to carry out the instructions of authorised officials to tend their crops. They were all convicted. Four were each fined 10/- and nine were sentenced to imprisonment for 21 days.

Great Britain. — The situation is summarised below.

Gold Coast. — No unpaid 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 2706, representing a total of 4639 man-days of labour. This represents an increase of 8 men over the previous year, but a reduction of 863 man-days which indicates that the policy of gradually abolishing porter transport is being carried out.

Nigeria. — No forced or compulsory labour was exacted by chiefs or by the administration for transport or other purposes, as a tax or for the execution of public works; no forced labour being employed otherwise than on the services mentioned under Article 2 which are exempt from the stipulation of the Convention.

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	1,891	19,461	11,352
Average number of days each person employed	3.52	2.09	2.33
Normal working hours	6 to 8	3 to 8	3 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

Nyasaland. — No forced labour was employed during the period under review otherwise than on minor communal services, which are exempt from the stipulation of the Convention.

Sierra Leone. — All labour was voluntary and paid.

Tanganyika. — The number of porters continues to show a decrease, attributable to the increased use of motor transport. The number of labourers

compelled to work at other tasks shows some increase. This must in part be attributed to the favourable economic conditions which led to a substantial reduction in the number of men liquidating their tax liability in labour. It proved essential to conscript 211 men to load material urgently required for the repair of flood damage to the railway in the Eastern Province. Abnormal rains also rendered necessary the conscription of 95 men for similar emergency work on roads and the railway in the Northern Province. On the Lake Province, where Native production is highest,

the Government called upon 512 persons to perform essential repairs to roads. Native authorities in the Western Province enrolled 238 persons either for road work or for the communal collection of building for the construction of Native authority buildings. The latter work might perhaps have been held to be a minor communal service, but in view of the fact that it was found necessary to prosecute a number of persons it has been included as compulsory labour. The following is a summarised form of the table supplied with the report. See also under Article 10.

	Central Province	Eastern Province	Lake Province	Northern Province	Southern Province	Southern Highlands Province	Tanga Province	Western Province	Totals
A. Labour requisitioned on behalf of Government Departments.									
(I) Porters.									
Number employed ...	—	995	576	211	—	89	—	68	1,939
Total number of man-days worked	—	3,015	3,181	1,853	—	810	—	173	9,032
Convictions : fines ...	—	4	—	—	—	—	—	7	11
Number of sick	—	—	—	5	—	—	—	—	5
Average hours per day	—	5-6	4	6	—	6	—	4-5	—
Rate of Wages	—	-/50 with rations.	-/35 -/50	-/50 without -/30 with rations.	—	-/50	—	-/35	—
(II) Others.									
Number employed ...	—	221	512	95	—	—	—	—	828
Total number of man-days worked	—	270	5,320	948	—	—	—	—	6,538
Convictions : imprisoned	—	—	—	5	—	—	—	—	5
Number of sick	—	—	—	—	—	—	—	—	—
Average hours per day	—	8	—	8	—	—	—	—	—
Rate of Wages	—	-/50	-/25	-/40 with rations (Moshi) 18/- per month without rations (Arusha)	—	—	—	—	—
B. Labour requisitioned on behalf of Native authorities.									
(I) Porters.									
Number employed ...	—	—	258	20	—	—	—	41	319
Total number of man-days worked	—	—	573	48	—	—	—	70	691
Convictions : fines ...	—	—	43	5	—	—	—	3	51
Number of sick	—	—	—	—	—	—	—	—	—
Average hours per day	—	—	2-4	4	—	—	—	4-5	—
Rate of Wages	—	—	-/40 with rations.	-/40 with rations.	—	—	—	-/35	—
(II) Others.									
Number employed ...	—	—	—	—	—	—	—	238	238
Total number of man-days worked	—	—	—	—	—	—	—	450	450
Convictions : fined ...	—	—	—	—	—	—	—	105	105
imprisoned	—	—	—	—	—	—	—	3	3
Number of sick	—	—	—	—	—	—	—	—	—
Average hours per day	—	—	—	—	—	—	—	4-6	—
Rate of wages	—	—	—	—	—	—	—	-/35	—
C. Labour exacted in lieu of payment of tax.									
Number employed	615	4,081	3,347	1,672	3,214	140	2,706	317	16,092
Total number of man-days worked	24,600	154,527	120,583	64,330	94,326	4,860	105,502	13,298	582,026
Convictions : fines ...	—	—	—	1	3	—	—	—	4
imprisonment	19	256	49	49	31	—	16	—	420
Number of deaths	1	1	—	2	—	—	8	—	12
Number of sick	—	299	—	100	125	5	387	—	916
Average hours per day	7-8	8	7-8	8	8	8	8	8	—
Rate of wages	Tax Ticket.	-/45 with -/50 without rations or 30 days for 7/- tax or 10/- per month.	Tax Ticket.	-/30- -/40	-/25- -/35	Tax Ticket and rations.	—	—	—

Uganda. — The report supplies the following statistical information. It notes that there has been a further increase in the Eastern, Western, and Northern Provinces in the number of men who

have taken advantage of the right to commute their labour obligation, with a resultant 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.	31,104	82,815	44,377	83,694
Number of man-days worked.	802,994	2,484,450	1,128,863	2,158,108
2. Labour called out under ARTICLE 18 for transport	1,094	919	14,957	4,755
Number of man-days worked.	2,585	8,271	15,180	6,068
3. Labour called out for any other form of compulsory labour.	—	—	—	—
4. Nature of work performed.	<p>1. The labour under 1 above was employed on construction and maintenance of Native Administration buildings, roads and bridges, etc.</p> <p>2. The labour under 2 above was employed on the transport of the effects of Officers and chiefs on tour.</p>			
5. Health.	<i>Good.</i> — No deaths arising out of employment.			
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 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 heading 1. to the varied ability of individuals in the different districts to pay the commutation fee ; and in the case of heading 2. to the extent to which the nature of the country and number and condition of roads 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.

Netherlands. — See under ARTICLES 10 and 12.

ARTICLE 23.

Sudan (Voluntary Report). — There were eight investigations under the Sudan Penal Code, but in only four cases was the evidence sufficient to secure a prosecution.

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 authori-

ties 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.

The reports supplied contain no fresh information on this point.

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. — In the case of *Papua* it is stated that carriers are always under the supervision of Government officers.

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. — In *Papua* the Native Labour Ordinance and Regulations do not permit forced labour and the Ordinance provides penalties for any infringement of its provisions.

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.

Great Britain. — In *Southern Rhodesia* no illegal exactions were reported during the year. No observations from organisations of employers or workers were reported by the British Government in respect of any of the dependencies.

Liberia. — The Government is pleased to state that labour of the kind concerned in this report is properly within its control, and that all means and efforts have been and are being put forth to prevent any abuse thereof. Only for road construction, for such is in accordance with tribal custom and for such other work as may fall within the scope of the exceptions to the Convention's definition does the Government sanction compulsory labour.

Sudan (Voluntary Report). — The position with regard to forced or compulsory labour in the Sudan remains satisfactory. There are no constituted organisations of employers or workers.

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.

Except for certain information concerning prosecutions for failure to fulfil labour obligations or for the illegal exaction of forced labour (See under Article 22), the reports either do not mention any decisions of the courts or state that no such decisions were given.

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 1937 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

1936-30 September 1937 or for part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Bulgaria	22. 6. 1932	27. 11. 1937
Chile	18. 10. 1935	5. 1. 1938
Cuba	24. 2. 1936	7. 1. 1938
Finland	13. 1. 1936	6. 11. 1937
Mexico	12. 5. 1934	24. 11. 1937
Nicaragua	12. 4. 1934	
Spain	29. 8. 1932	16. 3. 1938
Uruguay	6. 6. 1933	30. 11. 1937

The Government of the Republic of *Cuba* states in its report that no modifications of the existing legislation were necessary in order to apply the Convention. The national legislation proved to be in complete harmony with the Convention as the Decree of 19 September 1933 respecting the eight-hour day was very wide in its scope. The general regulations for the administration of the Decree provide for certain exceptions, but these concern industry and do not affect the Convention. The Government has not therefore adopted any special regulations for the application of the Convention as it considered the legal provisions in force adequate to ensure its observance.

The Government of *Mexico* states in its report that public employees, including those in postal and telegraph services, are subject to special administrative regulations which, so far as hours of work are concerned, do not depart from the fundamental principles of the legislation. The hours of work of these employees are either from 8 a.m. to 2 p.m. without interruption (adopted in some offices) or from 9 a.m. to 1 p.m. and from 2 p.m. to 6.30 p.m. (the normal working hours). The employees do not work on Saturday afternoon. The Government states that it is unable to forward the regulations concerning the hours of work of employees in the postal and telegraph services, as the provisions affecting these employees are contained in various circulars and instructions and have not yet been combined in a single text. They are to be issued as formal regulations and a copy will be forwarded to the Office with next year's report.

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

For the general observations made by the *Spanish* Government in its letter of 12 March 1938, 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.

Decree No. 9,844 of 26 May 1936 concerning hours of work in commercial establishments, amended and supplemented by Decree No. 13,272 issued on 20 July 1936 (L. S. 1936, Bulg. 2).

Act of 28 January 1922 concerning civil servants, (§ 27) with subsequent amendments.

Chile.

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

Decree No. 969 of 18 December 1933, issuing administrative regulations in application of Book I, Part IV of the Labour Code.

Cuba.

Decree No. 1693 of 19 September 1933 respecting the eight-hour day, and Decree No. 2513 of 19 October 1933 issuing general regulations for the administration of the above Decree, amended by Decrees No. 2699 of 11 November 1933, No. 2940 of 2 December 1933 (L. S. 1933, Cuba 4), No. 364 of 3 February 1934 (L. S. 1934, Cuba 1) and No. 2309 of 29 July 1937.

Organic Act of the Executive Power, § 239.

Finland.

Act of 8 December 1934 respecting the conditions of employment in commercial establishments and offices (L. S. 1934, Fin. 4).

Order of 5 December 1935 concerning the application of the Convention.

Mexico.

Political Constitution of the United States of Mexico, dated 1917.

Federal Labour Act of 18 August 1931 (L. S. 1931, Mex. 1).

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. — §2 of the Decree of 26 May 1936 provides that commercial establishments shall, for the purposes of the regulations, be deemed to mean establishments open to the public in which selling operations are effected or services are rendered to the public. §7 of the Decree specifies that its provisions shall apply to the following establishments in particular: (1) commercial enterprises for the exclusive retail sale of food products, and book shops for the exclusive retail sale of books, text books and school supplies ; (2) establishments for the wholesale or retail sale of various other products, and handicrafts workshops selling finished products ; (3) hairdressing saloons ; (4) timber warehouses ; (5) fuel warehouses ; (6) tobacconists' shops. §8 provides that the regulations shall not apply to the following establishments *inter alia*: restaurants, cafés, brasseries, bars, pastrycooks' shop, dairies, hotels, boarding houses, inns, sanatoria, places for public amusement such as theatres, cinemas, circuses, etc. The Decree provides, however, for an 8-hour day in the case of the personnel of undertakings which are excluded, in accordance with §§18 and 20 of the Act respecting the health and safety of workers. The report indicates that the provisions of the Decree of 26 May 1936 do not apply to public administrative offices but that §27 of the Act concerning civil servants provides for an eight-hour day in State establishments. Handicraft workshops not selling finished products are also excepted, but the eight-hour day is likewise compulsory in their case under §18 of the Act respecting the health and safety of workers.

Chile. — Under §108 of the Labour Code the provisions of Part IV of Book I of the Code concerning the contracts of employment of employees in private undertakings apply to salaried employees whatever the nature and importance of their employment and the method of remuneration. The provisions shall not, however, apply to the following salaried employees: salaried employees of the State, the State Railways and other State undertakings, in so far as their conditions of employment are governed by other laws (§109), managers, directors, employees holding a power of attorney and all salaried employees who work without immediate supervision, and also commission agents, collectors and other salaried employees who do not perform their duties on the premises of the establishment (§133). The report states that no laws or

regulations define the line separating commercial establishments from industrial and agricultural establishments. Such demarcation is left to the courts and labour administrative authorities and is, in any case, of secondary importance only, as the weekly maximum period of forty-eight hours for wage-earning workers laid down in the Labour Code is based on rules similar to those applied to employees in private undertakings. As for employees in agricultural undertakings, they are subject to the eight-hour day regulation when engaged in office work only.

Cuba. — Decree No. 1693 of 19 September 1933, lays down that the observance of daily hours of work not exceeding eight hours shall be compulsory for every kind of occupation in which the inhabitants of the Republic engage, whatever the nature of their employment. The general regulations for the administration of the Decree (Decree No. 2513 of 19 October 1933) mention, among the occupations covered by the Decree: shopmen or messengers in industrial or commercial establishments, drivers, guards and employees in the railway and tramway services and undertakings connected therewith, and in general all persons who perform work or services similar to those of the above-mentioned employees. §239 of the Organic Act of the Executive Power provides that, except in cases of urgency, mechanics, workmen and day-labourers employed by the State shall work eight hours in the day. This provision does not apply, however, to engine-drivers, motor-car drivers, boatmen caretakers, messengers, carters and other employees who, owing to the nature of their services, may be required to work at any time. The report points out, however, that the daily hours of work in public administrative services do not in practice normally exceed five hours. §VI of Decree No. 2513 exempts from the regulations employees who have a share in the undertaking or an interest in its profits, provided that the sums received by way of salary or share in the profits do not amount to less than 2,400 pesos a year or 200 pesos a month. The Government states that so far no line of division has been established between industrial and commercial establishments.

Finland. — §1 of the Act of 8 December 1934 lays down that the Act shall apply to commercial establishments and offices, and undertakings of a similar nature. No other distinction is made between the establishments covered by the Convention and industrial and agricultural establishments. The following are exempt from the application of the Act: establishments in which only the wife and children of the employer are employed; public administrative services; commercial travellers and agents in so far as they carry on their work outside the establishment.

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. — The report does not refer to this point.

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

Cuba. — Under §II of Decree No. 2513, hours of actual work (*trabajo efectivo*) shall mean all the periods during which an employee is unable to dispose freely of his time, but must remain at the disposal or immediate orders of a hierarchical superior or employer.

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

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. — §25 of the Decree of 26 May 1936 lays down that employees in establishments covered by the Convention shall not work more than eight-hours a day whatever the working hours of the establishment. Nevertheless should they consent to work during the whole of the working hours but for not more than 10 hours they shall be entitled to an increase of not less than 25 per cent of their wages for each extra hour worked. §11 provides that the hours of work in the offices of commercial, industrial, credit, transport and other undertakings, establishments and companies shall never exceed eight hours in the day.

Chile. — §§125 and 128 of the Labour Code provide that the normal hours of work shall not exceed forty-eight in the week, distributed over six days of eight hours.

Cuba. — Decree No. 1693 and §I of Decree No. 2513 state that the hours of work of the employees concerned must not exceed eight in the day and forty-eight in the week.

Finland. — §3 (1st paragraph) of the Act of 8 December 1934 provides that employees may not, as a rule, be employed for more than 8 hours a day nor for more than 47 hours a week.

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 report does not refer to this point.

Chile. — §128 of the Labour Code states that the employer may, in agreement with the employees, alter the distribution of the normal hours of work, provided that the specified weekly maximum is not exceeded and that the daily maximum is not extended by more than one hour.

Cuba. — §V of Decree No. 2513 provides that, by previous agreement between the employer and 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, provided that the aggregate hours of work do not exceed forty-eight in the week.

Finland. — Under §3 (second paragraph) of the Act of 8 December 1934, if an employee's hours of work are less than eight hours a day on one or more of the weekdays, he may be employed on other days of the week for not more than nine hours, provided that his hours of work do not exceed forty-seven in the week.

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. — The report makes no reference to this point.

Chile. — The report states that the national legislation does not contain any provisions of this kind.

Cuba. — Under §III of Decree No. 2513, the daily hours of work may be extended beyond eight hours if this is rendered necessary by special circumstances, provided that the aggregate hours of work do not exceed forty-eight hours in any period of seven days. The Ministry of Labour must be notified of the fact and must in every case verify through its inspectors the necessity for the extension of the hours of work.

Finland. — The national legislation does not provide for any exception for the purpose of making up hours of work which have been lost.

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 1 of this report form.

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

Chile. — The report states that the national legislation contains no provisions of this kind.

Cuba. — §V of Decree No. 2513 provides that the hours of work may, by previous agreement between the employer and the employees in an undertaking, be distributed over longer periods than a week, provided the limit of forty-eight hours a week is not exceeded. Furthermore, Decree No. 2940 of 2 December 1933 provides 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 employee does not exceed 208 in the month.

Finland. — The report makes no reference to this point.

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 1 of this report form.

Bulgaria. — Under §14 of the Decree of 26 May 1936, the Directorate of Labour and Social Insurance may authorise the extension of the working day in certain establishments provided that such extension does not exceed two hours in the case of urgent work such as stocktaking, the preparation of balance sheets, the closing of accounts etc., and also in cases of abnormal pressure of work which cannot be dealt with in the time fixed by the regulations.

Chile. — §126 of the Labour Code provides that the normal maximum of forty-eight hours a week may be increased to fifty-six hours for salaried employees in telegraph, telephone, light and water supply undertakings, tramways and other similar services, where in the opinion of the General Labour Inspectorate the business done during the day is obviously not great

and where the salaried employees are obliged to be constantly at the service of the public. Further, §131 lays down that the parties shall conclude an agreement in writing respecting the cases when the daily hours of work must exceed the maxima fixed, owing to special circumstances or reasons. Under §134 overtime shall be paid for at a rate fifty per cent higher than the normal salary. The daily hours of work shall not exceed ten hours even if overtime is paid for (§131).

Cuba. — §XIV of Decree No. 2513 authorises commercial and banking establishments to 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. Furthermore, a resolution of the Secretary for Labour of 17 May 1935 authorises banking establishments affiliated to clearing houses to work overtime, provided that the hours of work do not exceed 208 in the month.

Finland. — The permanent exceptions allowed for under §3 (fourth paragraph) of the Act of 8 December 1934 are : employees working in pharmacies, caretakers, watchmen or other persons with similar duties, and also preparatory and complementary work which is performed outside the ordinary hours of work by persons other than the staff of the establishment. With regard to temporary exceptions, §4 provides that an employee may with his consent be employed beyond the hours of work prescribed in the Act (eight hours in the day and 47 hours in the week) for forty-eight hours in four weeks and not more than 200 hours a year in all for the following purposes : (1) seasonal sales, selling off, removal or winding up of the business, or other operations which are urgent, where the engagement of extra staff cannot reasonably be required ; (2) stocktaking, the regular closing of accounts and making up of balance-sheets ; (3) to prevent the spoiling of goods ; (4) to avert danger which threatens property. The remuneration for overtime work performed in addition to the hours of work specified in the Act shall not be less than 50 per cent. above the ordinary rate.

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. — §§17 and 18 of the Decree of 26 May 1936 provide that the request for an amendment of the opening and closing times of undertakings shall be forwarded by the professional organisations concerned

to the Chief Labour Inspector in towns where such Inspectors exist and otherwise to the district police superintendent. On receiving this request the Chief Labour Inspector or the district police superintendent shall call together the representatives of the professional organisations concerned and after consultation with them shall fix new opening and closing times for the undertaking. Such new times shall come into force after being announced by the competent authorities and shall remain in force for as long as the order is not revoked.

Chile. — The Government states that it has no observations to make in connection with the present Article.

Cuba. — The report states that no regulations of the kind mentioned in this Article have been issued, as no cases warranting their issue have occurred.

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

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 have up till now not been applied.

Chile. — The Government states that it has no observations to make in connection with this Article.

Cuba. — The report states that so far the provisions of the present Article have not been applied.

Finland. — The report makes no reference to this point.

ARTICLE 10.

Nothing in this Convention shall affect any custom or agreement whereby shorter hours are worked or higher rates of remuneration are paid than those provided by this Convention.

Any restrictions imposed by this Convention shall be in addition to and not in derogation of any other restrictions imposed by any law, order or regulation which fixes a lower maximum number of hours of employment or a higher rate of remuneration than those provided by this Convention.

Bulgaria. — The report states that the Decree of 26 May 1936 does not affect any law custom or agreement whereby shorter hours are worked than those provided in the Convention.

Chile. — The Government states that it has no observations to make in connection with the present Article.

Cuba. — The report indicates that provision is made for the application of the present Article by Legislative Decree 727 of 1934, Act No. 22 of 1935 and Act No. 15 of 1935 which regulate and guarantee minimum daily wages.

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

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. — §19 of the Decree of 26 May 1936 provides that all the undertakings concerned must post special notices in conspicuous positions, approved by the occupational organisations of commercial employees and workers, by the head of the labour inspectorate, or in default of the latter by the chief of police, indicating the name of the employer, the nature of the undertaking, the times at which hours of work begin and end during the various seasons, and working days and public holidays.

Chile. — §135 of the Labour Code lays down that the employer shall be bound to affix in conspicuous places in the establishment or undertaking a notice of the hours at which the general work (or the work of each shift if work is carried on by shifts) begins and ends, and also the two-hours' interval for the midday meal. Under §137 of the Labour Code and §20 of the administrative regulations of 18 December 1933 (Decree No. 969) a record of overtime shall be kept in a special register. The report states that no special models of such notices and records exist. §136 of

the Labour Code lays down that work outside the hours and the time of the midday meal announced in the employer's notice shall be prohibited except as elsewhere provided in the Act.

Cuba. — Under §XV of Decree No. 2513 (amended by Decree No. 2699) every employer must procure a register, with numbered pages, countersigned by the municipal judge or by a notary, in which he must enter the hours of work, wages and rest-periods of every employee, according to his trade or employment.

Finland. — Under §10 of the Act of 8 December 1934, the employer shall keep a record of the normal hours of work for every workplace, showing the times at which work begins and ends and the breaks for meals and rest granted during the work. This record shall be kept accessible to the employees in a suitable place. The last paragraph of §4 further provides that a record shall be kept of overtime work and the remuneration paid for it; this record shall be submitted to the industrial inspector and the employees' representatives on their request.

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. — §27 of the Decree of 26 May 1936 provides that the organs of the labour inspectorate and other supervisory bodies shall institute summary proceedings in cases of infringement, in accordance with §§18 and 30 of the Health and Safety of Workers' Act, § 475 of the Penal Code and §71 of the Police Administration Act.

Chile. — §178 of the Labour Code provides that contraventions shall entail fines ranging from 100 to 5,000 pesos, the fines being doubled in the event of a repetition of the offence.

Cuba. — § XVIII of Decree No. 2513 provides for the imposition of fines varying from 10 to 30 pesos in cases of infringement.

Finland. — Under §13 of the Act of 8 December 1934, the penalty for an infringement of the shall be a fine not exceeding the equivalent of two hundred day's imprisonment. In the event of a repetition of the offence the penalty shall be a fine not less than the equivalent of ten days' imprisonment or imprisonment for not more than one year.

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.

The reports supplied do not contain any fresh information in this connection.

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. — §26 of the Decree of 26 May 1936 lays down that the supervision of the enforcement of the Decree is entrusted to the Labour Inspectorate, the police, the chambers of commerce and industry and the legally authorised representatives of professional organisations.

Chile. — The authorities responsible for the application of the legislative provisions corresponding to the Convention are the

General Labour Inspectorate and the Labour Courts.

Cuba. — The report states that the authorities responsible for the supervision of the application of the regulations are the Labour Inspectorate, whose inspectors make periodical visits to the establishments covered by the Convention, and, in cases of prosecution, the correctional courts. §XXIII of Decree No. 2513 also states that all public officials and all citizens shall be bound to inform the Ministry of Labour or its provincial offices of every contravention of which they may become aware.

Finland. — The labour inspectors are responsible for supervising the application of the Act and Order mentioned under point I, in accordance with the Act of 4 March 1927 concerning industrial inspection and the Order of the same date. The labour inspectors are placed under the control and supervision of the Ministry of Social Affairs. For purposes of inspection, the country is divided into nine districts, including 17 inspectors and assistant inspectors, 4 women inspectors and 13 workers' inspectors, who are officials paid by the State. In addition, each commune has its own inspectors who are remunerated by the commune and are under the supervision of the State labour inspector.

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 numerous decisions regarding the application of the Convention have been given. The text of two decisions inflicting fines for contraventions of the regulations concerning, *inter alia*, hours of work and overtime are appended to the report.

Cuba. — The Government states that it is unable to supply the text of any judicial decisions as the proceedings in correctional courts in cases of infringements of the regulations in question are conducted verbally.

Mexico. — The report states that no judicial decisions regarding the application of the Convention have been given but that numerous decisions were given in connection with the corresponding principles in the national legislation.

The remaining reports supplied do not mention any decisions of this kind.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection 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 report states that the total number of workers protected by the legislation is about 45,000. The number of cases of infringement reported is 385. No observations have been received from employers' or workers' organisations on the practical application of the Convention or on the national legislation implementing it.

Chile. — The Government states that the inspection services' reports show that the provisions implementing the Convention are being satisfactorily observed. The total number of workers protected by the legislation is 112,097. No other statistics are available and no observations have been received from employers' or workers' organisations regarding the practical application of the Convention or the legislation implementing it.

Cuba. — The report states that no observations have been made by employers' or workers' organisations regarding the practical application of the Convention. See under *Convention (Hours of work, industry)*, No. 1, point VI, for information regarding the contraventions reported and the fines imposed in connection with the regulations on hours of work.

Finland. — The Inspectorate's report states that there were in 1936 20,231 commercial establishments and offices with 50,085 employees. Proceedings were instituted in 17 cases of infringement, most of which concerned hours of work or overtime. The employers' and workers' organisations have made proposals with a view to stricter supervision of the application of the provisions regarding hours

of work and overtime, and new instructions to that effect have been given to labour inspectors.

Mexico. — The report states that no statistics are as yet available, and that no observations have been made by employers' or workers' organisations.

Spain. — The report states that that no observations have been made by

employers' or workers' organisations on the practical application of the Convention or on the national legislation implementing it. See also under *Convention No. 1 (Hours of work, industry)* introductory note.

Uruguay. — As regards the number of visits of inspection, infringements and fines in connection with the regulations on hours of work, see under *Convention No. 1 (Hours of work, industry)*, point VII.

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 1937 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 1936-30 September 1937 or for part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Chile	18.10.1935	5. 1.1938
China	30.11.1935	23. 2.1938
Great Britain . . .	10. 1.1935	22.11.1937
Italy	30.10.1933	
Mexico	12. 5.1934	24.11.1937
Spain	20. 7.1934	
Uruguay	6. 6.1933	30.11.1937

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

The report of the *Mexican* Government 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 transmitted to its subordinate departments the text of the Convention for due observance. At the beginning of the 1937 Parliamentary Session the Ministry of Communications laid before Congress draft amendments to the Act on public means of communication.

It is hoped that these amendments will be passed and make it possible to apply the provisions of the Convention more strictly and also to issue the necessary regulations.

The report of the Government of *Spain* has not yet been received. For the general information supplied by the Government in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*, introductory note.

The *Uruguayan* Government states in its report that Parliament is still engaged in examining the drafts laid before it with a view to incorporating in the legislation the provisions rendered necessary 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.

Chile.

- Legislative Decree No. 178 to approve the Labour Code. 13 May 1931 (§§ 244 and 248). (L. S. 1931, Chile 1).
- Decree No. 217 of 30 April 1926 to approve the appended regulations respecting industrial hygiene and safety. (Extracts in L. S. 1926, Chile 2).

China.

- Regulations of 22 April 1937 concerning the protection against accidents of workers employed in loading or unloading ships.

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.
 The First-Aid Regulations of 10 August 1937.

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).
 See also introductory note.

II.

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

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.

Chile. — Under §55 of the Decree of 30 April 1926 the regulations concerning loading and unloading in ports apply to the work of loading and unloading, repair and maintenance of ships and the handling goods, provided that such work is done in ports and docks or on wharves, quays and piers.

China. — The report states that the definitions of "processes" and "workers" in this Article are reproduced in §2 of the Regulations of 22 April 1937.

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).

Chile. — §71 of the Decree of 30 April 1926 provides that all places where the workers have to pass or do any work shall be well lighted.

China. — The report states that the provisions of this Article are incorporated in §4 of the regulations which further requires that the working-places and dangerous parts of approaches to them shall be plainly marked. The heights to which fencing must be carried under sub-paragraphs (a) and (b) of paragraph 4 are fixed at 90 centimetres.

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.

Chile. — Under §61 of the Decree of 30 April 1926, when the passage from shore to ship or *vice versa* or between two or more ships is not on the level and is dangerous, then gangways or ladders must be installed so that the passage can be effected with perfect safety. §62 provides that the planks used in the construction of gangways must rest on supports and be placed so that they cannot move or slip. They must all be held together by means of a crosspiece and there must be no dangerous gaps between them. Under §63 the planks of installations over the hatchways must be fastened to the ship. Approach gangways must be provided with railings at a suitable height and must be wide enough to enable the workers to move about safely while work is being carried on. §64 lays down that if for any reason workers are liable to slip, gangways must not be sloped or covered with sawdust. It is also prohibited to support gangways on loads or loose packages of material of little weight or on bags containing material that might leak. Under §65 ladders must be sufficiently wide to enable the workers to pass easily from them to the gangways or other means of access and *vice versa*.

China. — The report states that provisions similar to this Article are contained §§5 and 6 of the regulations.

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.

Chile. — §70 of the Decree of 30 April 1926 provides that the conveyance of parties of workmen on board ships or other vessels in the port or in dock and back again shall be effected by means of suitable and safe vessels in a perfect state of preservation. These vessels must bear in a visible place an indication of the number of persons that they may carry.

China. — The substance of this Article is incorporated in §7 of the Regulations of 22 April 1937.

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.

Chile. — §66 of the Decree of 30 April 1926 lays down that communication shall be established by ladder between the inside of the hatches and the level of the coamings (*defensas*) when the distance between the opening of the hatch and the bottom of the hold exceeds 1.60 m. Ladders with missing or broken, loose or shaky rungs may not be used. §67 provides that the foot of the ladder must rest on a sufficiently strong surface. If necessary, the uprights must be wedged to prevent slipping. The ladder must not be supported on one of its rungs unless the rung is strong enough and the uprights are secured so that the ladder cannot turn. §68 lays down that suspended ladders must be so placed that they do not swing or slope, while §69 states that separate ladders must be used for working platforms and for ascending and descending when these movements take place simultaneously with working.

China. — The provisions of this Article are embodied in §8 of the Regulations of 22 April 1937.

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.

China. — The Government states that the provisions of this Article are embodied in §10 of the Regulations. Under this section the requirements of paragraph 1 of Article 6 do not apply during meal times and other short interruptions of work.

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.

Chile. — §71 of the Regulations of 30 April 1926 lays down that all places where the workers have to pass or do any work shall be well lighted. When paraffin lamps are used for working they must be of the best safety types.

China. — The report states that provisions similar to those of this Article are contained in §11 of the Regulations of 22 April 1937.

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.

China. — The report states that the provisions of this Article are reproduced in §12 of the Regulations of 22 April 1937.

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).*

China. — The Government states that the provisions of paragraphs 5, 6, 7, 8 and 9 of this Article are embodied in subsections 2, 3, 4, 5 and 6 of §13 of the Regulations of 22 April 1937. The provisions of paragraphs 1, 2, 3 and 4 of the Article will be embodied in separate regulations on the examination and inspection of hoisting equipment to be issued by the Ministry of Communications.

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.

Chile. — §73 of the Decree of 30 April 1926 provides that young persons under the age of 16 and women shall not be employed in the working of winches or other hoisting apparatus or in the giving of signals for the working of such apparatus.

China. — The report states that the provisions of this Article are incorporated in §15 of the Regulations of 22 April 1937.

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.

Chile. — The report states that under Chilean regulations loading gear may not be overloaded and there are no exceptions to this rule. §56 of the Decree of 30 April 1926 provides that stages (*andamios*), gangways (*planchadas*), ladders, and in general, the installations on which the workers have to pass, work or remain shall, in all their parts, present the necessary guarantees of strength, stability and solidity. The materials employed in the construction of the equipment in question must be of good quality, in a perfect state of preservation and free from defects that might impair safety. The lashings and anchorages must be sufficiently strong to withstand the accidental shocks that might occur. §57 specifically prohibits the use of warped planks, flooring of glued timber and the application of paint or varnish that might conceal any structural defect or the pooriness of the material. §58 states that loads may not exceed the weight permitted by the strength of the structure (*armazon*).

China. — The report states that the provisions of paragraphs 1, 2 and 9 of this Article are reproduced in subsections 7, 8 and 2 respectively of §13 of the Regulations of 22 April 1937, and those of paragraphs 3, 4, 5, 6 and 7 in subsections 1, 3, 4 and 6 of §15 of these Regulations.

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.

China. — The report states that provisions similar to those of this Article are contained in subsection 5 of §15 of the Regulations of 22 April 1937.

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.

Chile. — §72 of the Decree of 30 April 1926 provides that in addition to the necessary arrangements for preventing workers from falling into the water there shall be in a place immediately and easily accessible a lifebuoy for the workers and the necessary number of life preservers.

China. — The report states that subsection 6 of §4 of the Regulations requires first-aid equipment and medicine to be kept permanently on the premises. It is further prescribed that, if possible, serious injuries shall be treated by the nearest surgeon or hospital.

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.

China. — The report states that §16 of the Regulations of 22 April 1937 reproduces the provisions of this Article.

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.

Chile. — The report states that the legislation does not provide for the exceptions allowed by this Article.

China. — Under §1 of the Regulations of 22 April 1937, exemptions from the provisions of the regulations are granted in respect of the following classes of ship: (1) ships of less than 50 tons gross tonnage or with a carrying capacity of less than 500 piculs; (2) any ships exclusively used for public service; (3) ships propelled mainly by oars or sculls. §17 of the Regulations provides that the competent authority may grant exemptions from the provisions of the regulations 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 ships below the tonnage to which these regulations apply, or ships used for public service, or in cases where as a result of climatic conditions it would be impracticable to enforce the provisions of the Regulations.

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.

China. — §18 of the Regulations of 22 April 1937 lays down that except as otherwise provided the provisions of the regulations that affect the construction or permanent equipment of the ship shall apply to ships commenced after the issue of the regulations and to all or certain other ships as the competent authority may determine within four years after the date of issue.

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.

China. — The report states that no steps have been taken to carry out the provisions of this Article.

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. — The Government states that legislation which will enable the provisions of this convention to be applied has been enacted in the following additional dependencies: *Gambia*, Ordinance No. 6 of 1937; *Mauritius*, Ordinance No. 8 of 1937 and Government Notice No. 15 of 1937; *Nigeria*, Ordinance No. 18 of 1937; *Kenya* and *Uganda*, Kenya Government Notice No. 255 of 1937 (Regulations made by the High Commissioner for Transport for Kenya and Uganda under §49 of the Kenya Harbours Regulation Ordinance 1928) and special Instructions issued by him to the staff of the transport administration.

The *Gambia* and *Nigeria* Ordinances empower the Governor-in-Council to make regulations for the safety of persons employed in docks, wharves and quays. Part III of the Regulations made by the High Commissioner for Transport for *Kenya* and *Uganda* (the Harbours (Amendment No. 2) Regulations, 1937) cover the following points: duties of masters and others; safe means of access to wharf, other ships, from deck to hold; efficient lighting; gear for lifting beams for hatch coverings; marking of hatch coverings; maintenance of beams, handgrips; safe removal of hatches; testing and examination of lifting-machinery, chains, wire ropes etc.; working load stamped on pulley blocks; other means of showing safe working load; shortening of chains; reduction of risk for cranes etc.; fencing of craneplatforms; marking of working loads on cranes and derricks; exhaust steam; derricks; lifting machinery and safe working load; age and competency of crane drivers etc.; passages on wharves; provision of substantial deck stage etc.; fencing of hatches etc.; loading or unloading at intermediate deck; use of hooks; staging; shoring of cargo; securing of hatch beam; signallers; provision of safe transport by water; persons employed to use means of access and not to go upon beams in certain circumstances; machinery to comply with Regulations; responsibility for compliance with certain Regulations. A schedule to the Regulations defines the manner of test and examination before taking lifting machinery into use. The Instructions issued to the staff of the Kenya and Uganda Railways and Harbours are dated May 1937 and cover the following points: maintenance of approaches over docks etc.; life-saving appliances; lighting; first-aid boxes and notices; quality of ropes and inspection wire ropes; use of splices etc., pulley blocks and chains; safety devices on cranes and winches; drivers' platforms; safe working load of cranes etc.; age and competency of crane drivers etc.; passages on wharves; general precautions. The *Mauritius* Regulations (the Docks Regulations 1937) contain provisions similar to those prescribed by the combined Kenya and Uganda Regulations and Instructions. It

is, however, provided that the provisions relating to ships shall not apply to the unloading of fish from a vessel employed in the catching of fish and that certain provisions shall not apply to a barge or lighter. Legislation to give effect to the provisions of the Convention will shortly be introduced in *Ceylon*. In the case of *Tonga*, the reference made in the Report for 1935/36 to Article 10 of 1936 should be amended to read Act 10 of 1936.

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.

Chile. — §248 of the Labour Code provides that loading and unloading work carried on at harbours, docks, wharves, quays and piers shall be subject to the supervision of the maritime authority. §173 of the Decree of 30 April 1926 provides that offences against the provisions of the Decree or failure to carry out the measures ordered by the General Directorate of Labour shall be punishable by fines that the judge shall fix, according to the seriousness of the offence, within the following limits: for a first prosecution a fine of from 50 to 100 pesos for each offence; for a second prosecution, a fine of from 100 to 300 pesos for each offence; and for subsequent prosecutions a fine of from 300 to 500 pesos for each offence.

China. — The report states enforcement of the Regulations of 22 April 1937 is the duty of the local shipping offices under the supervision of the Ministry of Communications. Under §19 of the regulations, shipowners and the owners of docks, wharves, quays, etc. are responsible for compliance with the provisions of the regulations. Breaches of the regulations are punishable by fines. Except as otherwise provided in the regulations, matters concerning the inspection of ships are governed by the Shipping Inspection Regulations of 28 October 1933. §20 of the regulations of 22 April lays down that within six months of the date of issue of the regulations the competent authority shall carry out a general inspection of all classes of

ships, docks, wharves, quays and silmar places that are in frequent use for the processes covered by the Convention. Subsequently, the competent authorities must undertake periodical inspections. Under §21 of the regulations of 22 April 1937 the competent authorities must submit annual reports to the Ministry of Communications on the enforcement of the regulations.

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.

Chile. — The report states that reports of the maritime labour inspectorate and the industrial safety section show that the provisions of the legislation applying the Convention are being complied with in a more or less satisfactory manner. The number of workers protected by the relevant legislation is 8,250. The total number of accidents in maritime work in general amounts to 973. There are no other statistics available. No observations on the practical application

of the Convention or of the regulations implementing it have been received from the employers' or workers' organisations concerned.

China. — The report states that no observations have been received from organisations of employers or workers.

Great Britain. — The report states that the provisions of the Convention have been embodied into the established industrial law of the United Kingdom and a high standard of observance is secured, 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. The number of accidents involving three days' absence from work reported to the Factory Department during 1936 as occurring at docks, wharves and quays in Great Britain was 6,966, of which 89 were fatal; in Northern Ireland the figure was 173, of which 3 were fatal. The chief causes of these accidents (Great Britain only) were as follows:

Power machinery:		
Lifting machinery	978	(31)*
Other	41	(3)
Transport:		
Railways (locomotives and rolling stock)	152	(4)
Other vehicles (excluding hand trucks, bogies, etc.)	104	(3)
Machinery not moved by mechanical power:		
Lifting machinery	30	
Other	7	
Use of hand tools	295	
Struck by falling body	1,546	(7)
Persons falling	1,134	(34)
Stepping on or striking against objects	330	(1)
Handling goods, etc.	2,009	(5)

Legal proceedings for breaches of the Docks Regulations were instituted in 59 cases and in the large majority convictions were secured. No observations were received from employers' or workers' organisations.

Mexico. — The report states that no observations have been received from employers' or workers' organisations.

Uruguay. — See introductory note.

* The figures in brackets are those of the fatal accidents included in the total.

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 1937 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 1936-30 September 1937 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria	26. 2.1936	8.11.1937
Belgium.	6. 6.1934	27.10.1937
Cuba	24. 2.1936	7. 1.1938
Netherlands . . .	12. 7.1935	1.10.1937
Spain.	22. 6.1934	16. 3.1938
Uruguay	6. 6.1933	30.11.1937

The Government of *Cuba* states in its report that it has as yet no special legislation applying the Convention but that it has already made a special announcement drawing attention to the need for such legislation. The Government also refers to the Act of 26 July 1878, amended by the Decree of 30 May 1879, prohibiting young persons under 16 years of age from taking part in exhibitions of dangerous balancing tricks, feats of strength and bodily contortions. The age limit also applies to young persons employed in circus shows and similar forms of entertainment except in the case of the employer's own children, for whom the age limit is 12. Anyone employing young persons under 21 years of age for circus shows and similar forms of entertainment must obtain documents giving legal proof of the age, parents, country of origin and identity of such persons. The local authorities must demand the production of these documents before granting permission for the entertainment to take place. The Act imposes fines in cases of infringement and instructs provincial governors, judges (*alcaldes*) and, in cases concerning Cuban subjects abroad, Cuban consuls, to see that these provisions are observed. The Government also refers

to § 10 of Decree No. 2513 of 1933 respecting the eight-hour day which authorises the employment of young persons over 14 but under 18 years of age "as messengers in the offices of the State, provinces and municipalities, in commercial and industrial establishments, and cable, telegraph, telephone and similar undertakings, and in the sale and distribution of newspapers, magazines, programmes of advertisements of cinemas and other public entertainments or of commercial and industrial establishments", and to Act No. 53 of 29 March 1935 which limits the hours of work performed by young persons under 18 years of age in commercial undertakings to 7 hours in the day. The Government adds in its report that it regrets the absence of adequate information and hopes to be able to supply fuller particulars in its next report.

For general observations by the *Spanish* Government in its letter of 12 March 1938, see under *Convention No. 1 (Hours of work, industry)*, Introductory note.

The Government of *Uruguay* states in its report that the National Labour Institute will shortly submit to the Ministry of Industry and Labour a bill bringing the provisions of the Childrens' Code into complete harmony with those 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.

Federal Act No. 298 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).

Administrative Order No. 356 of 30 October 1935 concerning work cards for children.

Order No. 103 of 29 March 1924 respecting itinerant trades.

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: prohibition of the employment of children under the age of sixteen years in theatres, music halls, dancing establishments and night bars (L.S. 1927, Bel. 2).

Cuba.

Act of 26 July 1878 amended by the Royal Decree of 30 May 1879 prohibiting the employment of young persons under sixteen years of age in exhibitions of dangerous balancing tricks, feats of strength and bodily contortions.

See also introductory note.

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.

(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.

Austria. — Under § 2 (1) of the Act respecting the employment of children and young persons, the employment of children for remuneration or their regular employment even without any particular remuneration, on work of any kind other than work in agriculture and forestry, shall be deemed to constitute the employment of child labour. The report states that the Act therefore applies both to the industrial employments covered by Convention No. 5 and the non-industrial employments coming under Convention No. 33. Employment at sea does not concern Austria. The report adds that no demarcation need therefore be made between the scope of application of the present Convention and that of the three other minimum age Conventions, particularly as the national legislation defines "agriculture" and "forestry" in unambiguous terms. The provisions of § 2 (2) the Act do not apply in cases where children are caused to work exclusively for purposes of education or upbringing or to perform occasional services, or where a person's own children are made to work on light (even if regular) tasks of short duration in the household. Further, the employment of children in technical and trade schools shall not be deemed to constitute the employment of child labour, provided that it 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. The report adds that the last exception is of little practical importance in Austria. §11 of the Act provides that, subject to certain conditions, children who have attained the age of 12 years may be employed in undertakings where only members of the family of the occupier are employed. This provision

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;

does not apply to the occupations mentioned in schedule B of the Act (concerning undertakings and occupations which are harmful to health, exhausting, or dangerous to life and morals). Further, § 5 of the Act makes the general limitation that children may be employed or caused to work only in so far as their health is not injured 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. § 12 of the Act lays down that, subject to certain conditions, children may be employed on light domestic work in the family after they have attained the age of 10. § 3 provides that, for the purposes of the Act, "a person's own children" (*eigene Kinder*) shall mean children who are living in the household of the person who causes them to work, and are related to the said person by blood or by marriage not more remotely than in the fourth degree or are the said person's stepchildren, adopted children or wards. The report adds that the employers' and workers' organisations were given the opportunity to express their opinions when the Act was drafted.

Cuba. — 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.

Austria. — The report states that under § 1 of the Act respecting the employment of children and young persons, children who have not attained the age of 14 years must not be given employment, within the meaning of the Act, or caused to work in any other way except as provided in the said Act. Children who attain the age of 14 years before the end of the school year are subject to the above provision until the end of the said year.

Cuba. — 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).

Austria. — § 10 (1) of the Federal Act respecting the employment of children lays down that children who have attained the age of twelve years may be employed in light work, provided that the said work does not exceed two hours a day either on schooldays or on school holidays, and that the total number of hours spent in instruction in school and on light work in no case exceeds seven hours a day. The report adds that the general provision made in § 5 of the Act corresponds to the exceptions allowed in paragraphs (1) (a) and (b) of Article 3 of the Convention (see under Article 1). § 10 (3) of the Act prohibits the employment of children on light work :

1. on Sundays, on 1 May, on the statutory public holidays and on religious festivals ;
2. during the period from 8 p.m. to 8 a.m.

The running of small errands, small tasks in the sale of goods, the delivery of light articles, minor duties on sports grounds and playing fields, the gathering of flowers and fruit, shall be deemed in particular to be light work. § 14 of the Act provides that if any person wishes to employ the children of other persons, he shall apply in advance to the communal authority for a special work card for each child which may be renewed each year. The work card shall be issued by the communal authority after consultation with the school governors. The communal authority shall not issue the work card unless the legal representative of the child gives his consent in writing. If the communal authority or the school managers consult-

ed by it should be in doubt as to the physical or mental fitness of the child for the work in question, the child shall be examined by a medical officer at the expense of the employer. (4) The issue of the work card shall be refused if in the opinion of the school governors or the medical officer the work would be injurious to the child's health or would endanger its physical or mental development or morals, or if any such danger is to be feared in view of the character of the employer. An appeal against a negative decision may be made to the hierarchically superior district administrative authority, whose decision shall be final. The report also mentions § 13 of the Act which provides that any person employing the children of other persons must give notice of this without delay to the communal authority for his place of residence, stating the nature of the undertaking and of the employment and workplace of the children, and must also make out a current register of the children employed, drawn up in proper form. With regard to the consultation of employers' and workers' organisations, see under *Article 1*. The national legislation contains no provisions corresponding to *Article 3 (4) (a)* of the Convention.

Cuba. — 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*).

Austria. — § 8 of the Federal Act respecting the employment of children and young persons states that the employment of children in public shows or performances of all kinds (except in the case of variety entertainments, cabarets, night clubs, dance-halls and similar undertakings, and circus performances) and also their employment as actors or supernumeraries in the making of films may be authorised in individual cases by the district administrative authority, or (in the case of a child bound to attend school) by the

district school authority after consultation with the school managers. Such authorisation may be given when the undertaking is of special artistic, scientific or educational interest and the exception is justified by the nature and peculiarities of the employment in question. No exception shall be authorised for employment during the period between 11 p.m. and 8 a.m. The permit shall not be granted unless the legal representative of the child gives his consent thereto in writing and the physical fitness of the child for the employment has been ascertained. In the case of employment in connection with the making of films, the permit shall be subject to the condition that precautions are taken for the protection of the eyes and that the child is placed under the supervision of an oculist. The permit may be granted for a particular performance or for a particular period, without prejudice to its renewal. The permit shall state the number of hours during which the child may be employed, and in particular whether and at what hours it may be employed at night (after 8 p.m.) or on Sundays or public holidays, and finally, whether breaks are to be allowed, and, if so, what breaks. See also under *Article 1* the general provisions of § 5 of the Act respecting the employment of children.

Cuba. — 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*).

Austria. — § 7 of the Act respecting the employment of children provides that children shall not be employed in hotels, restaurants and public-houses in measuring out drinks or in waiting on customers, nor in work at the kitchen fire. This rule also applies to female persons who are over 14 but under 16 years of age, except in cases where they live in the household of the person employing them. § 8 (1) which lays down that children shall not be employed or caused to work in variety entertainments, cabarets, night clubs, dance-halls and similar undertakings, nor in circus performances, also applies to young persons who are over 14 but under 16 years of age (in the case of female persons, 18 years). An exception, is made in the case of circus performances, in so far as the work involves no danger to life, health or morals.

Cuba. — 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.)

Austria. — § 9 of the Act respecting the employment of children lays down that persons who have not attained the age of 16 years (in the case of female persons, 18 years) shall not be employed in offering goods for sale while travelling from place to place, in carrying goods about and offering them from house to house or in the street or public places, nor in permanent work at open stalls, in peddling or in itinerant trades (which are governed by the provisions of Order No. 103 of 1924).

Cuba. — 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.

Austria. — The report refers to the information supplied under Articles 3, 4, 5 and 6.

Cuba. — 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.

The report does not contain any fresh information on 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.

Netherlands. — In the *Netherlands Indies* it is proposed to consider in more detail how far it would be possible to apply the Convention in the future.

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.

Austria. — Under § 15 of the Act respecting the employment of children the district administrative authorities shall supervise the observance of the provisions of this Act with the assistance of the public juvenile welfare offices and the organisations for child protection and juvenile welfare. The Act also provides for the co-operation of school authorities, medical practitioners, etc., who are bound to notify the administrative authorities of any observations which they may make. If a district administrative authority becomes aware of abuses, it shall take suitable measures to remedy them. It may withdraw the work card; prohibit the employment of the child or impose special conditions on its employment, and if necessary institute penal proceedings. With regard to the measures for facilitating the identification and supervision of young persons in itinerant trades, the report refers to Order No. 103 of 29 March 1924 respecting itinerant trades, which provides that the owner may only employ assistants subject to a special authorisation. Under § 9 of the Act respecting the employment of children, such authorisation is not granted to male persons under 16 and to female persons under 18 years of age. The above Order also requires the owner of an itinerant undertaking to be provided with a licence which must contain exact information concerning the assistants em-

ployed, so that the application of § 9 of the Act respecting the employment of children may be supervised. Contraventions of the Order are punished by the industrial authorities in accordance with the provisions of the Industrial Code. Under § 17 of the Act respecting the employment of children, contraventions of the provisions of this Act shall be punished by a fine not exceeding 500 schillings or detention for not more than two months, imposed by the district administrative authorities, unless they entail a heavier penalty under any other Act. The penalties of a fine and detention may also be imposed concurrently. An attempt to commit a contravention shall also be punishable. In pursuance of the result of penal proceedings the district administrative authority may by a special award prohibit the offender, either for a specified period or permanently, from employing the children of other persons. The said authority may also prohibit such employment in the case of a person who has been sentenced by a lawcourt for a punishable action constituting an offence against morality or for injuring or endangering minors or young persons, or by the industrial authority for illegal employment or treatment of children. Contraventions of such a prohibition shall be punished in the same way as contraventions of the provisions of the Act. The guardianship authority competent for the imperilled child (if the child is under the extended vocational guardianship authority, the said authority) shall be notified by the penal authority of every penalty imposed for a contravention of the provisions of the Act.

Cuba. — See introductory note.

V.

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

The reports supplied do not mention any such decisions.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from inspectors' reports, and, if such statistics are available, information regarding the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, 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. — Supervision is exercised by the inspection services when undertakings are visited. No cases of infringement of the prohibition of the employment of children in non-industrial occupations were recorded. The Federal Government has received no observations from employers' or workers' organisations with regard to the practical application of the Convention.

Belgium. — The report states that no observations have been received from the

employers' and workers' organisations with regard to the practical application of the Convention and of the national legislation which implements it.

Cuba. — See introductory note.

Netherlands. — The report states that 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. — The report states that no employers' or workers' organisations have made any observations on the practical application of the Convention or the corresponding national legislation. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

Uruguay. — See introductory note.

SEVENTEENTH SESSION (GENEVA, 1933).

34. Convention concerning fee-charging employment agencies.

Article 9 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 18 October 1936. The following table shows the States Members for which the Convention was in force before 1 July 1937 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 1936—30 September 1937 or for part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Chile	18.10.1935	5. 1.1938
Finland	13. 1.1936	6.11.1937
Spain	27. 4.1935	
Sweden	1. 1.1936	17.11.1937

The report of the Government of *Spain* has not yet been received. For the general information supplied by the Government in its letter of 12 March 1938, 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.

Chile.

Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L.S. 1931, Chile 1).
Decree No. 113 of 12 March 1926 concerning collective recruitment.

Finland.

Act of 23 July 1936 concerning placing in employment. This Act, which came into force on 1 January 1937, replaces the Act of 27 March 1926 concerning placing in employment (L.S. 1936, Fin. 2).

Order of 23 July 1936 to implement the above Act. This Order, which came into force on 1 January 1937, replaces the Decision of the Council of State of 22 April 1926 concerning inspection of placing and the grant of subsidies to employment exchanges and employment agents.

Order of 23 July 1936 concerning placings effected by the Society of Hospital Nurses.

Sweden.

Act of 18 April 1935 containing certain provisions respecting placing in employment (L. S. 1935, Swe. 1).

Royal Decree (of 28 June 1935) respecting the authorisation by the State of employment agencies for hospital nurses.

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 2.

1. For the purpose of this Convention the expression "fee-charging employment agency" means :

(a) employment agencies conducted with a view to profit, that is to say, any person, company, institution, agency or other organisation which acts

as an intermediary for the purpose of procuring employment for a worker or supplying a worker for an employer with a view to deriving either directly or indirectly any pecuniary or other material advantage from either employer or worker; the expression does not include newspapers or other publications unless they are published wholly or mainly for the purpose of acting as intermediaries between employers and workers;

(b) employment agencies not conducted with a view to profit, that is to say, the placing services of any company, institution, agency or other organisation which, though not conducted with a view to deriving any pecuniary or other material advantage, levies from either employer or worker for the above services an entrance fee, a periodical contribution or any other charge.

2. This Convention does not apply to the placing of seamen.

Chile. — The Labour Code lays down that the State must provide for the free placing of employees through the General Labour Inspectorate. It also prohibits individual or collective placing through private agencies.

Finland. — The report states that private employment agencies conducted with a view to profit are prohibited by law.

Sweden. — The Act of 18 April 1935 provides for all placing services except public employment agencies, the employment offices for hospital nurses mentioned in the above-mentioned Royal Decree, and placing by means of printed publications.

ARTICLE 2.

1. Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 (a) of the preceding Article shall be abolished within three years from the coming into force of this Convention for the Member concerned.

2. During the period preceding abolition

(a) there shall not be established any new fee-charging employment agency conducted with a view to profit;

(b) fee-charging employment agencies conducted with a view to profit shall be subject to the supervision of the competent authority and shall only charge fees and expenses on a scale approved by the said authority.

Chile. — See under ARTICLE 1.

Finland. — See under ARTICLE 1.

Sweden. — The report states that fee-charging employment agencies conducted with a view to profit are prohibited under the legislation mentioned under I above. Holders of licences granted under former legislation have been authorised to carry on their activities until further notice. Existing fee-charging employment agencies conducted for purposes of gain are subject to the supervision of the competent authorities and may only charge fees on a scale approved by the said authorities.

ARTICLE 3.

1. Exceptions to the provisions of paragraph 1 of Article 2 of this Convention may be allowed by the competent authority in exceptional cases, but only after consultation of the organisations of employers and workers concerned.

2. Exceptions may only be allowed in virtue of this Article for agencies catering for categories of workers exactly defined by national laws or regulations and belonging to occupations placing for which is carried on under special conditions justifying such an exception.

3. The establishment of new fee-charging employment agencies shall not be allowed in virtue of this Article after the expiration of the period of three years referred to in Article 2.

4. Every fee-charging employment agency for which an exception is allowed under this Article

(a) shall be subject to the supervision of the competent authority;

(b) shall be required to be in possession of a yearly licence renewable at the discretion of the competent authority during a period which shall not exceed ten years;

(c) shall only charge fees and expenses on a scale approved by the competent authority; and

(d) shall only place or recruit workers abroad if authorised so to do by its licence and if its operations are conducted under an agreement between the countries concerned.

In particular, if exceptions have been allowed in virtue of this Article please supply information regarding the methods which were adopted for consulting the organisations of employers and workers for the purpose of the Article.

Please give information regarding the categories of workers for which fee-charging employment agencies are allowed and state what are the special conditions which justify the maintenance of such agencies in each case (cf. Article 7).

Please state whether any agreements have been concluded with other countries for the recruiting or placing of workers abroad in accordance with paragraph 4 (d) of this Article, forwarding the text of any such agreements.

Chile. — The report states that Chilean legislation does not provide for any exceptions.

Finland. — See under ARTICLE 1.

Sweden. — The report states that the Act of 18 April 1935 would appear to conform to the requirements of this Article.

ARTICLE 4.

Fee-charging employment agencies not conducted with a view to profit as defined in paragraph 1 (b) of Article 1

(a) shall be required to have an authorisation from the competent authority and shall be subject to the supervision of the said authority;

(b) shall not make any charge in excess of the scale of charges fixed by the competent authority with strict regard to the expenses incurred; and

(c) shall only place or recruit workers abroad if permitted so to do by the competent authority and if their operations are conducted under an agreement between the countries concerned.

Please state whether any agreements have been concluded with other countries for the recruitment or placing of workers abroad in accordance with paragraph (c) of this Article, forwarding the text of such agreements, if any.

Chile. — The report states that the General Labour Inspectorate may only authorise placing in the case of the employment offices of trade unions and other institutions which are not carried on for purposes of gain. No charge whatever may be made by such institutions.

Finland. — The report points out that authorised associations may undertake placing work. An association whose operations are conducted only for its members may charge a fee the amount of which is fixed at the time the authorisation is accorded. Its activities are subject to the supervision of the public authorities. No fee-charging agency in Finland has as yet requested an authorisation either to place or to recruit workers abroad, nor has Finland concluded an agreement with any other country for this purpose.

Sweden. — The report states that provisions corresponding to this Article will be found in §§ 2 and 3 of the Act of 18 April 1935. No agreements have been concluded with other States for the recruitment or placing of workers going (or coming from) abroad.

ARTICLE 5.

Fee-charging employment agencies as defined in Article 1 of this Convention and every person, company, institution, agency or other private organisation habitually engaging in placing shall, even though making no charge, make a declaration to the competent authority stating whether their placing services are given gratuitously or for remuneration.

Chile. — The Government states that it has no observations to make on this Article as no provision is made under Chilean legislation for exceptions.

Finland. — The report states that the public authorities have the right to procure employment for conscripts on termination of their military service, and in addition establishments under State control and the social welfare authorities have a right to place employees leaving their establishments or in any way under their protection on condition that these services are provided free of charge. The municipalities, associations, public authorities, and establishments must furnish information on their placing activities to the Minister of Social Affairs.

Sweden. — Under § 5 of the Act of 1935 employment institutions, even though making no charge to employers or workers, must inform the competent authority of their activities within a given time limit.

ARTICLE 6.

National laws or regulations shall prescribe appropriate penalties, including the withdrawal when necessary of the licences and authorisations provided for by this Convention, for any violation of the above Articles or of any laws or regulations giving effect to them.

Chile. — See under ARTICLE 5.

Finland. — The Act concerning placing in employment prescribes penalties in the case of any violation of the provisions of the law in force. The authorisation accorded to an association may be withdrawn.

Sweden. — Penalties are prescribed under § 8 of the Act of 1935, and § 4 provides that the competent authorities may when necessary withdraw the licence granted for conducting an employment agency.

ARTICLE 7.

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 all necessary information concerning the exceptions allowed under Article 3.

Please supply the information required by this Article in so far as it has not been given under Article 3.

Chile. — See under ARTICLE 5.

Sweden. — See under ARTICLE 3.

III.

Article 35 of the Constitution of the International Labour Organisation 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 the above Article of the Constitution, 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 possibilities 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.

The provisions of this article do not concern the reporting countries.

IV.

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

Chile. — The report states that the General Labour Inspectorate and the labour courts are responsible for the enforcement of the relevant Acts and regulations.

Finland. — The report states that the application of the provisions of the legislation is entrusted to the Labour Section of the Ministry of Social Affairs. The operations of the placing associations are supervised by an inspector of the Ministry who must be given access to the offices and to all documents and correspondence in connection with placing, and must be given the possibility of auditing the accounts. In addition, the associations must make regular statistical returns to the Ministry of Social Affairs and give information on their placing operations.

Sweden. — The report states that the application of the national legislation is supervised by the labour administrative authorities in the case of the Act of 18 April 1935 and by the Chief Medical Offices as regards the Decree of 28 June 1935. Supervision is exercised by means of visits of inspection and reports.

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 only a few judicial decisions were given. A copy of one of these is appended to the report.

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 official reports, information regarding the number and nature of the contraventions reported, and any other particulars bearing on the practical application of the Convention.

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.

Chile. — The Government states in its report that the reports of the services concerned show that the legislation implementing the present Convention is satisfactorily applied. No observations regarding the practical application of the legislation have been received from employers' or workers' organisations.

Finland. — The report states that no observations have been received from organisations of employers or workers concerning the application of the Convention.

Sweden. — The Government states that, at the beginning of 1936, when its ratification of the Convention was registered and the Act of 18 April 1935 containing certain provisions respecting placing in employment came into force, there were in Sweden 155 persons licensed to engage in placing for purposes of gain. Of these 134 applied for and received new licences authorising them to continue their placing activities until 1 January 1940. The number has since decreased, however, and on 1 October 1937 was only 118, owing chiefly to the fact that the holders had given up their licences, as they no longer regarded their profession as sufficiently remunerative. This appears to have been mainly due to the important development of the public placing service after its organisation in 1934. Another probable cause for the decline was the revision of the

fees of private employment agencies, in accordance with the Convention and the new Act, with the consequent abolition of registration fees in particular. The report states that, in connection with the placing of musicians and theatre artistes, the application of the Convention is likely to encounter difficulties. The Government considers that this sphere of activity would not appear to be well adapted to the public placing service and should probably remain for the time being in the hands of private employment agencies which, in this case, will doubtless be mainly concerned with placing of Swedish musicians and theatre artistes abroad

and with the placing of foreigners in Sweden, that is to say, with operations which, in accordance with the Convention, will necessitate agreements between the countries concerned as from the year 1940. So far the Convention has only been ratified by a small number of States and it is evidently not greatly to the advantage of other States to conclude agreements of this kind. Should States not appear disposed to ratify the Convention soon the Government thinks that it might be advisable to consider the possibility of amending the text in such a way as to do away with the above-mentioned objection.

EIGHTEENTH SESSION (GENEVA, 1934).

41. Convention concerning employment of women during the night (revised).

Article 10 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 by the Secretary-General. Thereafter, the 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 22 November 1936. The following table shows the States Members for which the Convention was in force before 1 July 1937, 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 1936-30 September 1937 or for part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Brazil ¹	8. 6.1936	8. 1.1938
Estonia	21.12.1935	22.10.1937
Greece ²	30. 5.1936	7. 3.1938
India	22.11.1935	22.12.1937
Netherlands	9.12.1935	1.10.1937
Switzerland	4. 6.1936	1.11.1937
Union of South Africa . .	28. 5.1935	9.11.1937
* * *	* * *	* * *
Burma ³	22.11.1935	29.11.1937

The Government of *Brazil* has sent a single report on the application of Conventions Nos. 4 and 41. For a summary of this information see under *Convention No. 4 (Night work, women, 1919)*.

For the general information supplied by the Government of *Greece* in its letter

¹ Brazil has denounced Convention No. 4.
² Greece has denounced Convention No. 4.
³ See the introduction to the present volume, p. 4.

of 1 March 1938, see under *Convention No. 1 (Hours of Work, Industry)*, introductory note.

The Convention only came into force in *Switzerland* on 4 June 1937. Convention No. 4, which has been denounced by the Swiss Government, was in force up to that date. For a summary of the information relating to the period 1 October 1936/30 September 1937 see under *Convention No. 4 (Night work, women, 1919)*.

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.

Brazil.

See introductory note.

Estonia.

Act of 20 May 1924 relating to the employment of children, young persons and women in industrial undertakings, amended by the Act of 19 November 1929 and the Act of 13 November 1935 (L. S. 1924, Est. 1 ; L. S. 1929, Est. 5 ; and L. S. 1935, Est. 8).

Greece.

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

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

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

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

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).

Legislative Decree of 30 October 1935 ratifying the revised Convention No. 41.

The Government states in its report that the ratification of the Convention has *ipso facto* amended Act. No. 4029 containing the definition of the term "night."

India.

Factories Act No. XXV of 1934 (L. S. 1934, Ind. 2) amended by Act No. XI of 1935 (L. S. 1936, Ind. 3).

Netherlands.

Labour Act of 1919 as subsequently amended (L. S. 1930, Neth. 2 B).

Order of 8 September 1936 to issue public administrative regulations in pursuance of §§ 22 (2) and 3, 23, 25, 31 (1) and 7, 68 (11) and 91 of the Labour Act of 1919: hours of work in factories and workshops (L. S. 1936, Neth. 2).

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

Switzerland.

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

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

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

Administrative Order of 15 June 1923 respecting the application of the Federal Act relating to the employment of young persons and women in industry (L. S. 1923, Switz. 1 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 (L. S. 1931, S. A. 1 B).

Burma.

(Report of the Government of Burma for the period 1 April-30 September 1937 communicated through the Government of the United Kingdom.)

See under *Convention No. 1 (Hours of work, industry)*, point I.

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.

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.

Estonia. — § 1 of the Act relating to the employment of children, young persons and women in industrial undertakings reproduces the terms of Article 1 (a), (b) and (c) of the Convention. Peat digging undertakings are specifically mentioned in the Act among works for the extraction of minerals from the earth. § 17 of the Act prohibits the employment of women at night in public or private industrial undertakings.

Greece. — Act No. 4029 of 1912 applies the night work prohibition to women employed in the following undertakings: (a) factories, industrial undertakings and workshops; (b) quarries, mines and underground works of any kind; (c) building work and other similar open-air work; (d) commercial undertakings and selling places of any kind. Under § 2 of the Royal Decree of 14/27 August 1913, agriculture, forestry, cattle breeding and similar occupations are excluded from the application of the Decree when the producer is

himself principally concerned in preparing the products obtained. The Government points out that it has set up a Committee to define the line of demarcation between the various occupations.

India. — The Government refers to the information contained in its report for last year on *Convention No. 4 (Night work, women, 1919)*. See under *Convention No. 4, Summary of Annual Reports, 1937*.

Netherlands. — The Labour Act does not define the term "industrial undertakings". For the purposes of the Act the term "work" (§ 1) means operations of all kinds in any undertaking except, *inter alia*, operations performed: (1) in undertakings in agriculture, horticulture, forestry or stock raising; (2) in the underground workings of mines and in the surface works and establishments connected therewith as specified in public administrative regulations. In the case of mines the definition of the term "mines" is given in the General Mining Regulations. The report points out that the Labour Act of 1919 and the General Mining Regulations together cover all industrial undertakings to which the Convention applies.

Switzerland. — The provisions of the Federal Factory Act of 18 June 1914/27 June 1918 which relate to the employment of women, young persons and children were supplemented by the Federal Act of 31 March 1922 relating to the employment of young persons and women in industry. This Act applies to all public and private industrial undertakings to which the Factory Act does not apply. By § 3 of the Administrative Order of 15 June 1923, the term "industrial undertaking" is defined as in Article 1 of the Convention. As regard the line of demarcation which separates industry from commerce and agriculture, the Factory Act and the Administrative Order issued under it indicate positively the undertakings covered whereas the Federal Act of 31 March 1922 relating to the employment of young persons and women in industry and its Administrative Order indicate such undertakings both positively and negatively. The agricultural operations which are excluded from the application of the Federal Act relating to the employment of young persons and women in industry are defined by § 4 of the Administrative Order of 15 June 1923. As regards commerce, the Act and Order exclude it from their field of application, without further definition. Should doubt arise regarding the agricultural or commercial character of a particular undertaking, the decision lies with the Federal Office of Industry and Arts and Crafts and Labour, subject to appeal to the Federal Council whether the undertaking is covered by the Act or not.

Union of South Africa. — As regards paragraph (a) of this Article, § 8 (1) of the Mines and Works Act prohibits the employment of females underground in any mine; mines include quarries. In respect of "quarries and other works" the report states that if they are factories, the provisions of the Factories Act (§ 15 (1) apply, and if they are not factories, the provisions of the Wage Act or Industrial Conciliation Act can be invoked. As regards paragraph (b) of the Article, the definition of a factory under the Factories Act includes all the undertakings referred to in that paragraph where machinery is installed or where three persons are employed, but it does not include the generation, transformation and transmission of electricity or motive power of any kind. As regards paragraph (c) the undertakings enumerated in the Convention are all indirectly controlled by the provisions of the Industrial Conciliation Act and the Wage Act. The report states that it would be entirely at variance with present custom for women to be employed at night in contravention of the Convention, but should such employment be contemplated it would be inhibited by existing legislation. The report contains the following information with regard to the combined effect of the Factories Act, the Wage Act and the Industrial Conciliation Act: In the case of operations falling outside the scope of the Factories Act, legislative authority exists in the Wage Act 1925 as amended for enforcing compliance with the Convention. The Wage Act provides *inter alia* that on receipt of a reference from the Minister, the Wage Board (set up under the Wage Act) investigates and may make a recommendation under § 3 (4) (f) as amended of that Act to provide for "any other matter affecting the remuneration, hours or conditions of employment of any employees". Under § 6 (3) as amended, the Minister may then make a determination in accordance with the Wage Board's recommendation according to the report as the scope of the Wage Act excludes only public and railway services which are under direct State control, employees in agriculture, horticulture and pastoral pursuits, forestry, domestic service in private households and offices of Parliament. Legislative authority exists for dealing with any tendency towards contravention of the Convention which may develop. Application of the Convention in occupations controlled by collective agreements under the Industrial Conciliation Act is almost invariably provided for by use of the following clause: "No person may be employed in an establishment which is not a factory, during any hours of the day when it would, under the provisions of the Factories Act, 1918, be unlawful to employ such persons if the establishment were a factory." Should the Minister of Labour apprehend that contravention of the Convention is

likely to take place under an agreement in which no such clause appears, he would refuse to give the agreement the force of law under § 9 of the Industrial Conciliation Act, and the provisions of the Wage Act would then be applied in the manner indicated above. The report adds that there is no necessity to demarcate industry from commerce as, where the Factories Act does not apply, both are subject to the Wage Act and the Industrial Conciliation Act. The line between industry and agriculture will be drawn in the interpretation of the scope of the Statutes as determined by the Courts. The provisions for the exclusions of agriculture are contained in § 2 (2) of the Factories Act, § 1 of the Industrial Conciliation Act and § 1 of the Wage Act.

ARTICLE 2.

1. 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.

2. Provided that, where there are exceptional circumstances affecting the workers employed in a particular industry or area, the competent authority may, after consultation with the employers' and workers' organisations concerned, decide that in the case of women employed in that industry or area, the interval between eleven o'clock in the evening and six o'clock in the morning may be substituted for the interval between ten o'clock in the evening and five o'clock in the morning.

3. 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 interval between 11 p.m., and 6 a.m. has been substituted for the standard night interval, and if so, what methods were adopted for consulting the organisations of employers and workers concerned.

Please also state whether, in the circumstances provided for in the third paragraph of this Article, the term "night" has been provisionally declared to signify a period of only ten hours.

Estonia. — § 18 of the Act relating to the employment of children, young persons and women in industrial undertakings states that the term "night" shall signify a period of at least eleven consecutive hours, including the interval between 9 p.m. and 5 a.m. in undertakings working with a single shift, or the interval between 10 p.m. and 5 a.m. in undertakings working with two or more shifts. The second paragraph of § 18, added by the Act of 13 November 1935, provides that the Minister for Communications may in exceptional circumstances and after consultation with the employers' and workers' organisations concerned, authorise the substitution of the interval between

11 p.m. and 6 a.m. for that between 9 p.m. and 5 a.m. in the case of women employed in a particular industry or area. The report points out that no advantage has as yet been taken of this exception.

Greece. — § 6 of the Act of 1912 concerning the work of women and minors prescribes a night rest period of not less than 11 consecutive hours including the period between 9 p.m. and 5 a.m. (see also under I, last paragraph). The report states that in the Decree of 28 April 1937 extending the eight-hour period to the textile industry, advantage has been taken of the exception provided in paragraph 2 of Article 2 of the Convention. § 2 (2) of this Decree lays down that in weaving and spinning factories (wool, cotton, silk, etc.), rope factories, and factories for hosiery, flannel goods and knit wear, women may in exceptional circumstances be employed in two successive shifts. The employment of women in two shifts may in no case begin before 6 a.m. nor continue after 11 p.m. The report points out that this measure was unanimously recommended by a specially appointed Committee which included representatives of employers and workers under the chairmanship of the Minister concerned.

India. — The Government refers to the information contained in its report for last year on *Convention No. 4 (Night work, women, 1919)*. See under *Convention No. 4, Summary of Annual Reports, 1937*.

Netherlands. — The employment of women in mines and the mining industry is entirely prohibited by the Mining Regulations of 1906 amended in 1917 and 1922. With regard to other industries § 24 (2) of the Labour Act of 1919 provides that a worker shall not perform work in a factory or workplace between 6 p.m. and 7 a.m. § 30 (2) of the same Act lays down that if exceptions to the provisions are authorised in pursuance of other provisions of the Act, "the rule shall be observed that the work of a young person or a woman in a factory or workplace on two consecutive days must be divided by a night's rest of not less than 11 consecutive hours, and that such person must not perform any work in a factory or workplace between 10 p.m. and 5 a.m."

Switzerland. — Under § 66 of the Federal Factory Act of 18 June 1914/27 June 1919 the term "night" signifies the period from 8 p.m. to 5 a.m. in the summer and to 6 a.m. in the winter. § 3 of the Federal Act of 31 March 1922 relating to the employment of young persons and women in industry defines "night" as a period of not less than 11 consecutive hours including the interval between 10 p.m. and 5 a.m. No advantage has been taken of the exception allowed by the second paragraph of the Article and no

measures have been adopted in the national legislation to give effect to this provision.

Union of South Africa. — § 15 of the Factories Act of 1918, as amended by § 4 of the Factories Act of 1931, prohibits the employment of any female between six o'clock in the evening and seven o'clock in the morning unless exemption for the industry or factory concerned has been made by the Minister and published in the Gazette; exemptions may permit employment to begin at five in the morning or continue until nine at night, provided it is not for more than eight hours in the day, excluding meal times; in factories where work must be performed in the evening, exemptions may permit employment between six in the evening and midnight to avoid loss or deterioration of material. The report states that hours of work for non-factories may be determined, as explained under Article 1, under the Wage Act or the Industrial Conciliation Act so as to enforce compliance with the Convention. The report declares that no advantage has been taken of the provisions of paragraph 2 of Article 2 of the Convention as revised in 1934 and that the original interpretation of the term "night" is still adhered to.

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 state whether for the purposes of the application of this Article and irrespective of the exemption provided for in Article 8, the term "women" is interpreted in your country as covering all women employed in industrial undertakings without distinction as to the nature of their duties.

Brazil. — See introductory note and also under *Convention No. 4 (Night work, women, 1919)*, Article 3.

Estonia. — The report states that the term "woman" applies to all women employed in industrial undertakings except the category mentioned under Article 8 of the Convention (see Article 8).

Greece. — § 6 of Act No. 4029 of 1912 provides that women may not be employed in the undertakings and activities specified in the Act. No provision is made in this Act for the exception relating to undertakings where only members of one family are employed. The report points out that the prohibition of night work in industry only affects women engaged in industrial occupations. Women engaged in office work in industrial undertakings are grouped with women employed in commercial undertakings and are therefore also affected by the prohibition.

India. — The Government refers to the information contained in its report for last year on *Convention No. 4 (Night work, women, 1919)*. See under *Convention No. 4, Summary of Annual Reports, 1937*.

Netherlands. — § 29 (2) of the Labour Act of 1919 prohibits the employment of all workers between 6 p.m. and 7 a.m. in factories and workplaces. § 30 (2) of the same Act provides for a night's rest of not less than 11 consecutive hours between 10 p.m. and 5 a.m. in the case of women who may be employed by way of exception to the other provisions of the Act. § 8 of the Labour Act contains the interpretation of the term "women". This term signifies all women employed in industrial undertakings irrespective of the nature of their work. § 1 (1 c) provides that work done by the head or the manager of an undertaking or his wife is not covered by the Act.

Switzerland. — The Federal Factory Act (§ 65) and the Federal Act of 31 March 1922 relating to the employment of young persons and women in industry (§ 3) prohibit the employment of women at night. § 1 of the Act of 31 March 1922 states that the Act does not apply to undertakings where only members of one and the same family are employed. § 3 of the Administrative Order under the Factory Act lays down that the members of the family or the head of the undertaking shall, so long as no other persons are employed, be considered as workers. See also *Summary of Annual Reports, 1937*, under *Convention No. 4 (Night work, women, 1919)*, Article 3.

Union of South Africa. — See under Article 2. The report states that the term "women" is construed to include all women without distinction as to the nature of their duties. No reference is made to the exception for family undertakings.

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.

Estonia. — Under § 19 (a) of the Act relating to the employment of children, young persons and women in industrial undertakings, the provisions of § 17 of that Act do not apply in cases of accident or *force majeure* which are not of a periodical character and which interfere with the normal working of the undertaking. The provisions of § 19 (b) repeat the terms of Article 4 (b) of the Convention. No special conditions are imposed subject to which advantage may be taken of the exceptions mentioned in the present Article.

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

the preparation and packing of grapes and raisins. The report adds that, to take advantage of the exceptions authorised under § 9 of Act No. 4029, the employers must submit a request to the labour inspectorate showing the necessity for such exceptions; the labour inspectors do not readily grant an authorisation, which is only possible in the case of women over eighteen years of age.

India. — The Government refers to the information contained in its report for last year on *Convention No. 4 (Night work, women, 1919)*. See under *Convention No. 4, Summary of Annual Reports, 1937*.

Netherlands. — The Labour Act of 1919 allows of only one exception to the strict prohibition of the employment of women at night, namely under § 25 (1 b) which lays down that women of twenty-one years of age and upwards may be permitted to skewer herrings till midnight at latest during the period from 1 October to 15 March and till 2 a.m. at latest from 15 March to 1 June. In 1936 this exception was made use of in a fishing village on 28 occasions lasting 61 ½ hours in all.

Switzerland. — See *Summary of Annual Reports, 1937*, under *Convention No. 4 (Night work, women, 1919)*, ARTICLE 4.

Union of South Africa. — (a) § 27 (6) of the Factories Act of 1918 exempts "any person engaged in work necessitated by a breakdown of plant or machinery caused by accident or any other unforeseen emergency, or for overhauling or repair work of plant or machinery which cannot be performed on a regular working day." § 17 (6) provides that the inspector shall refuse to permit the working of overtime by any particular worker named by him if, in the opinion of a medical officer, it would be injurious to the health of such worker; explicit mention of § 15 ascribes the quality of overtime work to employment before seven o'clock in the morning or after 6 o'clock in the evening. (b) See under Article 2. The report furnishes particulars of exemptions granted between 1 September 1936 and 31 August 1937, the data for September 1936 having been omitted from the last report, and the data for September 1937 being not yet available. Exemptions were for bacon curing, bakery and confectionery, boot and shoe manufacturing, broom and brush manufacturing, ready-made clothing, dress-making and millinery, fruit canning and printing. None allowed employment before 5 o'clock in the morning and only one allowed employment after 10 o'clock in the evening. This last applied, for 5 months, to the employment of 450 women in the fruit canning industry.

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 refers to the information contained in its report for last year on *Convention No. 4 (Night work, women, 1919)*. See under *Convention No. 4, Summary of Annual Reports, 1937*.

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.

Estonia. — § 20 of the Act relating to the employment of children, young persons and women in industrial undertakings provides that the night period may be reduced to 10 hours a day on not more than sixty days of the year in industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it.

Greece. — § 8 of Act No. 4029 of 1912 provides that in undertakings or classes of work in which an increased demand for labour occurs regularly at certain periods of the year (seasonal trades), or in the case of exceptional pressure of work, a shortening of the uninterrupted night rest to 10 hours may be permitted and the commencement of the night rest fixed at 10 p.m. for a period of 8 days within one and the same year, by the competent police authorities, and if for a period of 4 weeks, by the prefect. The conditions under which these exceptions may be granted are laid down in Circular No. 31 of 17 September 1913 and supplemented by § 12 (2) of Act No. 4819 of 14 July 1930 concerning the organisation of the factory inspection service. The report points out that no advantage has ever been taken of these exceptions.

India. — So far no advantage has been taken of this provision of the Convention.

Switzerland. — See *Summary of Annual Reports, 1937, Convention No. 4, (Night work, women, 1919)*, Article 6.

Union of South Africa. — See under Article 2 and 4.

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.

Greece. — The report states that the national legislation contains no such provision.

India. — The Government refers to the information contained in its report for last year on *Convention No. 4 (Night work, women, 1919)*. See under *Convention No. 4, Summary of Annual Reports, 1937*.

Switzerland. — See *Summary of Annual Reports, 1937, under Convention No. 4 (Night work, women, 1919)*, ARTICLE 7.

Union of South Africa. — The report makes no reference to the option permitted by this Article.

ARTICLE 8.

This Convention does not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

Please state what definition, if any, has been adopted to determine the women who are regarded as holding responsible positions of management not ordinarily engaged in manual work.

Estonia. — § 17 of the Act of 13 November 1935 states that the prohibition of night work in the case of women "does not apply to women holding responsible positions of management who are not ordinarily engaged in manual work."

Greece. — The report states that such cases are rare. To be affected by this provision women must engage in manual work involving responsibility conferred by the management of the undertaking. Such cases are determined by the labour inspectorate.

India. — The report states that "the relaxation embodied in Article 8 is not used in India at present and is not likely to be required in the near future".

Netherlands. — §§ 75-77 of the Order of 8 September 1936 respecting the hours of work in factories and workshops provide for the possibility of exempting women holding responsible positions of management and who are not normally engaged in manual work from the strict prohibition of the employment of women during the night. § 75 contains no definition but enumerates the cases in which an exception

may be made, namely : persons other than the head or manager of an undertaking who are in charge of a factory or workshop, or of a section thereof, and are mainly or entirely responsible for the management of the staff, e.g. factory managers, works managers, works engineers, foremen, chief mechanics, and persons holding similar positions ; persons other than the head or manager of an undertaking who are in charge of a branch butcher's undertaking employing not less than 3 employees, each of whom works for at least 32 hours in the week ; heads of manufacturing concerns solely or mainly responsible for the management of the manufacturing work and not ordinarily engaged in the general manual work of the undertaking ; office managers, administrative heads, chief accountants heads of sections, when they are in charge of the undertaking and responsible for the management of the employees engaged in the administration, correspondence or bookkeeping of the undertaking ; the head of a draughtsman's or builder's office ; the head warehouseman or forwarding clerk mainly or solely responsible for the supervision of warehouses, the dispatch and receipt of goods and raw materials, and the care of the goods and materials stored in the warehouses ; laboratory assistants ; persons in charge of research work or scientific observations when such work necessitates a scientific training which is at least equivalent to that required for a doctorate in a Netherlands University or college ; pupils of secondary or higher educational institutions engaged in research work or scientific observations for their education.

Switzerland. — The Administrative Order under the Factory Act provides in § 3 (d) that " persons to whom the owner has assigned an important function in the conduct of the undertaking " are not deemed to be workers within the meaning of the Act. The report adds that neither the amount of training nor the designation of the post occupied is taken into consideration in determining whether a person holds an important position, but only the nature of the work performed. Thus, the Factory Act is applicable to persons described as " manageresses " and " forewomen ", when their actual conditions of work do not warrant the application of § 3 (d) of the Administrative Order. The Article is only applied in the case of persons holding responsible positions in the undertaking which involve independent decisions. With regard to the application of the Federal Act relating to the employment of young persons and women in industry, the report states that the practice established by the Factory Act is adopted.

Union of South Africa. — The report states that the Convention is applied to all women.

III.

Article 35 of the Constitution of the International Labour Organisation 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 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 the above Article of the Constitution, 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.

Netherlands. — See under Convention No. 4, Night work (women), Convention, 1919.

Union of South Africa. — The report states that the Union of South Africa has no colonies, protectorates or possessions which are not wholly self-governing. It further reports 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.

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.

Estonia. — The report states that application of the legislation is entrusted to the labour inspectors.

Greece. — The report states that the supervision and enforcement of the relevant Acts and Decrees lies with the factory inspectors, or, where there are none, with the police authorities. Measures have been adopted to improve the organisation of the labour inspectorate so that the legislation may be satisfactorily enforced. Thus, under a Decree of 18 November 1937 the labour inspection service has been divided into four departments, each with a divisional inspector at its head, who supervises the work of the labour inspectors and assistant inspectors. For this purpose the divisional inspector must visit every town which has a labour inspection office at least once every three months. The labour inspection service is assisted in its work by the police.

India. — The Government refers to the information contained in its report for last year on *Convention No. 4 (Night work, women, 1919)*. See under *Convention No. 4, Summary of Annual Reports, 1937*.

Netherlands. — The report states that the application of the Labour Act and of the Decree respecting hours of work in factories is entrusted to the labour inspectorate officials, the State and communal police and the gendarmerie. The State mining inspection service is responsible for the administration of the General Mining Regulations.

Switzerland. — See *Summary of Annual Reports, 1933 and 1937, Convention No. 4 (Night work, women, 1919)*, Point IV, and also under *Convention No. 4, Point IV* of the present volume.

Union of South Africa. — The enforcement of the Factories Act, the Industrial Conciliation Act, and the Wage Act, are entrusted to the Minister of Labour and Social Welfare, who is assisted by 70 inspectors. The approximate areas covered by various groups of inspectors, the centres from which they operate, and the number of inspectors assigned to each district, are as follows :

Southern Transvaal (Johannesburg)	22
Nothorn Transvaal (Pretoria)	3
Natal (Durban)	13
Orange Free State and North-Western Cape (Bloemfontein and Kimberley)	4
Border Districts (East London)	3
Eastern Province (Port Elizabeth)	8
Western Province (Cape)	16
Head Office (Pretoria)	1

The application of the Mines and Works Act is entrusted to the Minister of Mines. The inspectors of mines do not in practice deal with the question of night work for women, owing to the prohibition of the em-

ployment of women underground in mines. The report states that women are rarely employed at night in South Africa, and that the inspectors, whose duties have a wide range, are seldom called upon to attend to any matter directly connected with the employment of women at night.

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.

Greece. — The Government states in its report that it is unable to supply the text of any judicial or other decisions concerning the application of the Convention. This duty will be entrusted to the Labour Statistics Section which will be set up shortly.

Switzerland. — The report states that during the period covered by the report the Government was not aware of any sentences being passed in connection with article 8 the Convention. See also under *Convention No. 4 (Night work, women, 1919)*, Point V.

Union of South Africa. — The Government refers to its reports on the application of Convention No. 4 concerning the employment of women at night, which state that there have been no decisions.

The remaining reports supplied do not mention any such decisions.

VI.

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

Brazil. — See introductory note and also under *Convention No. 4 (Night work, women, 1919)*, Point VI.

Estonia. — The report states that during the year 1936, 19,796 women were covered by the legislation concerned. The labour inspectors received three complaints with regard to contraventions of the provisions concerning the employment of women during the night. There were 25 cases of contravention, 12 of which only gave rise to a warning and 13 to legal proceedings. The Government has received no observations from employers' and workers' organisations with regard to the practical application of the national legislation implementing the provisions of the Convention.

Greece. — The report states that the inspection services' reports show that the Convention and the Laws and Decrees issued to enforce it are strictly applied. No observations have been submitted by employers' or workers' organisations with regard to the practical application of the provisions of the Convention.

India. — See under *Convention No. 4 (Night work, women, 1919)*, Point VI.

Netherlands. — The report states that no breaches were reported in respect of the night rest period during the period under review. It sometimes happens that women are employed between 10 p.m. and 5 a.m.; generally because work ends too late or begins too early. In 1936 summary proceedings were instituted in two cases where work continued too long. One case concerned two women working in a bakery and the other 16 women employed in a factory for dairy produce. In the first case the women were fined 8 florins each and in the second a fine of 8 florins agreed upon.

Switzerland. — The Government states in its report that it is not in a position to supply any particulars concerning Article 8. During the period covered by the report nothing of importance was brought to the notice of the Government with regard to this Article. The report adds that it is sufficient to state that the corresponding provisions of the national legislation are strictly observed. See also under *Convention No. 4 (Night work women, 1919)*, Point VI.

Union of South Africa. — The report states that "generally speaking, the position remains as stated" in a previous report on Convention No. 4 concerning the employment of women at night, where it is declared that conditions in South Africa are such that a necessity for imposing severe restrictions on the employment of women at night is recognised, and no difficulty is

experienced in administration. It states that no representations have been made by organisations of employers or employees.

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 1937 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 1936–30 September 1937 or for part of that period :

COUNTRIES	Date of registration of ratification	Report received
Austria	26. 2.1936	12. 1.1938
Brazil	8. 6.1936	8. 1.1938
Great Britain . . .	29. 4.1936	15.12.1937
Hungary	17. 6.1935	16.12.1937
Japan	6. 6.1936	1. 2.1938
Mexico	20. 5.1937	24.11.1937
Norway	21. 5.1935	16.10.1937

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.

The report refers to the information given under *Convention No. 18 (Workmen's compensation, occupational diseases, 1925)*.

Brazil.

Decree No. 24637 of 10 July 1934, to issue new rules respecting liability for industrial accidents, and to provide for other matters (§ 1 (2)) (L. S. 1934, Braz. 3.).

Decree No. 1361 of 12 January 1937 ratifying the Convention.

Great Britain.

Workmen's Compensation Act 1925 (L. S. 1925, G. B. 3).

Workmen's Compensation Act (Northern Ireland) 1927.

Workmen's Compensation (Silicosis and Asbestosis) Act, 1930 (L. S. 1930, G. B. 7).

Hungary.

Act No. 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 Nos. 9090 of 29 December 1931 (L. S. 1931, Hung. 5), 9600 of 1932 (L. S. 1932, Hung. 4), 6000 of 1933 (L. S. 1933, Hung. 4), and 6500 of 1935 (L. S. 1935, Hung. 2).

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.

Decree No. 7600 of 30 December 1936 respecting the schedule of occupational diseases for which compensation is payable as for industrial accidents (L. S. 1936, Hung. 5).

Japan.

Factory Act dated 28 March 1911 (B. B. Vol. VI, 1911, p. 267). Amended 29 March 1923 (L. S. 1923, Jap. 1) and 27 March 1929 (L. S. 1929, Jap. 1 A) and by the Act No. 19 dated 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, p. 27) amended 5 June 1926 by Imperial Ordinance No. 153 (L. S. 1926, Jap. 1 B), 21 December 1926 by Imperial Ordinance No. 437 and 25 June 1929 by Imperial Ordinance No. 202 (L. S. 1929, Jap. 1 C).

Mining Act promulgated March 1905, amended July 1924 (L. S. 1924, Jap. 2), and by Act No. 24, dated 30 March 1935 (L. S. 1935, Jap. 4).

Regulations for the employment and relief of miners, promulgated 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), and 26 June 1929 (L. S. 1929, Jap. 3), 5 June 1933 (L. S. 1933, Jap. 1) and 21 December 1936.

Imperial Ordinance for the assistance of Government employees, promulgated November 1918, amended by the Imperial Ordinances of 30 June 1926 (L. S. 1926, Jap. 1 D), of 27 June 1928 (L. S. 1928, Jap. 4), of 1 July 1929 (L. S. 1929, Jap. 6), and of 21 December 1936.

Act No. 54, dated 1 April 1931, concerning relief of workers in the case of accident (L. S. 1931, Jap. 1 A) amended by Act No. 18, dated 30 March 1935 (L. S. 1935, Jap. 2).

Imperial Ordinance No. 276, dated 27 November 1931 in administration of Act No. 54 of 1 April 1931 concerning the relief of workers in the case of accident (L. S. 1931, Jap. 2 A) amended by Imperial Ordinance No. 314, dated 13 December 1936.

Imperial Ordinance No. 2, dated 7 January 1932, concerning the relief of workers supplied by contract (L. S. 1932, Jap. 1).

Imperial Ordinance No. 2 dated 24 January 1934, concerning special measures dealing with the relief of workers in the Japanese Steel Company Limited.

Notification No. 599, dated 28 November 1935.

Mexico.

Political Constitution of the United States of Mexico, dated 1917.

Federal Labour Act of 18 August 1931 (L. S. 1931, Mex. 1).

The Government states in its report 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 conformity with the provisions of Article 133 of the Constitution.

Norway.

Act of 24 June 1931 respecting the accident insurance of industrial employees, etc. (L. S. 1931, Nor. 3).

Royal Decree of 7 December 1928 assimilating certain specified occupational diseases to accidents for the purpose of compensation.

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.

Great Britain. — The report indicates that under British law mention of a process in the second column of the Schedule has not the same legal effect as the mention of a process in the second column of the Schedule to the Convention. Under British law the right to compensation in respect of a disease named in the Schedule to the Act or Order is *not* limited to workmen employed in the process or processes set opposite that disease in the second column of the Schedule. Workmen employed in any process can claim compensation if disabled by any of the diseases mentioned in the first column. The effect of naming a process in the second column is, roughly speaking, that where the workman *was* employed in that process, the disease is assumed to have been contracted in the employment, unless there is evidence to the contrary; in other cases the workman has to prove, if called upon to do so, that the disease was in fact contracted in his employment. (i) Under Section 1 of the Workmen's Compensation Act, 1925, and Section 1 of the Workmen's Compensation Act (Northern Ireland), 1927, the employer is liable to pay compensation if any "workman" as defined in Section 3 (1) employed by him is killed or disabled through personal injury by accident arising out of and in course of his employment. (ii) See Workmen's Compensation Act, 1925, Sections 8, 9 and 10 and Workmen's Compensation Act (Northern Ireland) 1927, Sections 8, 9 and 10. (iii) As regards the diseases scheduled under Section 43 of the Act of 1925 and Section 44 of the Northern Ireland Act (i.e. the diseases in question other than silicosis), it will be noted that compensation is to be payable as if the disease were a personal injury by accident, subject to certain modifications. The effect of this is that, broadly speaking, the workman disabled by a scheduled disease is in the same position under the Act as a workman disabled by accident, e.g. the rates of compensation are the same for the diseases as for the accidents. The principal modifications in the case of disease are: (i) that in default of agreement the workman must prove disablement by the disease by obtaining a certificate from a particular doctor appointed by the Government; (ii) that, as already indicated, the workman is relieved from the onus of proving that the disease was due to employment if he was employed in a process set opposite to the disease in the Schedule; (iii) that provision is made in cases where the disease was not, or was not solely, contracted under the last employer, for apportioning the responsibility amongst the other employers con-

cerned; and (iv) that compensation is not payable where the employment in which the disease is claimed to have been contracted ceased twelve months prior to disablement. As regards silicosis the effect of the schemes in force is that, in the case of workmen employed in various specified industries or processes, compensation is payable for death or incapacity at rates similar to those for accidents. The medical procedure is, however, different in that certificates are granted by a special expert Medical Board. Under some of the schemes the compensation is not paid by the individual employer but out of a Compensation Fund, to which employers in the industry contribute.

Japan. — The report states that legislation relative to workmen's compensation has been considerably amended since 1 January 1937 by a whole series of measures adopted on 21 December 1936. All of these amendments were issued with the intention of consolidating legislation relative to workmen's compensation (Factory Act Regulations for the employment and relief of miners, and Act relating to relief of workers in the case of accident) and increase of benefits payable in case of accident, disease or death of workers. (i) Article 15 of the Factory Act provides that "where any worker is injured, falls ill or dies in the course of his work, the occupier of the factory shall pay compensation to him or to surviving members of his family or to any person dependent upon his income at the time of his death in accordance with the Regulations to be issued by Imperial Ordinance". The Mining Act (Art. 80), and the Imperial Ordinance for the compensation of employees (Art. 1) contain provisions embodying the same principles for miners and Government employees, respectively. The Act concerning the relief of workers in the case of accidents (Art. 1) contains similar provisions for workers employed in alluvial mining, quarrying, digging, or extracting stone, in civil engineering or in construction, transportation, loading or unloading of vessels. The Ordinance concerning relief of workers supplied by contract provides the same principles for operatives or miners who work in an undertaking where the Factory or Mining Act applies or for workers who work in an undertaking where the Act concerning relief in case of accident applies to workers, who are employed by the State under a contract for the supply of labour.

(ii) With regard to compensation for injury, illness or death to be paid to the workers or surviving relatives the following provisions are made in the Imperial Ordinance for the enforcement of the Factory Act: the occupier of a factory shall either grant medical assistance or bear the expenses of medical attendance if the

worker is injured or falls ill in the course of his work. When a worker does not receive wages because he is unable to work owing to medical attendance, the occupier of the factory must grant him an absence allowance amounting to 60 per cent. of the basic wage of the worker during his medical treatment. When the worker is placed in hospital the absence allowance is 20 per cent. of his basic wage provided no one is maintained by his earnings. When the worker is left disabled even after the wound has healed or the sickness is cured, the occupier of the factory must grant him a disablement allowance in conformity with the classification set forth in the schedule appended to the Act. When the worker is unable to work as before, the disablement allowance must be equal to at least 180 times the workers' basic wage (not less than 320 yen for a male worker and 200 yen for a female worker). When two or more cases of disablement as set forth in the schedule occur together the disablement allowance shall be granted according to the class of the most serious disablement. The disablement allowance to persons who have disablements other than those mentioned in the schedule are granted according to the degree of disablement and the classification of disablement of the schedule applies for this purpose *mutatis mutandis*. If a worker is already disabled and his disablement is aggravated by injury or sickness he is granted a sum equal to the difference between the disablement allowance due to aggravated disablement and the disablement allowance due for the previous disablement. If a worker dies the occupier of the factory must grant a survivor's allowance equal to 400 times the workers' basic wage (not less than 320 yen for male workers and 200 yen for female workers) to any person or persons maintained by the earnings of the worker at the time of his death. If a worker dies the occupier of the factory must grant a funeral allowance equal to 30 times the worker's basic wage (not less than 30 yen) to the surviving member of his family who leads the funeral or to any other person who was maintained by the earnings of the worker at the time of his death, and who leads the funeral. If a worker who receives relief or medical treatment fails to recover from his injury or illness within three years after the first medical treatment, the occupier of the factory may discontinue the relief prescribed after giving a lump sum allowance equal to 540 times the workers' basic wage (not less than 430 yen for a man and 270 yen for a female worker). Disablement is now being divided into fourteen classes instead of four as was formerly the case under the Factory Act. With regard to compensation for injury, illness or death of miners, the Regulations for the Employment and Compensation of Miners

contain provisions similar to those enumerated above. With regard to employees in Government undertakings, principles to this effect are laid down in the Imperial Ordinance for the Compensation of Employees.

This Ordinance divides disablement into four classes and prescribes the maximum and minimum sums for each allowance as follows :

1. *Disablement allowances.*

- (a) Helplessly maimed for life, 540-700 times the basic wage (minimum for male worker: 430 yen; for female worker, 270 yen);
- (b) Disabled for work for life, 360 to 500 times the basic wage (minimum for male worker: 300 yen; for female worker: 180 yen);
- (c) Disabled for former work—recovery of former health hopeless (or facial disfigurement in the case of a woman worker), 180 to 300 times the basic wage (minimum for male worker: 150 yen; for female worker: 90 yen);
- (d) Incurably maimed but able to engage in former work, 40 to 50 times the basic wage (minimum for male worker: 30 yen; for female worker: 20 yen).

2. *Lump sum allowance.*

500 to 700 times the basic wage (minimum for male worker: 420 yen; for female worker: 270 yen).

3. *Survivor's allowance.*

360 to 600 times the basic wage (minimum for male worker: 320 yen; for female worker: 200 yen).

4. *Funeral allowance.*

30 to 40 times the basic wage (minimum 30 yen).

With regard to accident and illness in the course of work concerning workers in alluvial mining, etc., the Imperial Ordinance respecting the administration of the Act concerning relief of workers in the case of accidents (Arts. 4-17) contains provisions similar to those contained in the Imperial Ordinance for the administration of the Factory Act. The Ordinance concerning the relief of workers supplied by contract provides *mutatis mutandis* in the case of accident, disease or death, the same allowances as those prescribed by the Ordinance for the administration of the Act concerning the relief of workers in the case of accident. (iii) The report states that under the Japanese legislation compensation for occupational diseases is treated in the same manner as that for injury caused by industrial accidents and is paid on the same basis.

Mexico. — Section XIV of § 123 of the Constitution as well as Part VI of the

Federal Labour Act stipulate that employers are responsible for industrial accidents and occupational diseases incurred by workers during their employment. Benefit is payable if the accident or disease have caused death or temporary or permanent incapacity. The employer's responsibility is involved even where the employer is represented by a third party in the labour contract. Part VI of the Federal Labour Act designates as occupational risks accidents or diseases to which workers are exposed on account of their work or during work which they are carrying out (§ 284). Any pathological state due to a cause repeated over a long period and which is the essential result of the nature of the work carried on by the worker or of the surroundings in which he is obliged to work and which sets up a temporary or permanent injury or functional disturbance is considered as an occupational disease, such occupational disease being liable to be caused by chemical or biological agents (§ 286). In addition, the Act comprises a schedule of occupational diseases (§ 326). The Act takes account of four types of risk: death, total permanent incapacity, partial permanent incapacity and temporary incapacity (§§ 287-292). The daily wage earned by the worker at the moment of succumbing to the risk is taken as the basis for calculation of benefit (§§ 293-294). Victims of an occupational disease are entitled to medical treatment, provision of medicaments, medical supplies and to benefit (§ 295). In the case of death, the benefit corresponds to a month's wages to meet the funeral expenses and to a further benefit equal to the amount of 612 days' wages without deduction of the allowance paid to the worker during the duration of his incapacity, this sum to be accorded to dependants. In the case of total permanent incapacity the benefit is equal to the sum of 918 days' wages; when the incapacity is permanent and partial the benefit is equal to the percentage fixed by the assessment table payable for types of incapacity and calculated on the basis of the amount which would have been paid if the incapacity had been total and absolute. When incapacity is temporary the benefit is equal to 75 per cent. of the wage earned. Payment of the benefit is due from the first day of incapacity onwards.

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.

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.

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.

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.

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.

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.

Japan. — The report states that the information under this heading is the same as that given in the reports already furnished in regard to *Convention No. 18*¹ with the addition of the following information : By virtue of Art. 3 of the Imperial Ordinance respecting the administration of the Act concerning the relief of workers in case of accidents, the following diseases are specified by the Minister of Home Affairs : anthrax, silicosis, Weil's disease, Tsutsugamushi byô (Japanese river disease), frostbite, sunstroke, scalding.

Mexico. — § 326 of the Federal Labour Act mentions the following occupational diseases : *Infectious and Parasitic Diseases*.

I. Anthrax : tanners, rag sorters, wool carders, shepherds, fur dressers, persons handling animal hair, bristles, and the horns, flesh and bones of cattle. II. Glanders : grooms, stable boys and those engaged in looking after horses. III. Ankylostomiasis : miners, brick workers, potters, navvies, gardeners and workers in sand pits. IV. Actinomycosis : bakers, millers handling corn, barley, wheat, and rye, and agricultural workers. V. Leishmoniasis : workers engaged in the balata harvest, rubber collectors and vanilla workers, and foresters in tropical regions. VI. Syphilis : glass blowers (primary stage : bucal chancre) doctors, nurses, operating theatre assistants (on the hands). VII. Anthracosis : miners (in coal mines), charcoal burners, stokers handling mineral coal, chimney sweeps. VIII. Tetanus : grooms, butchers, stable boys and cattle-men. IX. Silicosis : miners (mineral and metalliferous mines), workers in quarries, lime burners, workers in cement factories, grinders and masons, workers in sand-pits, workers employed in China ware factories. X. Tuberculosis : medical practitioners, nurses, operating theatre attendants, butchers and miners when silicosis has been previously incurred. XI. Siderosis : iron

workers (file cutters, metal turners and persons engaged in handling iron-oxide). XII. Tabacosis : workers in the tobacco industry. XIII. Other lung diseases due to the inhalation of dust : carpenters, persons employed in the cotton, wool, jute, silk, skin and feather industries ; persons employed in burning off paint by means of a blow-pipe ; painters and cleaners using compressed air (sprayers). XIV. Dermatoses : sugar cane harvesters, vanilla workers, flax spinners and gardeners. XV. Affections of the skin due to physical agents : Heat : smiths, smelters, glass workers, stokers. Cold : workers employed in cold storage chambers. Solar rays : workers in the open air. Electric rays : X-rays. Mineral rays : radium. XVI. Other affections of the skin : persons employed in handling paints containing vegetable pigments with a basis of metallic salts or aniline ; cooks, dish washers, washerwomen, miners, bleachers of linen, grocers, photographers, masons, quarry workers, cement workers, cabinet makers, varnishers, persons extracting grease from rags, fullers, textile bleachers using sulphur fumes, tawers, wool spinners and those handling wool, persons employed in the manufacture of chlorine by means of electrical decomposition of sodium chloride, and those engaged in the handling of petroleum and petrol. XVII. Effects of other physical agents which cause diseases : Humidity : persons employed in places where water is present in considerable quantities, e.g. rice sowers. Compressed air or lack of air : divers, miners, persons employed in badly ventilated places, other than places in which noxious fumes are generated. *Eye and Ear Diseases*. XVIII. Electrical ophtalmia : persons employed in autogenous welding electricians. XIX. Other kinds of ophtalmia : persons employed at high temperatures, glass-blowers, tin plate workers, smiths, etc. XX. Sclerosis of the middle ear : workers employed in copper, rolling and in grinding minerals.

Other Diseases. XXI. Housemaid's knee : persons generally working in a kneeling position. XXII. Occupational cramp : clerks, pianists, violonists and telegraphists. XXIII. Occupational deformities : shoe makers, carpenters, masons. XXIV. Ammonia : persons employed in coal distillation in the preparation of agricultural fertilisers, cess-pool cleaners, well-sinkers, miners, ice-makers and printers. XXV. Hydrofluoric acid : glass workers and engravers. XXVI. Chlorine fumes : preparation of chloride of lime, persons employed in white washing, in preparation of hydrochloric acid, chlorides and soda. XXVII. Sulphurous dioxide : sulphuric acid makers, dyers, wall-paper manufacturers and printers. XXVIII. Carbon monoxide : boiler makers, mineral and metal smelters (blast furnaces) and miners. XXIX. Carbon dioxide : the same workers as those mentioned under carbon

¹ See *Summary of Annual Reports, 1933*, under *Convention No. 18 (Workmen's compensation, occupational diseases, 1925)*, Point II, Article 2.

monoxide, and in addition well sinkers and cess-pool cleaners. XXX. Arsenic and arsenic poisoning: persons employed in arsenic works and in mineral and metal smelting, dyers and other persons handling arsenic. XXXI. Lead and lead poisoning: persons employed in mineral and metal smelting, painters using white lead, printers, makers of tins for preserved food products, and persons handling lead and its derivatives. XXXII. Mercury and mercury poisoning: miners in mercury mines and other persons handling mercury. XXXIII. Sulphuretted hydrogen: miners, cistern cleaners, sewer men, persons employed in cleaning furnaces and piping in industrial establishments, retorts and gasometers, or those employed in the manufacture of lighting, gas, wine makers. XXXIV. Nitrous fumes: persons employed in the manufacture of nitric acid and printers. XXXV. Carbon disulphide: persons employed in the manufacture of this product, in rubber vulcanising and in the extraction of fats and oils. XXXVI. Hydrocyanic acid: Miners, persons employed in the smelting of minerals and metals, photographers, blue dyers and persons engaged in the manufacture of soda. XXXVII. Colouring essences: hydrocarbons, perfume-makers. XXXVIII. Carburetted hydrogen: coal and petroleum distillation, preparation of varnishes and all uses to which petroleum and its derivatives are put: coal miners, petroleum workers, stokers, etc. XXXIX. Alkaline chromates and bichromates: persons employed in preparing chrome pigments in making wall-papers, and those in coloured pencil factories, ink factories and dye works; persons employed in the preparation of chromium and its compounds, in the manufacture of fuses, explosives, gunpowder, pyroxyline powder for sporting guns, Swedish matches, and persons employed in the textile industry in waterproofing cloth. XI. Epithelial cancer caused by paraffin, tar or similar substances.

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.

Great Britain. — Legislation providing for workmen's compensation for certain occupational diseases has been enacted in the following dependencies: *Mauritius*: Ordinance No. 32 of 1937 covering the following diseases: (i) arsenic poisoning or its sequelae; (ii) lead poisoning or its sequelae; (iii) cataract caused by exposure to rays from molten or red-hot metal; (iv) telegraphist's cramp; (v) writer's cramp; (vi) inflammation, ulceration or malignant disease of the skin and subcutaneous tissues due to exposure to ex-rays or radio-active substances; (vii) phosphorous poisoning or its sequelae. The Governor in Executive Council may make regulations for extending the provisions of the Ordinance to other diseases. *Bechuanaland Protectorate*: Proclamation No. 28 of 1936, covering the following diseases: (i) ankylostomiasis (hookworm); (ii) cyanide rash; (iii) lead poisoning or its sequelae; (iv) mercury poisoning or its sequelae. Provision is made in the Proclamation for its extension to other diseases.

Japan. — The information is the same as in the previous reports¹ furnished in regard to *Convention No. 18 (Workmen's compensation, occupational diseases, 1925)*.

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.

¹ See *Summary of Annual Reports 1933 to 1937*, under *Convention No. 18*, Point III.

Great Britain. — The report states that the application of the legal provisions is supervised generally by the Home Office (in Northern Ireland by the Ministry of Labour), which appoints the special doctors and adds diseases to the Schedule; but claims for compensation and similar questions arising in particular cases under the Acts, if not settled by agreement between employer and workman, are settled by arbitration, normally in the County Court (in Scotland in the Sheriff Court), in accordance with the prescribed procedure, as set out in the First Schedule to the Act of 1925 (in Northern Ireland the Act of 1927), and in Rules of Court made thereunder. The question of inspection therefore does not arise except in relation to the provisions in Section 15 of the Act of 1925 (in Northern Ireland the Act of 1927), requiring posters and accident books to be kept at mines, quarries, factories and workshops. These provisions are enforced by the Factories and Mines Inspectors in the course of their ordinary duties.

Japan. — The information is the same as in the previous reports furnished in regard to *Convention No. 18¹ (Workmen's compensation, occupational diseases, 1925)*.

Mexico. — The report states that the application of labour legislation devolves on the Federal Labour Department, Federal District Department, on the Governors of the States, on the Federal and local conciliation and arbitration committees, on the inspection service and on the municipal authorities. Complaints are dealt with by district judges, county courts and final appeals by the National Supreme Court of Justice. The Department of Labour appoints advisory medical officers and health experts in factories whose task it is to engage in the prevention of occupational diseases and to undertake assessment of incapacity.

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.

Mexico. — The report states that numerous decisions have been made in the courts relative to occupational diseases on the basis of the legislation in force. Amongst the most important of these may be mentioned the following; 1. Complaint on the part of an employer against a

single point in the classification of incapacity cannot be considered. 2. Occupational diseases inscribed in the schedule attached to the Act are presumed to be of occupational origin. A worker suffering therefrom is therefore not obliged to adduce proof of this. 3. Diseases not contained in the schedule attached to the Act are not thereby of necessity excluded from compensation since the schedule is not restrictive in type but merely enumerative. 4. Purulent ophtalmia is not an occupational disease. 5. The application of the 1931 Act is not retroactive in the case of the diseases indicated under IX and X of the schedule (silicosis, tuberculosis) even in the case of affections contracted subsequent to the coming into force of the 1917 Constitution. 6. Tabacosis is an occupational disease in the tobacco industry. 7. Tuberculosis is an occupational disease where it can be proved to be the consequence of the work engaged in.

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 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.

Great Britain. — The report states that the Convention is applied as part of the general and well-recognised law relating to workmen's compensation. No statistics are available as to the number of workers employed in the numerous processes liable to give rise to one or other of the scheduled diseases. Statistics regarding compensa-

¹ See *Summary of Annual Reports, 1933*, under *Convention No. 18*, Point IV.

tion for industrial diseases during the year 1935 are given in the published Volume—Workmen's Compensation Statistics (Cmd. 5557)—see Tables 6, 7 and 13, and pp. 11-13. Similar statistics for 1936 have not yet been published. Figures as to the amount of compensation paid for particular scheduled diseases are not available. Statistics as to cases of silicosis and compensation paid are published in the same Volume. No observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention have been received from organisations of employers or workers.

Hungary. — The report states that during the year 1936 the number of cases of occupational disease notified to the National Institute of Social Insurance was 93, of which 76 were cases of lead poisoning, 7 anthrax infection and 10 other diseases. Apart from the above the number of occupational diseases in agriculture in respect of which compensation was paid by the National Institute of Agricultural Insurance was 72, of which 55 were cases of poisoning, 10 cases of anthrax infection, 1 of swine fever, 2 of various infections of animal origin, and 4 cases of poisoning due to chemical products. No observations have been received from the employers' and workers' organisations concerned in regard to the practical application of the Convention or of the relevant national legislation.

Japan. — The report contains the following statistical data relative to the application of the Convention : Number of workers engaged in factories, mines and other enterprises :

Factories (1935) : 1,377,927 males,
1,126,661 females.
Mines (1936) : 285,414 males ; 35,067 females.
Other enterprises (1935) : 835,143 males ; 87,744 females.

Number of cases of disease subject to relief :

Factories (1935) : 572 males ; 934 females.
Mines (1936) : 406 males ; 36 females.
Other enterprises (1935) : 191 males ; 9 females.

Cost of relief :

Factories (1935) : 31,639 yen.
Mines (1936) : 27,368 yen.
Other enterprises (1935) : 7,378 yen.

Mexico. — The report states that employers' and workers' organisations accord special importance to occupational diseases, and more particularly to their prevention and to adequate measures of industrial hygiene. As the activities of the Public Health Department and those of the Labour Department overlapped, an Industrial Hygiene Bureau was set up within the Labour Department. A draft Code of industrial hygiene has been drawn up, a copy thereof being attached to the present report. The report also contains an appendix containing occupational disease statistics. According to these statistics there occurred in the course of the year 1936, 1,717 cases of occupational diseases, of which : 1,367 were cases of silicosis, 202 of fibrosis, 77 of tuberculosis, 13 of pneumoconiosis, 15 of anthrax, 13 of byssinosis and 40 of various other diseases (provisional figures). The cost of compensation amounted to 1,689,207 Mexican dollars, of which 227,204 represented the cost of fatal cases and 141,433 that of cases of incapacity based on decisions in the courts, with a sum of 1,320,570 for various indemnities arrived at by common agreement.

Norway. — The Government states in its report that the Convention is strictly applied. No observations have been received from employers' and workers' organisations.

NINETEENTH SESSION (GENEVA, 1935).

45. Convention concerning the employment of women on underground work in mines of all kinds.

Article 5 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 30 May 1937. The following table shows the States Members for which the Convention was in force before 1 July 1937 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 1936-30 September 1937 or for part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Cuba	14. 4.1936	7. 1.1938
Greece	30. 5.1936	7. 3.1938
Union of South Africa	25. 6.1936	22.11.1937

The Greek Government states in its report that the national legislation is in complete harmony with the Convention as regards the prohibition of the employment of women on underground work in mines. The ratification of the Convention has, however, raised a few questions of detail concerning the right of providing for exceptions (Article 3 of the Convention). These questions will be settled in a future Act amending the legislation concerning the employment of women and children. For the general information supplied by the Government in its letter of 1 March 1938, 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.

- Cuba. Legislative Decree No. 598 of 16 October 1934 (concerning the employment of women in industry) (L. S. 1934, Cuba 10).
- Greece. Act No. 4029 of 24 January/6 February 1912 concerning the work of women and minors (B. B. Vol. VII, 1912, p. 285).

- Union of South Africa. I. Mines and Works Act, 1911 (No. 12 of 1911). (L. S. 1931, S. A. 1 B).

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 "mine" includes any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth.

- Cuba. — See under ARTICLE 2.

Greece. — §12 of Act No. 4029 prohibits the employment of women on underground work in mines, quarries, and underground workings generally. The Government points out in its report that although the Act does not expressly provide it, the whole of the relevant legislation is also applied in practice in State undertakings.

- Union of South Africa. — §2 of the Act of 1911 defines mines as all excavations

for searching for or winning minerals as well as the working of mineral deposits, whether abandoned or being worked, together with all buildings, premises, erections and appliances belonging or pertaining thereto for prospecting for or winning metals, minerals or precious stones by boring, excavating, dredging or hydraulicing. It defines minerals as "all substances (including mineral oils) which can be obtained from the earth by mining, digging, dredging, hydraulicing, quarrying, or other operations for the purpose of profit".

ARTICLE 2.

No female, whatever her age, shall be employed on underground work in any mine.

Cuba. — The report states that §XIII(e) of Legislative Decree No. 598 prohibits the employment of women on underground work. The report adds that it is not customary in Cuba to employ women in mines of any kind.

Greece. — See under ARTICLE 2.

Union of South Africa. — §8 (1) of the Act of 1911 declares that no person shall employ any female "underground on any mine".

ARTICLE 3.

National laws or regulations may exempt from the above prohibition :

(a) females holding positions of management who do not perform manual work ;

(b) females employed in health and welfare services ;

(c) females who, in the course of their studies, spend a period of training in the underground parts of a mine, and

(d) any other females who may occasionally have to enter the underground parts of a mine for the purpose of a non-manual occupation.

Please supply full information with regard to any exemptions which may have been authorised under this Article, forwarding the texts of all relevant laws or regulations.

Cuba. — The national legislation does not provide for any exceptions of this kind.

Greece. — The report states that the national legislation does not as yet contain any provisions corresponding to this Article, but the Government recognises that these exceptions are justified and intends to take advantage of them (see also Introductory note).

Union of South Africa. — The report states that the Mines and Works Act of 1911 does not permit of any exemptions in this matter, nor are local conditions, either social or economic, such as to render probable any applications for exemptions.

III.

Article 35 of the Constitution of the International Labour Organisation 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 the above Article of the Constitution, 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.

Union of South Africa. — The report states that in the Mandated Territory of South West Africa no women are employed on underground work, and that the "physical strain involved in the few mines where underground work is done precludes their being so employed, and the necessity for regulations in the matter has accordingly not arisen".

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.

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

Greece. — The report states that the application of the provisions of the present Convention is entrusted to the Mines Inspectorate and to the Labour Inspection Service.

Union of South Africa. — §3 of the Act of 1911 provides that "the supervision of all mines and works and machinery shall be exercised by the Government Mining Engineer, and, subject to the directions of the Government Mining Engineer, by inspectors of mines, inspectors of machinery, inspectors of explosives, and other officers duly appointed by the Governor-General for the purpose". The report states that the Department of Mines is entrusted with the application of the Mines and Works Act in the Union, and adds that "local conditions preclude the possibility of women being employed underground, and no special system of inspection is therefore called for". §16 of the Act provides that any person who contravenes any of its provisions is liable to a fine of not exceeding £150, or, in default of payment, to imprisonment with or without hard labour for not more than 12 months.

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 information concerning any contraventions reported.

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.

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

Greece. — The report states that no observations regarding the practical application of the Convention have been made by the occupational associations.

Union of South Africa. — The report states this question "falls away in the light of existing conditions".

PRINTED BY "SONOR" S. A., GENEVA.