

REPORT VI

INTERNATIONAL LABOUR CONFERENCE

TWENTY-SEVENTH SESSION

PARIS, 1945

REPORTS ON THE APPLICATION OF CONVENTIONS (ARTICLE 22 OF THE CONSTITUTION)

Sixth Item on the Agenda



**INTERNATIONAL LABOUR OFFICE
MONTREAL, 1945**

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INTRODUCTION

Article 22 of the Constitution of the International Labour Organisation imposes three distinct obligations, the aim of which is to ensure effective and uniform application of the Conventions adopted by the International Labour Conference: (1) an obligation on Governments to make annual reports to the International Labour 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.¹ The circumstances which have made it impossible for the full discharge of these obligations during the emergency period covered by the war were briefly explained in the Report which the Office submitted to the Conference at its 26th (Philadelphia) Session in April-May 1944², which was the first regular session of the Conference held after the Conference met at its 25th Session in 1939. The Philadelphia Conference decided that the time had come for the normal procedure under Article 22 referred to above to be restored, and that a summary of the annual reports containing a survey of the whole period from 1939 should be submitted to the next ordinary session of the Conference.

It is in accordance with the above decision of the Philadelphia Conference and by authorisation of the Governing Body that the present summary is submitted to the Conference.

¹ The text of Article 22 is 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.

² I.L.O.: 26th (1944) Session of the International Labour Conference, Report VI: *Reports on the Application of Conventions (Article 22 of the Constitution)* (Montreal, 1944).

The Governing Body has, in pursuance of Article 22, approved report forms for the 52 Conventions in force and in respect of which annual reports have become due. The Governments have on the whole drafted their reports in accordance with the forms prescribed by the Governing Body, except for Conventions Nos. 50, 52, 55, 59, 62 and 63, for which in view of their recent entry into force the Governing Body was unable to approve forms in time for despatch to the Governments in the autumn of 1944 in preparation for the present session of the Conference. For Conventions on which no report forms had been communicated to them, the Office requested Governments to give information broadly on the lines of forms approved by the Governing Body for other Conventions.

The last summary published by the Office was in respect of the period 1937-1938, and was issued in Geneva in 1939. A (condensed) summary was prepared in respect of the year 1938-1939 for publication in 1940, but owing to the war situation this summary was not printed. As neither this summary nor the annual reports upon which it was based have been available in Montreal, no reference is made to the period 1938-1939 in the present volume.

The period covered by the summary submitted to the Conference at its 27th Session is accordingly the five years 1939-1940, 1940-1941, 1941-1942, 1942-1943 and 1943-1944.

The number of reports summarised is of course very much smaller than would have been the case under normal conditions. The belligerent countries were actively engaged in the prosecution of the war. A certain number of countries were under military occupation. Even neutral countries were under varying degrees of mobilisation and preoccupied with the grave problems created by the war. In spite of these and other difficulties, the States Members of the Organisation have for the most part endeavoured to fulfil their obligation under Article 22 to supply information on the measures taken to implement ratified Conventions.

While every effort has been made by the Office within the limitations imposed upon its resources by war conditions to make the summary as complete as possible, the information has had to be abridged to a far greater degree than in the Office's summary submitted to sessions of the Conference before the war. The summary is, however, much fuller than the skeleton report which was submitted to the Conference at Philadelphia.

Apart from tables indicating the date of ratification by each country and the years in respect of which reports have been received, the present summary is limited to providing a very brief survey of application during the five years covered, in which attention is called to points of special interest, *e.g.*, suspension of legislative provisions on account of emergency conditions, or the enactment of important new legislation. This applies to information regarding application in Colonies, etc. (Article 35 of the Constitution). Wherever possible, an attempt has also been made to indicate briefly the information supplied by Governments on the results of application, including decisions given by courts of law, as well as any observations which employers' or workers' organisations may have made concerning the practical fulfilment of the conditions prescribed by the Conventions. Care has, however, been taken so far as possible to draft the summaries in such a way as to make each item of information intelligible without reference to previous volumes. It should further be explained that the annual reports themselves will be available at the Conference for consultation.

It has been thought advisable to give in the above-mentioned tables a complete list of all the ratifications which have ever been registered of the Conventions concerned, as the Office on its own responsibility is not in a

position to evaluate the effect of political and military events on the status of the countries which have ratified Conventions.

By letter dated Copenhagen, 12 July 1945, the Government of *Denmark* has made a provisional statement to the effect that during the period of occupation the main principles of the Conventions ratified by Denmark had been observed.

Voluntary reports in respect of Conventions which have not yet come into force have been submitted by the Government of *Australia* for Convention No. 57 (Hours of Work and Manning (Sea)); by the Government of the *United Kingdom* with regard to the application of Conventions No. 39 (Survivors' Insurance (Industry, etc.)), and No. 40 (Survivors' Insurance (Agriculture)) in Colonies, protectorates and possessions which are not fully self-governing; by the Government of *Mexico* for Conventions No. 46 (Hours of Work (Coal Mines) (Revised)), and No. 54 (Holidays with Pay (Sea)); and by the Government of *New Zealand* for Conventions No. 47 (Forty-Hour Week) and No. 61 (Reduction of Hours of Work (Textiles)). These reports have not been summarised in the present volume.

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The Report of the Committee of Experts on the Application of Conventions is communicated to the Conference as usual in the form of an appendix to the summary, but printed separately for convenience.

Any information under Article 22 received by the Office too late for inclusion in the present volume will be made available at the Conference for consideration by the Committee on the Application of Conventions.

Montreal, September 1945.

1st 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

Countries	Date of registration of ratification	Periods covered by reports received
Argentine Republic	30. 11. 1933	1939-1940, 1940-1941, 1941-1943
Austria ¹	12. 6. 1924	
Belgium	6. 9. 1926	
Bulgaria	14. 2. 1922	
Canada	21. 3. 1935	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Chile	15. 9. 1925	1939-1940, 1940-1942, 1942-1943, 1943-1944
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	20. 9. 1934	1939-1940, 1940-1941, 1941-1943, 1943-1944
Czechoslovakia	24. 8. 1921	
Dominican Republic	4. 2. 1933	
France ¹	2. 6. 1927	
Greece	19. 11. 1920	1939-1940, 1940-April 1941
India	14. 7. 1921	1939-1940, 1940-1941, 1941-1943
Italy ¹	6. 10. 1924	
Latvia ¹	15. 8. 1925	
Lithuania	19. 6. 1931	
Luxembourg	16. 4. 1928	
New Zealand	29. 3. 1938	1939-1940, 1940-1944
Nicaragua	12. 4. 1934	
Portugal	3. 7. 1928	1939-1940
Rumania	13. 6. 1921	
Spain	22. 2. 1929	
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944
***	***	***
Burma ²	14. 7. 1921	1939-1940, 1940-1941

¹ Conditional ratification registered.

² It may be recalled 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.

The Government of the *Argentine Republic* states that abnormal conditions arising from the war have made it necessary to adopt emergency measures permitting prolongation of the work day in various industries for which exceptional regulations were necessary because of their special conditions or their vital character. Emergency decrees have been issued for the following industries: cotton spinning; maintenance and repair of lifts, hoists, mechanical stairways, etc.; metallurgical industry; repair of ships larger than 100 tons; tanning industry. During the period 1 October 1942 to 30 September 1943, there were noted in industrial establishments a total of 1,150 "substantial" infractions and 1,708 "formal" infractions, with regard to which fines totalling 79,620 pesos and 34,610 pesos respectively were imposed. Of the infractions noted in industrial establishments, 157 related to the employment of women and 1,928 to minors.

The Government of *Canada* states in its latest report that there has been no change in its situation with respect to the three Conventions it ratified in 1935, i.e., *Hours of Work (Industry)* (No. 1), *Weekly Rest (Industry)* (No. 14), and *Minimum Wage-Fixing Machinery* (No. 26). In a letter dated 8 January 1938 the Government stated that the Acts of Parliament adopted to give effect to these Conventions were declared by the Judicial Committee of the Privy Council to be *ultra vires* of the Parliament of Canada; and that the Government was awaiting a report by the Royal Commission on Dominion-Provincial Relations, which was appointed to re-examine the distribution of legislative powers in the light of the economic and social developments of the last seventy years. In a letter dated 24 February 1941 the Government added that it had received the report of the Royal Commission and had referred it to a

Conference of Dominion-Provincial Ministers which met in Ottawa on 14 January and adjourned the next day without reaching this subject, which therefore remains in abeyance.

The Government of *Chile* states that in the period 1943-44 there were 321,051 employed persons covered by legislation applying this Convention. Of these, 293,375 were wage earners and 27,673 were private salaried employees. In addition, 23,907 wage earners and 5,174 salaried employees were covered by legislation relating to hours of work in the railroad industry.

The Government of *Cuba* states in its report that hours of work are limited by Article 66 of the Constitution (which was adopted in 1940) to 8 in the day and 44 in the week for all categories of employment. Exceptions are granted only for seasonal activities which by their nature must be carried on without interruption. The sugar industry has been granted such exception during the cane-cutting season. Under Article 3 of the Convention, the report states that the General Labour Directorate has authorised the employment of additional personnel rather than the prolongation of the work day. With regard to Article 8, employers are obliged to post hours of work in work places, and to specify, in individual and collective contracts, the disposition of the work day including daily rest breaks and weekly rest days.

The Government of *India* reports that instructions were issued under the Factories Act in April 1942 permitting the provincial Governments to authorise a 60-hour work week and "in cases where circumstances made it necessary, even a 70-hour week, but only in temporary emergencies". The following general principles were also adopted: (a) observance of a weekly holiday, or at least one holiday in every two weeks; (b) hours not to exceed 11 per day; (c) the circumstances of each case would decide whether a work week of 66 hours should be achieved by an 11-hour day for six days in the week, or a 10-hour day for thirteen days in two weeks, or by some combination of the two methods. In January 1943, following an agreement between the Government, employers and

workers, suggestions were made to the provincial Governments that instructions might be issued deprecating the use of hours in excess of 60 per week, "except for short periods and in emergent conditions". Authorisation was also issued in 1942 to grant exemptions under the Hours of Employment Regulations with regard to employment on railways; however, no such exemptions have had to be granted.

The Government of *New Zealand* reports, with reference to Article 1 of the Convention, that an amended definition of "quarry" has been adopted in the Quarries Act, 1944. Under Article 2, the report lists 16 awards which have been issued limiting hours of work in various occupations or establishments. With regard to Article 14, the report lists 37 suspension orders authorising prolongation of hours of work which have been issued in view of the existing state of war. The Government states that statistics are not available to show contraventions of the hours of work clauses of the various Acts, but hopes that in future reports progressively fuller statistics will be available. It is estimated that 165,900 males and 48,900 females were employed in industrial undertakings as at 31 December 1943. During 1943 factory inspectors granted permission for 1,776,462 hours of overtime work, as compared with 1,549,635 overtime hours in 1942. Apart from certain cases where advantage has been taken of the provisions of Article 14 of the Convention, an 8-hour day and 40-hour week has applied to all industrial workers covered by the Convention, except in those industries where it is deemed to be impracticable so to limit the hours of work. In no case, however, subject to permissible exceptions, have hours of work in excess of the Convention limits been fixed.

Colonies, etc. (Article 35 of the Constitution).

The Government of *New Zealand* states that it was never anticipated, when the instrument of ratification was adopted, that application to the Mandated Territory of Western Samoa and Cook Islands (including Niue Island) would be involved, and that owing to the war situation no further consideration has been given to the matter as raised by the Committee of Experts on the Application of Conventions in 1939.

2. Convention concerning unemployment

This Convention came into force on 14 July 1921

Countries	Date of registration of ratification	Periods covered by reports received
Argentine Republic	30. 11. 1933	1939-1940, 1940-1941, 1941-1943
Austria	12. 6. 1924	
Belgium	25. 8. 1930	
Bulgaria	14. 2. 1922	
Chile	31. 5. 1933	1939-1940, 1940-1942, 1942-1943, 1943-1944
Colombia	26. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Denmark	13. 10. 1921	
Estonia	20. 12. 1922	
Finland	19. 10. 1921	1939-1941, 1941-1942
France	25. 8. 1925	
Germany	6. 6. 1925	
United Kingdom	14. 7. 1921	1939-1940, 1940-1941, 1941-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Greece	19. 11. 1920	1939-1940, 1940-April 1941
Hungary	1. 3. 1928	
India ¹	14. 7. 1921	
Ireland	4. 9. 1925	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Italy	10. 4. 1923	
Japan	23. 11. 1922	
Luxembourg	16. 4. 1928	
Netherlands	6. 2. 1932	(colonies) 1939-1940
New Zealand	29. 3. 1938	1939-1940, 1940-1944
Nicaragua	12. 4. 1934	
Norway	23. 11. 1921	
Poland	21. 6. 1924	
Rumania	13. 6. 1921	
Spain	4. 7. 1923	
Sweden	27. 9. 1921	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Switzerland	9. 10. 1922	1939-1940, 1940-1941, 1941-1943, 1943-1944
Union of South Africa	20. 2. 1924	1939-1942, 1942-1943, 1943-1944
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944
Yugoslavia	1. 4. 1927	
* * *	* * *	* * *
Burma ²	14. 7. 1921	1939-1940, 1940-1941

¹ Ratification denounced 16. 4. 1938.² See note to Convention 1.

The Convention covers three specific subjects: (a) information concerning unemployment and measures taken to combat unemployment; (b) the establishment of a public employment service; and (c) equality of benefit treatment for foreign workers under unemployment insurance schemes.

(a) *Information concerning Unemployment*

In the reports submitted there has been no substantial change in the methods adopted by countries to bring to the notice of the International Labour Office information, statistical or otherwise, concerning unemployment, including reports on measures taken or contemplated to combat unemployment. The Government of *Switzerland* has continued to send, in virtue of the Convention, special reports on unemployment and measures taken to deal with it. Other countries have continued to send in regular material on unemployment published by the various Government departments concerned. The Government of *Colombia* noted, in its report for the period 1940-1941, that it had not been found necessary to establish any permanent statistics of unemployment. The Government of the *Union of South Africa* called attention, in several of its reports, to the measures taken to provide employment opportunities for ex-servicemen,

and in its report for 1939-1940, to other measures to combat unemployment.

(b) *Public Employment Service*

The reports indicate that war conditions have constituted a decided stimulus to the development of the public employment service but that introduction of employment controls of various kinds has substantially changed the functions of the offices of many countries. Developments of particular interest are mentioned below.

Argentine Republic: A national employment service was set up in 1943 (Decree No. 2928 of 21 July 1943) in order to enable the country to comply with the obligations accepted by it on ratifying the Convention. The Decree establishing the service defines its functions and methods of operation.

Colombia: There exists under the Department of Labour an "Office against Unemployment" which receives applications for work and for workers in the capital; in the provinces, the labour inspectors undertake placement work.

Finland: The work of the public employment offices increased as a result of war conditions. Following the demobilisation in the

spring of 1940, the offices were responsible for re-employing the transferred population. Renewed military operations led to labour mobilisation based on compulsory labour service, organised in close association with the employment offices. The number of placement agents increased from 18 to 51, and 4 new employment offices for forestry workers were opened, according to the 1941-1942 report.

Ireland: The Government called attention, in the 1942-1943 report, to the fact that the local offices of the Department of Industry and Commerce had taken on the additional function of enrolling in the Special Register of Agricultural and Turf Workers the recipients of assistance or benefit or others desirous of being enrolled in the Register, and of making payments to these persons under specified conditions. The offices have also administered the food voucher scheme, described in the report of 1940-1941.

New Zealand: The Industrial Manpower Division of the National Service Department took over the placement work of the State Placement Service during the war. The mobilisation and allocation of labour is now done chiefly through this Division, but the Government, in its report for the period 1940-1944, points out that at the end of the war the Placement Service is expected to recover its functions and to be in great demand.

Sweden: The employment service was re-organised during the war, and now operates on a central basis under the National Employment Market Commission. In the provinces, the work is done under the supervision of the Provincial Employment Councils by Provincial Employment Offices, of which there were 25 in September 1944. These supervise the work of branch offices and agents. There are special employment offices for seamen in 4 cities; youth guidance and placement work (including that for university students) has been improved, and specialised employment offices for teachers have been extended and re-organised on a regional and national basis.

Switzerland: As the result of war conditions, the tasks of the employment service were broadened, as the service was responsible for applying compulsory labour service. The work of placement was facilitated by the favourable employment situation.

Union of South Africa: No major change has taken place in the system of free public employment offices. Special arrangements,

described in the reports, have been made to ensure the satisfactory resettlement of ex-servicemen.

The Government points out that it has not been possible to set up the advisory committees contemplated (except in the agencies functioning for juveniles), but that special Employment Committees had been set up to assist with the re-employment of ex-volunteers and war workers. Committees have also been established under the Soldiers and War Workers Employment Act, 1944.

(c) *Equality of Treatment for Foreign Workers in respect of Benefit Rates*

There has been no change of importance under this heading. The Government of the *United Kingdom*, in its report for 1939-1940, pointed out that the negotiations with the French Government (referred to in a previous report) for embodying in a formal instrument the principle of non-discrimination against one another's nationals had been suspended as a result of the war.

The Government of *Sweden* notes, in the 1943-1944 report, that an amendment of 21 April 1943 extends the power of the King, granted by Article 13 of the Royal Order respecting recognised unemployment funds of 15 June 1934, to permit the admission to unemployment funds of the workers of certain countries, and that this new authorisation was applied in July 1943 to grant admission of Finnish and Norwegian citizens to recognised Swedish unemployment funds.

Colonies, etc. (Article 35 of the Constitution).

The *Netherlands* Government furnished, in 1941, 1942 and 1944, detailed information on the application of Conventions in the *Netherlands Colonies* up to the time of the Japanese invasion.

For *New Zealand*, see under Convention No. 1.

The Government of the *Union of South Africa* in its report states that the Union has no Colonies, protectorates or possessions which are not fully self-governing.

The Convention has not been ratified on behalf of the Mandated Territory of South-West Africa, whose administration is of the opinion that local conditions do not call for its application.

3. Convention concerning the employment of women before and after childbirth

This Convention came into force on 13 June 1921

Countries	Date of registration of ratification	Periods covered by reports received
Argentine Republic	30. 11. 1933	1939-1940, 1940-1941, 1942-1943
Brazil	26. 4. 1934	1942-1943
Bulgaria	14. 2. 1922	
Chile	15. 9. 1925	1939-1940, 1940-1942, 1942-1943, 1943-1944
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	6. 8. 1928	1939-1940, 1940-1943, 1943-1944
Germany	31. 10. 1927	
Greece	19. 11. 1920	1939-1940, 1940-April 1941
Hungary	19. 4. 1928	
Latvia	3. 6. 1926	
Luxembourg	16. 4. 1928	
Nicaragua	12. 4. 1934	
Rumania	13. 6. 1921	
Spain	4. 7. 1923	
Uruguay	6. 6. 1933	1940-1941, 1941-1943 1943-1944
Yugoslavia	1. 4. 1927	

The report of the Government of the *Argentine Republic* for 1941-1943 mentioned Decree No. 124925 of 18 July 1942, substituting a new text for §§ 23 and 25 of Decree No. 80229 of 15 April 1936, to issue regulations under Act No. 11933 respecting the employment of women before and after childbirth. The report contains statistical information regarding the operations during 1941-1943 of the Maternity Fund set up under the above Act.

The Government of *Chile* mentions in its latest report four judicial decisions regarding the application of the provisions of the national legislation implementing the Convention. The Labour Inspection Service, which includes women specially appointed for this purpose as well as for the supervision of minors, ensures by means of daily visits the strict enforcement of the above provisions. These services state that in general in industrial and commercial undertakings the grant of maternity rest and the payment of maternity benefits is carried out in a satisfactory manner. In 1943 only two infractions of the provisions of the Convention were noted. In the majority of cases the simple intervention of the administrative services was sufficient to ensure compliance with the law. In the same year the compulsory insurance fund paid maternity benefits to the value of \$3,800,000 in respect of about 37,300 workers. No

statistical information is available with regard to the cost of the benefits prescribed in Article 3, paragraph (c) of the Convention. No observations by employers' or workers' organizations.

The Government of *Colombia* stated in its report for 1940-1941 that the legislation in force (Act 53 of 1938, concerning the employment of women before and after childbirth, amended by § 20 of Act 197 of 1938 and Regulations issued thereunder) applies to all workers, irrespective of the class of work involved. The maternity services provide free services to women at childbirth, either at maternity clinics or at home. Statistical information is not available. No observations by employers' or workers' organisations.

The Government of *Cuba* in its report for the latest period mentions Decrees No. 1300 of 1942, No. 3553 of 1943 and No. 1316 of 1944, to issue Regulations for the application of the Act of 15 December 1937 respecting sickness and maternity insurance. No legal decisions have been given regarding the application of the Convention. Statistical information is supplied. No observations from employers' and workers' organisations.

Colonies, etc. (Article 35 of the Constitution).

Does not apply to reporting countries.

4. Convention concerning employment of women during the night

This Convention came into force on 13 June 1921

Countries	Date of registration of ratification	Periods covered by reports received
Afghanistan	12. 6. 1939	
Albania	17. 3. 1932	
Argentine Republic	30. 11. 1933	1939-1940, 1940-1941, 1941-1943
Austria	12. 6. 1924	
Belgium	12. 7. 1924	
Brazil ¹	26. 4. 1934	
Bulgaria	14. 2. 1922	
Chile	8. 10. 1921	1939-1940, 1940-1942, 1942-1943, 1943-1944
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	6. 8. 1928	1939-1940, 1940-1943, 1943-1944
Czechoslovakia	24. 8. 1921	
Estonia ¹	20. 12. 1922	
France	14. 5. 1925	
United Kingdom ¹	14. 7. 1921	
Greece ¹	19. 11. 1920	
Hungary ¹	19. 4. 1928	
India ²	14. 7. 1921	1939-1940, 1940-1941, 1941-1943
Ireland ¹	4. 9. 1925	
Italy	10. 4. 1923	
Lithuania	19. 6. 1931	
Luxembourg	16. 4. 1928	
Netherlands ¹	4. 9. 1922	
Nicaragua	12. 4. 1934	
Portugal	10. 5. 1932	1939-1940
Rumania	13. 6. 1921	
Spain	29. 9. 1932	
Switzerland ¹	9. 10. 1922	
Union of South Africa ¹	1. 11. 1921	
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944
Venezuela	7. 3. 1933	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Yugoslavia	1. 4. 1927	
* * *	* * *	* * *
Burma ³	14. 7. 1921	1939-1940, 1940-1941

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 note to Convention 1.

The report of the Government of the *Argentine Republic* for 1943-1944 states that according to information furnished by the National Department of Labour for the period 1942-1943, fines totalling \$3,450 in respect of 28 convictions involving 41 persons, were imposed.

The Government of *Chile* in its report for the latest period states that no judicial decisions were given during this period, but that the labour inspectors ensure during their visits the strict application of the prohibition prescribed by the Convention. The number of persons protected by the relevant legislation is approximately 48,000. In 1943 the inspectors noted only three breaches of the provisions of the Convention. The reports of the inspection service state that the provisions of the national legislation implementing the Convention are applied in a satisfactory manner. Chilean legislation does not provide for the exceptions permitted under Articles 4 and 6 of the Convention. No observations from employers' and workers' organisations.

The Government of *Colombia* stated in its report for 1940-1941 that the relevant legislation (Section 7 of Act 53 of 1938) only limited the night work of pregnant women to five hours. Women employed in all industrial, commercial

and agricultural undertakings are covered by this prohibition. The Ministry of Labour, Hygiene and Social Welfare is the authority responsible for the application of the above-mentioned provisions. No statistics are furnished. No observations from employers' or workers' organisations.

The Government of *Cuba*, in its report for the latest period, states that no judicial decisions affecting the application of the Convention have been rendered, and that relevant statistics are attached.

The Government of *India* in its report for 1941-1943 states that the publication of the *Note on the Working of the Factories Act* has been discontinued on account of paper shortage. No observations from employers' or workers' organisations.

The Government of *Venezuela* in its report for 1943-1944 states that Regulations for the application of the Labour Code of 16 July 1936 which were announced in the report for 1937-1938 were promulgated on 13 November 1938. The report contains a full analysis of the provisions of these Regulations.

By Executive Decree of 12 April 1940, the Ministry of Labour and Communications took

over the functions assigned by the Labour Code and the Regulations issued thereunder to the Director of the National Labour Office. The Ministry is continuing the work undertaken by the former National Labour Office of studying the best method of co-ordinating the activities of the inspection services with the labour and general statistical services, which concern matters relating to the application of the Convention.

The report adds that, as indicated in previous reports, the national legislation is more in accord with the Night Work (Women) (Revised) Convention (No. 41), 1943, especially with its Article 8, than Convention No. 4, and that Venezuela reserves the right when a suitable opportunity arises to denounce Convention No. 4 and ratify Convention No. 41.

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

This Convention came into force on 13 June 1921

Countries	Date of registration of ratification	Periods covered by reports received
Albania	17. 3.1932	
Argentine Republic	30.11.1933	1939-1940, 1940-1941, 1941-1943
Austria	26. 2.1936	
Belgium	12. 7.1924	
Brazil	26. 4.1934	1942-1943
Bulgaria	14. 2.1922	
Chile	15. 9.1925	1939-1940, 1940-1942, 1942-1943, 1943-1944
Colombia	20. 6.1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	6. 8.1928	1939-1940, 1940-1943, 1943-1944
Czechoslovakia	24. 8.1921	
Denmark	4. 1.1923	
Dominican Republic	4. 2.1933	
Estonia	20.12.1922	
France	29. 4.1939	
United Kingdom	14. 7.1921	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Greece	19.11.1920	1939-1940, 1940-April 1941
Ireland	4. 9.1925	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Japan	7. 8.1926	
Latvia	3. 6.1926	
Luxembourg	16. 4.1928	
Netherlands	21. 7.1928	(colonies) 1939-1940
Nicaragua	12. 4.1934	
Norway	7. 7.1937	
Poland	21. 6.1924	
Rumania	13. 6.1921	
Spain	29. 9.1932	
Switzerland	9.10.1922	1939-1940, 1940-1941, 1941-1943, 1943-1944
Uruguay	6. 6.1933	1940-1941, 1941-1943, 1943-1944
Yugoslavia	1. 4.1927	

The Government of the *Argentine Republic* in its report for 1941-1943 mentions Decree No. 6289 of 24 August 1943 for the Regulation of the work of minors between 14 and 18 years of age, and Decrees 7646 and 7662 of 13 September 1943 amending the above. According to the report of the National Department of Labour for 1942-1943, fines totalling \$21,610 were imposed in respect of 334 convictions involving 359 persons.

The Government of *Chile* refers to previous reports, and adds that the labour inspectors ensure by means of visits the strict application of the provisions implementing the Convention. They report that the prohibition of the employment of minors of 14 years in industrial employment is applied satisfactorily, and that the position as regards the registration of minors of 16 years in such establishments is normal. During the year covered by the report, 22 breaches of the prohibition were reported. No observations from employers' or workers' organisations.

The Government of *Colombia* in its report for 1940-1941 referred to previous reports and added that the National Department of Labour is responsible for the application of the relevant national legislation. No judicial decisions have been given. No statistics are available. No observations from employers' or workers' organisations.

The Government of *Cuba* in its report for the latest period refers to Legislative Decree No. 647 of 1934 and Article 66 (last paragraph) of the Constitution as the legislation prohibiting the employment of minors of 14 years. The Minister of Labour has not made use of his powers under § 8 of the Legislative Decree, which authorises him to define the line of demarcation which separates industry from commerce and agriculture. No judicial decisions have been given, and no observations have been received from employers' or workers' organisations.

The Government of the *United Kingdom*

states in its report for the period 1943-1944 that the function of the Secretary of State for Home Affairs under the Factories Act, and enactments assimilated thereto, were transferred to the Minister of Labour and National Service by Regulation under the Emergency Powers (Defence) Acts, 1939, from 7 June 1940. Since that date the provisions of the Employment of Women, Young Persons and Children Act, 1920, have, as regards the employment of children in factories and other industrial undertakings within the scope of the Factories Act, been administered by the Ministry of Labour and National Service. Since June 1942 the provisions of that Act as regards employment of children in mines and quarries have (as part of the Mines and Quarries Acts) been administered by the Ministry of Fuel and Power, a new Ministry to which the Mines Department of the Board of Trade was then transferred.

No judicial decisions have been given regarding the application of the Convention. In 1944 there were 40 cases in which it was necessary to prosecute an employer for an offence involving a breach of the Convention. No observations from employers' or workers' organisations.

In *Ireland*, during the five-year period 1939-1944, only one case of the employment of a child under 14 years of age in an industrial undertaking was reported. The employer was suitably warned and the child was dismissed. No observations have been received from the employers' or workers' organisations.

The Government of *Switzerland* in its report for 1943-1944 states that the legislation mentioned in previous reports should be completed by an Order issued by the Federal Council on 4 January 1944, amending the Order concerning the application of the Factories Act. This Order raises the age of admission of young persons to work involving two shifts a day from 15 to 16 years. Further, on 11 January 1944 the Federal Council issued an Order listing the types of work in which the employment of young persons and women in arts and crafts is prohibited. This Order came into force on 1 April 1944.

The report adds that the Convention continues to be observed throughout Switzerland, and refers to the administration report of the Federal Council for 1943, submitted to the Chambers, which contains a general survey of the application of the provisions which implement the Convention in Switzerland.

Colonies, etc. (Article 35 of the Constitution).

For the *Netherlands*, see under Convention No. 2.

The report of the Government of the *United Kingdom* indicates that the provisions of the Convention have been applied to *Nyasaland* by the Employment of Women, Young Persons and Children Ordinance, 1939 (Ordinance No. 22 of 1939), and to *Tanganyika* by the Employment of Women and Young Persons Ordinance, 1940 (Ordinance No. 5 of 1940). The following further legislation has been enacted:

<i>Bahamas</i>	Employment of Children Prohibition Amendment Act, 1939 (3 and 4 George VI Chapter III)
<i>British Guiana</i>	Employment of Women, Young Persons and Children (Amendment) Ordinance, 1940 (Ordinance No. 7 of 1940)
<i>Ceylon</i>	Children and Young Persons Ordinance, 1939 (Ordinance No. 48 of 1939)
<i>Gold Coast</i>	Master and Servant (Amendment) Ordinance, 1940 (Ordinance No. 19 of 1940, Section 6)
<i>Kedah</i>	Children (Amendment) Enactment, 1935 (Enactment No. 7 of 1935)
<i>Leeward Islands</i>	Employment of Children Prohibition Act, 1939 (Act No. 5 of 1939)
<i>St. Lucia</i>	Employment of Children (Restriction) Ordinance, 1939 (Ordinance No. 28 of 1939)
<i>St. Vincent</i>	Employment of Women, Young Persons and Children (Amendment) Ordinance, 1939 (Ordinance No. 14 of 1939)
<i>Barbados</i>	Employment of Women, Young Persons and Children (Amendment) Act, 1940 (Act No. 35 of 1940)
<i>Gambia</i>	Labour (Amendment) Ordinance, 1940 (Ordinance No. 31 of 1940)
<i>Jamaica</i>	Children and Young Persons (Amendment) Law, 1941 (Law No. 57 of 1941)
<i>Nyasaland</i>	Employment of Women, Young Persons and Children (Amendment) Ordinance, 1940 (Ordinance No. 29 of 1940) Employment of Women, Young Persons and Children (Amendment) Ordinance, 1942 (No. 9 of 1942) Government Notice No. 5 of 1943 made under Employment of Women, Young Persons and Children Ordinance of 1939
<i>Cyprus</i>	Employment of Children and Young Persons (Amendment) Law, 1942 (Law No. 3 of 1942)
<i>Fiji</i>	Employment of Women, Young Persons and Children (Amendment) Ordinance, 1942 (Ordinance No. 5 of 1942)
<i>Kenya</i>	Government Notice No. 337 of 1943 — Employment of Juveniles (Restriction) Rules, 1943

(Mention may also be made of *British Honduras* Employment of Children Ordinance, 1940 (No. 8 of 1940) and of *Straits Settlements* Labour (Amendment) Ordinance, 1941 (No. 21 of 1941).)

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

This Convention came into force on 13 June 1921

Countries	Date of registration of ratification	Periods covered by reports received
Albania	17. 3. 1932	
Argentine Republic	30. 11. 1933	1939-1940, 1940-1941, 1941-1943
Austria	12. 6. 1924	
Belgium	12. 7. 1924	
Brazil	26. 4. 1934	1942-1943
Bulgaria	14. 2. 1922	
Chile	15. 9. 1925	1939-1940, 1940-1942, 1942-1943, 1943-1944
Cuba	6. 8. 1928	1939-1940, 1940-1943, 1943-1944
Denmark	4. 1. 1923	
Estonia	20. 12. 1922	
France	25. 8. 1925	
United Kingdom	14. 7. 1921	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Greece	19. 11. 1920	1939-1940, 1940-April 1941
Hungary	19. 4. 1928	
India	14. 7. 1921	1939-1940, 1940-1941, 1941-1943
Ireland	4. 9. 1925	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Italy	10. 4. 1923	
Latvia	3. 6. 1926	
Lithuania	19. 6. 1931	
Luxembourg	16. 4. 1928	
Mexico	20. 5. 1937	1939-1940, 1940-1943, 1943-1944
Netherlands	17. 3. 1924	(colonies) 1939-1940
Nicaragua	12. 4. 1934	
Poland	21. 6. 1924	
Portugal	10. 5. 1932	1939-1940
Rumania	13. 6. 1921	
Spain	29. 9. 1932	
Switzerland	9. 10. 1922	1939-1940, 1940-1941, 1941-1943, 1943-1944
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944
Venezuela	7. 3. 1933	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Yugoslavia	1. 4. 1927	
* * *	* * *	* * *
Burma ¹	14. 7. 1921	1939-1940, 1940-1941

¹ See note to Convention 1.

The Government of the *Argentine Republic*, in its report for 1941-1943, states that according to information furnished by the National Department of Labour for 1942-1943, fines totalling \$3,710 were imposed in respect of 52 convictions involving 60 persons.

The Government of *Chile* in its report for 1943-1944 states that the inspection services ensure the application of the relevant legislation, and that such application is considered satisfactory. The number of minors protected by the legislation is about 40,000. In 1941 only two breaches of the provisions of the Convention were noted. In the majority of cases simple intervention by the administrative service is sufficient to secure compliance with the law.

The Government of *Cuba* in its report for 1943-1944 states that no judicial decisions were given on the application of the Convention. The report contains statistical information.

The report of the Government of the *United Kingdom* for 1943-1944 states in respect of Article 7 of the Convention that it is applied by §1(3) of the Employment of Women, Young Persons and Children Act, 1920, but that as a result of the war it became necessary to take advantage of the provisions of § 150 of the Factories Act, 1937, to permit the em-

ployment of male young persons over 16 years of age at night. Similar and somewhat wider powers of expansion from the provisions of the Factories Act are conferred on the Minister of Labour and National Service by Regulation 59 of the Defence (General) Regulations, 1939, and these powers have been utilised to a limited extent. During 1944 it has been necessary to continue to permit the employment of male young persons over 16 years of age at night.

The report states that certain functions of the Secretary of State for Home Affairs under the Factories Act, 1937, and enactments assimilated thereto, have been transferred to the Minister of Labour and National Service (see under Convention No. 5).

No legal decisions have been given concerning the application of the Convention. Fifteen firms were prosecuted in Great Britain for breaches of the Convention involving the illegal employment of 35 young persons. No complete figures are available for the number of young persons employed in factories in 1944, but in Great Britain the number of young persons employed in factories in 1936 was 989,054. In 1943, 30,886 young persons under the age of 20, excluding clerks and salaried persons, were employed above ground at quarries, (excluding quarries producing less

than 1,000 tons per annum). No observations from employers' or workers' organisations.

The Government of *India* in its report for 1941-1943 states that the publication of the *Note on the Working of the Factories Act* has been discontinued on account of paper shortage. No judicial decisions affecting the application of the Convention have come to the notice of the Government. No observations from employers' or workers' organisations.

Of the five reports received from the Government of *Ireland*, the reports for 1939-40 and 1940-1941 state that exclusion from the prohibition of the employment of young persons at night was granted for a total of three industrial undertakings, in all cases for a maximum period of two weeks. These limited suspensions were to meet a serious emergency due to a shortage of army clothing. During the five-year period, contraventions were noted in a total of 11 instances, and the employers were suitably warned.

The report of the Government of *Mexico* for 1943-1944 repeats the statement made in its report for 1937-1938 that although under Article 133 of the Constitution the promulgation of a treaty duly sanctioned with the approval of the Senate of the Republic has the effect of transforming the treaty into a Federal Act, in the particular case of the present Convention its application cannot be made effective until the formalities and other requirements prescribed by the Constitution are put into operation. The Secretariat of Labour and Social Welfare has under preparation the proposals required by law for submission to Congress in order to secure the effective incorporation of the Convention(s) in the national legislation.

For the *Netherlands*, see under Convention No. 2.

The Government of *Switzerland* in its report for 1943-1944 supplements legislation previously mentioned by Order of the War-time Office for Industry and Labour which came into force on 1 October 1943, concerning economy in fuel in private and public undertakings and hours of work. The Order supersedes that of 27 September 1941 mentioned in the Government's previous report. The report also refers to Order No. 2 concerning hours of work issued by the Federal Department of Public Economy on 16 March 1944. The Order gives to all undertakings the right to make up for time lost as a result of air-raid warnings, during other days of the week or during the two following weeks. Such recuperation is permitted only within the legally permitted hours of work. This Order has not so far had much

importance. Reference is also made to the Federal Council's Order of 4 January 1944, amending the Order concerning the application of the Factories Act in order to raise the age of admission of young persons to work employing two shifts a day from 15 to 16 years.

The Convention continues to be applied in a satisfactory manner throughout Switzerland. Reference is made to the administrative report of the Federal Council for the year 1943 submitted to the Chambers. This report contains a general survey of the application of the provisions which implement the Convention in Switzerland.

In 1939 the Government of *Uruguay* referred to its previous report, in which it stated that the National Institute of Labour would submit shortly to the Ministry a Bill purporting to bring the provisions of the Children's Code into harmony with the Convention. No fresh information has been supplied since that date.

The Government of *Venezuela* in its report for 1943-1944 refers to the Regulations of 30 November 1938 issued under the Labour Code of 16 June 1936. The report contains a detailed analysis of the relevant provisions of the Regulation (see also under Convention No. 4).

Colonies, etc. (Article 35 of the Constitution).

The Government of the *United Kingdom* states that the provisions of the Convention have been applied to *Nyasaland* by the Employment of Women, Young Persons and Children Ordinance, 1939 (Ordinance No. 22 of 1939) and to *Tanganyika* by the Employment of Women and Young Persons Ordinance, 1940 (Ordinance No. 5 of 1940). The following legislation has been enacted:

<i>British Guiana</i>	Employment of Women, Young Persons and Children (Amendment) Ordinance, 1940 (Ordinance No. 7 of 1940)
<i>Ceylon</i>	Children and Young Persons Ordinance, 1939 (Ordinance No. 48 of 1939)
<i>Barbados</i>	Employment of Women, Young Persons and Children (Amendment) Act, 1940 (Act No. 35 of 1940)
<i>Jamaica</i>	Children and Young Persons (Amendment) Law, 1941 (Law No. 57 of 1941)
<i>Nyasaland</i>	Employment of Women, Young Persons and Children (Amendment) Ordinance, 1940 (Ordinance No. 29 of 1940)
	Employment of Women, Young Persons and Children (Amendment) Ordinance, 1942 (No. 9 of 1942)
<i>Fiji</i>	Employment of Women, Young Persons and Children (Amendment) Ordinance, 1942 (Ordinance No. 5 of 1942)
	Employment of Women, Young Persons and Children (Amendment) Ordinance, 1943 (No. 2 of 1943)
<i>Kenya</i>	Government Notice No. 337 of 1943 — Employment of Juveniles (Restriction) Rules, 1943

2nd 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

Countries	Date of registration of ratification	Periods covered by reports received
Argentine Republic	30. 11. 1933	1939-1940, 1940-1941, 1941-1943
Australia	28. 6. 1935	1939-1940, 1941-1943, 1943-1944
Belgium	2. 2. 1925	
Brazil	8. 6. 1936	1942-1943
Bulgaria	16. 3. 1923	
Canada	31. 3. 1926	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Chile	18. 10. 1935	1939-1940, 1940-1942, 1942-1943, 1943-1944
China	2. 12. 1936	1940-1943
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	6. 8. 1928	1939-1940, 1940-1943, 1943-1944
Denmark	12. 5. 1924	
Dominican Republic	4. 2. 1933	
Estonia	3. 3. 1923	
Finland	10. 10. 1925	1940-1941, 1941-1942
Germany	11. 6. 1929	
United Kingdom	14. 7. 1921	1939-1940, 1940-1941, 1941-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Greece	16. 12. 1925	1939-1940, 1940-1943, 1943-1944
Hungary	1. 3. 1928	
Ireland	4. 9. 1925	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Italy	14. 7. 1932	
Japan	7. 6. 1924	
Latvia	3. 6. 1926	
Luxembourg	16. 4. 1928	
Netherlands	26. 3. 1925	(colonies) 1939-1940
Nicaragua	12. 4. 1934	
Norway	7. 10. 1927	
Poland	21. 6. 1924	
Rumania	8. 5. 1922	
Spain	20. 6. 1924	
Sweden	27. 9. 1921	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944
Yugoslavia	1. 4. 1927	

The Government of *Chile* supplies information in its reports regarding the number of apprentice posts which were authorised during the period.

The Government of *China* stated in its report for 1940-1943 that at present there were no seamen under the age of 20 in China. The competent authorities for the application of the Convention are the Bureau of Navigation and local Governments.

The Government of *Colombia* states that as there is no merchant marine the Convention does not apply.

The Government of *Greece* states in its report for 1943-1944 that there has been no change in the legislation in force regarding the application of the Convention.

The Government of *Ireland* states in its report that the Department of Industry and Commerce, Transport and Marine Branch is entrusted with application of the relevant legislation. In the case of foreign-going ships the Superintendents of Mercantile Marine Offices, before whom the crews are signed on, ensure that the provisions of the Employment of Women, Young Persons and Children Act, 1920, are observed.

Colonies, etc. (Article 35 of the Constitution).

The Government of *Australia* stated in its report for 1939-1940 that the question of applying the Convention to the Commonwealth Territories was considered, but that it was decided that no action should be taken at present. The report for 1942-1943 stated that further con-

sideration of the question has been postponed in view of circumstances brought about by the war.

The Government of the *United Kingdom* reports that during the period 1939-1944 the provisions of the Convention have been applied to the following dependency:

Tanganyika Employment of Women and Young Persons Ordinance, 1940 (Ordinance No. 5 of 1940). The provisions in this Ordinance replace those in Section 101 of the Shipping Ordinance, 1937 (No. 28 of 1937) which have been repealed by the Shipping (Amendment) Ordinance, 1940 No. 33 of 1940)

The following further legislation has been enacted:

British Guiana Employment of Women, Young Persons and Children (Amendment) Ordinance, 1940 (Ordinance No. 7 of 1940)
Kedah Children (Amendment) Enactment, 1359 (Enactment No. 7 of 1359)
St. Vincent Employment of Women, Young Persons and Children (Amendment) Ordinance, 1939 (Ordinance No. 14 of 1939)
Barbados Employment of Women, Young Persons and Children (Amendment) Act, 1940 (Act No. 35 of 1940)
Jamaica Children and Young Persons (Amendment) Law, 1941 (Law No. 57 of 1941)

For the *Netherlands*, see under Convention No. 2.

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

This Convention came into force on 16 March 1923

Countries	Date of registration of ratification	Periods covered by reports received
Argentine Republic	30. 11. 1933	1939-1940, 1940-1941, 1941-1943
Australia	28. 6. 1935	1939-1940, 1940-1941 ¹ , 1941-1943, 1943-1944
Belgium	2. 2. 1925	
Bulgaria	16. 3. 1923	
Canada	31. 3. 1926	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Chile	18. 10. 1935	1939-1940, 1940-1942, 1942-1943, 1943-1944
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	6. 8. 1928	1939-1940, 1940-1943, 1943-1944
Denmark	15. 2. 1938	
Estonia	3. 3. 1923	
France	21. 3. 1929	
Germany	4. 3. 1930	
United Kingdom	12. 3. 1926	1939-1940, 1940-1941, 1941-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Greece	16. 12. 1925	1939-1940, 1940-1943, 1943-1944
Ireland	5. 7. 1930	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Italy	8. 9. 1924	
Latvia	29. 8. 1930	
Luxembourg	16. 4. 1928	
Mexico	20. 5. 1937	1939-1940, 1940-1943, 1943-1944
Netherlands	15. 12. 1937	(colonies) 1939-June 1941
Nicaragua	12. 4. 1934	
Norway	21. 7. 1936	
Poland	21. 6. 1924	
Rumania	10. 11. 1930	
Spain	20. 6. 1924	
Sweden	1. 1. 1935	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944
Yugoslavia	30. 9. 1929	

¹ Papua and New Guinea only.

The Government of *Australia* states in its report for 1943-44 that to meet wartime conditions the Maritime Industry Commission in pursuance of powers conferred by the National Security (Maritime Industry) Regulations issued an Order No. 29, dated 29 July 1942, an effect of which is that a seaman whose ship is lost through the perils of the sea or enemy action is assured wages until arrival at his home or other approved port and for one month thereafter, irrespective of whether or not the seaman is in fact unemployed during that period. Order No. 29 operates notwithstanding § 85(1) of the Navigation Act. The position therefore now is that a seaman may in fact be unemployed for two months following the loss of his ship, but his eligibility for wages may be for a lesser period. In nearly all cases Order

No. 29 confers greater benefits on the seaman than § 85(1).

The Order by the Maritime Industry Commission is a wartime measure only and was issued because seamen were disposed to spend two months ashore as a matter of right after the loss of their ship, and this could not be acknowledged in wartime.

The Government of *Chile* in its reports gives statistical information as to the number of cases in which the indemnity was paid.

The Government of *Colombia* states that as there is no merchant marine the Convention does not apply.

The Government of *Cuba* in its report states that Decrees Nos. 3163 of 1942, 3646 of 1943 and 3037 of 1944 supplement the application of

the Convention. The report also gives statistical information as to the number of cases in which the indemnity was paid.

In its report for 1943-44, the Government of *Greece* states that, by a decision of the Ministry of Mercantile Marine, in the event of shipwreck a seaman is entitled to the payment of one month's salary, immediately upon the termination of his contract. The seaman is not entitled to any payment for the second month if he is re-engaged before the end of the month. (See also under Convention No. 7.)

The Government of *Ireland* states that statistics as to the number of seamen covered by the relevant legislation are not available. Only a few cases coming within the scope of the Convention arose during the period. In some of these cases indemnities were paid under the Convention, and for the rest the crews were indemnified under a wartime scheme equally favourable.

The Government of *Mexico* refers in its reports to the Act of 19 February 1940 concerning General Communication Routes. (See also under Convention No. 6.)

The reports add that according to Mexican legislation a shipwreck is a fortuitous occurrence or a case of *force majeure*, and the shipowner cannot be held responsible for the termination of employment. By the loss of the ship the contract of employment is terminated. The obligation remains with the shipowner to repatriate the crew. Outside this obligation, for ships which are insured, the shipowner is only obliged to pay the workers the total payments due until they return to the port of sailing or other designated port. The workers can also demand 3 months' salary at the moment when the insurance policy of the ship is paid. However, the Mexican law in force does not give the workers the right to more than the cost of repatriation in the case of loss by shipwreck of an uninsured ship.

Colonies, etc. (Article 35 of the Constitution).

The Government of *Australia* stated in its report for 1939-1940 that the legislation which implements the Convention in the Territory of New Guinea is the Shipping (Maritime Convention) Ordinance, 1937, § 2(4) of which provides that the term "seaman" shall include every person other than a native employed or engaged in any capacity on board the ship, but in the case of a ship which is a fishing boat, does not include any person who is entitled to be remunerated only by a share in the profits or the gross earnings of the working of the boat. Natives of the Territory have been excluded from the provisions of the Shipping (Maritime Convention) Ordinance, as sufficient protection already exists under the Native Labour Ordinance, 1935-1939.

The Government of *Australia* stated in a letter dated 5 April 1944 that as regards the application of Conventions Nos. 8, 27, 29 and 57 it is not possible to furnish reports covering *Papua, New Guinea* and *Nauru*, as the Civil Administrations of the first two mentioned Territories were suspended on and from 12 February 1942, and so far have not been re-established, and *Nauru* has been occupied by the Japanese forces since August 1942.

The Government of the *United Kingdom* states that the provisions of the Convention have been applied to the following additional dependencies:

<i>Brunei</i>	Seamen's Unemployment Indemnity Enactment, 1939 (Enactment No. 8 of 1939)
<i>Cyprus</i>	Registration of Ships (International Labour Conventions) Law, 1939 (Law No. 24 of 1939)
<i>Gambia</i>	Merchant Shipping (International Labour Convention) Ordinance, 1940 (Ordinance No. 16 of 1940)
<i>Tanganyika</i>	Native Vessels (Amendment) Ordinance, 1940 (Ordinance No. 27 of 1940)
<i>Straits Settlements</i>	The Merchant Shipping (Amendment) Ordinance, 1940 (Ordinance No. 22 of 1940)

By Order in Council, dated 7 March 1940 (The Merchant Shipping (Colonies) (Amendment) Order, 1940) the provisions of the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925 were applied to ships registered as British ships under the United Kingdom Merchant Shipping Acts in the following Colonial Dependencies:

<i>Gibraltar</i>	(Order came into operation on 20 May 1940)
<i>Grenada</i>	(Order came into operation on 25 May 1940)
<i>Nigeria</i>	(Order came into operation on 29 May 1940)
<i>St. Lucia</i>	(Order came into operation on 11 May 1940)
<i>St. Vincent</i>	(Order came into operation on 14 May 1940)

By Order in Council dated 14 March 1941 (The Merchant Shipping (Colonies) (Amendment) Order, 1941), the provisions of the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925, were applied to ships registered as British ships under the United Kingdom Merchant Shipping Act in the following colonial dependencies:

<i>Aden</i>	(Order came into operation on 24 May 1941)
<i>Falkland Islands</i>	(Order came into operation on 1 July 1941)
<i>Sierra Leone</i>	(Order came into operation on 24 April 1941)
<i>Straits Settlements</i>	By the Merchant Shipping (Colonies) (Amendment) (No. 2) Order, 1941, dated 11 November 1941, the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925 was applied in its entirety (instead of partially, as previously) to the Straits Settlements. The Order was published in the Colony on 7 January 1942
<i>Dominica and Leeward Islands</i>	By Order in Council dated 9 February 1942 (the Merchant Shipping (Colonies) (Amendment) Order, 1942), the provisions of the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925, was applied to ships registered as British ships under the United Kingdom Merchant Shipping Acts in Dominica and the Leeward Islands. The Order came into operation in Dominica on 26 May 1942, and in the Leeward Islands on 16 April 1942
<i>British Guiana</i>	By the Merchant Shipping (International Labour Conventions) (British Guiana) Order, 1942, dated 6 August 1942, the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925, was applied, subject to certain modifications, to ships registered in the Colony as British ships under the United Kingdom Merchant Shipping Acts. The Order came into operation in British Guiana on 12 December 1942

For the *Netherlands*, see under Convention No. 2.

9. Convention for establishing facilities for finding employment for seamen

This Convention came into force on 23 November 1921

Countries	Date of registration of ratification	Periods covered by reports received
Argentina Republic	30.11.1933	1939-1940, 1940-1941, 1941-1943
Australia	3. 8.1925	1939-1940, 1940-1943, 1943-1944
Belgium	2. 2.1925	1939-1940
Bulgaria	16. 3.1923	
Chile	18.10.1935	1939-1940, 1940-1942, 1942-1943, 1943-1944
Colombia	20. 6.1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	6. 8.1928	1939-1940, 1940-1943, 1943-1944
Denmark	23. 8.1938	
Estonia	3. 3.1923	
Finland	7.10.1922	1939-1941, 1941-1942
France	25. 1.1928	
Germany	6. 6.1925	
Greece	16.12.1925	1939-1940, 1940-1943, 1943-1944
Italy	8. 9.1924	
Japan	23.11.1922	
Latvia	3. 6.1926	
Luxembourg	16. 4.1928	
Mexico	1. 9.1939	4 March-October 1940, 1940-1943, 1943-1944
New Zealand	29. 3.1938	1939-1940, 1940-1944
Nicaragua	12. 4.1934	
Norway	23.11.1921	
Poland	21. 6.1924	
Rumania	10.11.1930	
Spain	23. 2.1931	
Sweden	27. 9.1921	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Uruguay	6. 6.1933	1940-1941, 1941-1943, 1943-1944
Yugoslavia	30. 9.1929	

The reports of the Government of *Australia* for the three years ended 30 September 1944 show the number of officers and seamen who were employed in the Australian shipping industry during the respective years. The number of engagements and re-engagements is also shown, as well as the number of unemployed seamen at the principal ports.

The *Cuban* Government in its report (1943-1944) states that no statistics regarding the number of seamen employed have been received from the port captains.

In its report for 1943-1944, the Government of *Greece* states that, with regard to the practical application of the Convention, harbour masters abroad are allowed to act as employment agencies (maritime employment) in order to find work for unemployed seamen or to transfer them to ports where there are greater possibilities of being engaged.

See also under Convention No. 7.

The Government of *Mexico* states in its report for 1943-1944 that Mexico has no specialised placement agencies for seamen, either free or fee-charging; if they existed, they would be subject to the provisions of the Regulations on employment agencies. It has furthermore been the policy of the Secretariat of Labour to suppress all classes of fee-charging employment agencies.

The services of official employment agencies are free and although § 54 of the Regulations authorises the establishment of fee-charging agencies, the fee must be obtained from the employers and the service is free to the

workers, in accordance with the provisions of § 56 of the same Regulations.

The establishment of free employment agencies is governed by subsection XXV of Art. 123 of the Federal Constitution, which says: "Services for the placement of workers shall be free to them, whether carried on by municipal offices, labour exchanges or any other official or private institution".

As regards Article 5 of the Convention, the present Regulations on employment agencies will be modified when this is considered possible; the Division of Social Welfare already has received instructions that when the Regulations are modified the provisions of this article are to be taken into consideration, although during the year covered by the report it had not been able to complete its draft modifications.

The report adds that the development which the merchant marine is undergoing will have as one result the better regulation of seamen's employment agencies. The Division of Social Welfare will invite to the discussions on the proposed reforms of the Regulations, trade unions, employers' groups, and representatives of the Secretariat of the Navy, the jurisdiction of which includes the merchant marine.

The *New Zealand* Government states in its report for the period 1940-1944 that the national law is generally in harmony with the Convention. In reply to the question raised by the Committee of Experts on the 1938 report the following information was supplied: "In view of the fact that crews of vessels in

New Zealand are, in general, obtained from the various organisations of employees, the work of the Government offices is in this respect limited to filling individual vacancies which occur either outside ordinary official hours or on holidays or, as sometimes happens, when the ship is on the point of departure and if the officials of the employee's organisation are not available. The register of seamen requiring employment is then utilised, with the object of securing men to fill the vacancies. As the number of seamen registering for employment is, in proportion to the number of men in the industry, comparatively low, no elaborate organisation nor any extension of that existing is necessary in the Dominion."

As regards the co-operation of the State Placement Service with the Government Shipping Office, it is the practice of the State Placement Service to supply to the Shipping Office a list of all seamen who apply for employment, and the Shipping Office makes every endeavour to meet them as vacancies arise. The number of applications made to the State Placement Service has decreased considerably in recent years.

The State Placement Officer and the Government Superintendent of the Mercantile Marine consult together in any case when consultation is required on the subject of employment. Further, in order to give the Placement Service some check on applicants to enable them to keep their register up to date, a list of seamen engaged or discharged is sent from the Shipping Office each day to the Placement Office. No special records are kept of the numbers of men dealt with by the organisation.

The Government of *Sweden* states in its report for 1943-1944 that there are now 16 public employment offices established for the placing of seamen, and the report gives the location of these offices. For the period of 1943-1944 the number of seamen who registered for work amounted to 69,594. The number of job openings reported was 24,175, and the number of jobs filled was 23,350.

Colonies, etc. (Article 35 of the Constitution).

For *Australia*, see under Convention No. 7.

For *New Zealand*, see under Convention No. 1.

3rd 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

Countries	Date of registration of ratification	Periods covered by reports received
Argentine Republic	26. 5. 1936	1939-1940, 1940-1941, 1941-1943
Austria	12. 6. 1924	
Belgium	13. 6. 1928	
Bulgaria	6. 3. 1925	
Chile	18. 10. 1935	1939-1940, 1940-1942, 1942-1943, 1943-1944
Cuba	22. 8. 1935	1939-1940, 1940-1943, 1943-1944
Czechoslovakia	31. 8. 1923	
Dominican Republic	4. 2. 1933	
Estonia	8. 9. 1922	
Hungary	2. 2. 1927	
Ireland	26. 5. 1925	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Italy	8. 9. 1924	
Japan	19. 12. 1923	
Luxembourg	16. 4. 1928	
Nicaragua	12. 4. 1934	
Poland	21. 6. 1924	
Rumania	10. 11. 1930	
Spain	29. 8. 1932	
Sweden	27. 11. 1923	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944

The Government of *Chile* refers to its previous reports and states that the reports of the Inspection Services indicate that the provisions of the national legislation concerning the age of admission of children to employment in agriculture are applied more or less satisfactorily. No statistics, however, are available. Neither the employers' nor the workers' organisations have submitted observations with regard to the practical application of the Convention.

The Government of *Cuba* indicates that the last paragraph of Article 66 of the Constitution of 5 July 1940 prohibits work and apprenticeship of minors of less than 14 years of age, and states that this includes work in agriculture. It adds, however, that the legislation in force authorises work done by children in technical schools. No contraventions have been registered and no observations received from the employers' or workers' organisations

with regard to the practical application of the provisions of the Convention.

The Government of *Ireland* reports that the Minister of Education has decided that, in view of the necessity to obtain maximum production of fuel and food supplies, rural national schools may be closed for 10 days in addition to ordinary school vacations in order that school children may be available where necessary to help other members of their families in light agricultural work. The Government indicates further that convictions were obtained in the case of contraventions which represented for the period covered from 0.4 per cent. to 0.8 per cent. for children between 6 and 14 years of age. No observations were received from organisations of employers or workers regarding the practical fulfilment of the conditions prescribed by the Convention. *Colonies, etc. (Article 35 of the Constitution).*

No information.

11. Convention concerning the rights of association and combination of agricultural workers

This Convention came into force on 11 May 1923

Countries	Date of registration of ratification	Periods covered by reports received
Argentina Republic	26. 5. 1936	1939-1940, 1940-1941, 1941-1943
Austria	12. 6. 1924	
Belgium	19. 7. 1926	
Bulgaria	6. 3. 1925	
Chile	15. 9. 1925	1939-1940, 1940-1942, 1942-1943, 1943-1944
China	27. 4. 1934	1940-1943
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	22. 8. 1935	1939-1940, 1940-1943, 1943-1944
Czechoslovakia	31. 8. 1923	
Denmark	20. 6. 1930	
Estonia	8. 9. 1922	
Finland	19. 6. 1923	1939-1941, 1941-1942
France	23. 3. 1929	
Germany	6. 6. 1925	
United Kingdom	6. 8. 1923	1939-1940, 1940-1941, 1941-1943 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
India	11. 5. 1923	1939-1940, 1940-1941, 1941-1943
Ireland	17. 6. 1924	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Italy	8. 9. 1924	
Latvia	9. 9. 1924	
Luxembourg	16. 4. 1928	
Mexico	20. 5. 1937	1939-1940, 1940-1943, 1943-1944
Netherlands	20. 8. 1926	(colonies) 1939-1940
New Zealand	29. 3. 1938	1939-1940, 1940-1944
Nicaragua	12. 4. 1934	
Norway	11. 6. 1929	
Poland	21. 6. 1924	
Rumania	10. 11. 1930	
Spain	29. 8. 1932	
Sweden	27. 11. 1923	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Switzerland	23. 5. 1940	1940-1941, 1941-1943, 1943-1944
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944
Yugoslavia	30. 9. 1929	
* * *	* * *	* * *
Burma ¹	11. 5. 1923	1939-1940, 1940-1941

¹ See note to Convention 1.

The Government of *Chile* refers to its previous reports and states that in agreement with the conclusions reached by the Committee of agricultural employers and workers set up by the Government, a Bill was prepared to regulate agricultural trade unionism and that the Bill is being considered by the Agricultural Committee of the Supreme Labour Council. The Government indicates that there has been only a slight increase in the membership of agricultural trade unions and attributes this situation mainly to the absence of special regulation taking account of the particular conditions of agriculture. In 1944, there were 16 agricultural unions with a total of 1,060 members. Neither the employers' nor the workers' organisations have made any observations with regard to the practical application of the Convention.

The Government of *China* states that in virtue of the interpretation given by the National Government, agricultural workers are entitled to form unions in accordance with Article 12 of the Amended Labour Unions Act of 20 November 1943. The report contains detailed statistics of the agricultural unions existing at the end of 1943, which show that they numbered 3,692 with an aggregate membership of 1,479,452.

The Government of *Colombia* states that under the provisions of Article 44 of the Constitution and Act No. 83 of 1931, agricultural workers enjoy the same right of association and combination as workers in other branches of national economy. No observations have been received from the organisations of employers or workers concerned.

The Government of *Cuba* reports that the right of association and combination recognised under Legislative Decree No. 2605 of 7 November 1933 has been further confirmed and consecrated by the principle embodied in Article 69 of the Constitution of 5 July 1940. A supplementary Decree, No. 1123 of 9 April 1943, providing for the constitution of federations of unions of workers belonging to the same, similar or related trades, has also permitted the creation of the Cuban Confederation of Labour, grouping various trades, to which most agricultural federations are affiliated. Neither the employers' nor the workers' organisations concerned have made any observations with regard to the application of the Convention.

The Government of the *United Kingdom* refers to its previous reports and states that no decisions have been given by courts of law or other courts regarding the application of

the Convention and that no observations have been received from organisations of employers or workers.

The Government of *India* refers to its previous reports and states that no observations have been received from organisations of employers or workers regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing it.

The Government of *Mexico* states, as in previous reports, that the right of association and combination of agricultural workers is assured under the Political Constitution of 1917 as well as the Federal Labour Act of 18 August 1931 and that there has been no change in the situation during the period under consideration. Article 49 of the Federal Labour Act sanctions the so-called "Exclusion Clause" whereby the employers may not employ workers who are not or have ceased to be members of their respective unions. The Government adds, however, that owing to the particular conditions in Mexico the number of hired workers in agriculture is very small. The report contains several decisions of the Supreme Court on the application of the "Exclusion Clause".

The Government of *New Zealand* states that the national law is in full harmony with the Convention. According to § 5 of the Industrial Conciliation and Arbitration Act, 1925, any society consisting of not less than 15 persons in the case of workers, lawfully associated for the purpose of protecting or furthering the interests of workers in or in connection with any specified industry or related indus-

tries in New Zealand, may be registered as an industrial union under the Act. Every society registered as an industrial union shall, as from the date of registration, but solely for the purpose of the Act, become a body corporate (§ 7). "Industry" is defined as including any calling, service, employment, handicraft or occupation of workers (1937 Amendment (No. 3), § 2 (5)).

The Government of *Switzerland* states that, generally, agricultural workers are not grouped in trade unions, being often part of the household of the employer. Their conditions of living and employment are very different from the workers to whom the Convention really applies. However, the Convention was ratified in 1940 in view of the fact that Article 56 of the Federal Constitution of the Swiss Confederation provides for full freedom of association without distinction and that the right of association and combination for all workers is fully safeguarded in Switzerland.

The reports for 1939-40 and 1940-41 stated that trade unionism is practically non-existent among agricultural workers in *Burma*. So far only one application for registration was received from a union of agricultural labourers. The Government of *Burma* have not received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention.

Colonies, etc. (Article 35 of the Constitution).

For the *Netherlands*, see under Convention No. 2.

For *New Zealand*, see under Convention No. 1.

12. Convention concerning workmen's compensation in agriculture

This Convention came into force on 26 February 1923

Countries	Date of registration of ratification	Periods covered by reports received
Argentine Republic	26. 5. 1936	1939-1940, 1940-1941, 1941-1943
Belgium	26. 10. 1932	
Bulgaria	6. 3. 1925	
Chile	15. 9. 1925	1939-1940, 1940-1942, 1942-1943, 1943-1944
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	22. 8. 1935	1939-1940, 1940-1943, 1943-1944
Denmark	26. 2. 1923	
Estonia	8. 9. 1922	
France	4. 4. 1928	
Germany	6. 6. 1925	
United Kingdom	6. 8. 1923	1939-1940, 1940-1941 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943
Ireland	17. 6. 1924	1939-1940, 1940-1941, 1941-1942, 1942-1943
Italy	1. 9. 1930	
Latvia	29. 11. 1929	
Luxembourg	16. 4. 1928	
Mexico	1. 11. 1937	1939-1940, 1940-1943, 1943-1944
Netherlands	20. 8. 1926	(colonies) 1939-1940
New Zealand	29. 3. 1938	1939-1940, 1940-1944
Nicaragua	12. 4. 1934	
Poland	21. 6. 1924	
Spain	1. 10. 1931	
Sweden	27. 11. 1923	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944

The Government of the *Argentine Republic* has submitted reports covering the periods 1939-40, 1940-41 and 1941-1943. Act No. 12631 of 4 July 1940 amended the principal Act concerning workmen's compensation by including within its scope persons employed in agriculture, forestry, cattle-raising and fishing. A Decree of 17 December 1940 prescribes the method of calculating the wage on which the compensation of agricultural workers is based.

The Government of *Chile* supplements previously announced legislation by referring to Decree No. 655 of 25 November 1940 issuing new regulations concerning industrial hygiene and safety.

The reports include 20 decisions given by the courts dealing with compensation payments under the law to agricultural workers or their legal heirs. The majority of agricultural employers have insured their workers against the risk of employment injuries. The inspection services have not noted any infractions. The number of workers covered by the legislation was 400,983 during 1939-40; 338,672 in 1940-41 and 1942-43; and 339,672 during the period 1943-44. No observations from employers' or workers' organisations.

The Government of *Colombia* has submitted reports for 1939-40 and 1940-41, from which it appears that the legislation has not been amended and that the only agricultural workers covered are those employed in undertakings in which machinery is used.

The Government of *Cuba* has submitted reports covering 1943-44 and previous periods. There has been no change in legislation. Statistics of compensation paid to insured agricultural workers are given for 1943-44.

The Government of the *United Kingdom* has submitted reports covering the periods 1939-40 and 1940-41. An amending Act of 1940 has increased the amount of the compensation payable to workmen who are totally or partially disabled.

The Government of *Mexico* states in its reports that there has been no important legal decision concerning this subject, and adds that the number of wage-earning agricultural workers is relatively small owing to the collective method of farming. No observations from employers' or workers' organisations.

The Government of *New Zealand* has submitted reports covering the periods 1939-40 and 1940-44. The Government states that "it has never anticipated when the instrument of ratification was adopted that application to the mandated territory of Western Samoa and the Cook Island (including Niue Island) would be involved. Owing to the war situation, no further consideration has been given to the matter as raised in the Report of the Committee of Experts on the application of the Convention in 1939."

The Government of *Uruguay* supplements previously announced legislation by referring to Act No. 10004 of 28 February 1941 concerning compensation for industrial accidents and occupational diseases.

Colonies, etc. (Article 35 of the Constitution).

With reference to Conventions Nos. 12, 17

and 42, the Government of the *United Kingdom* states that the following further legislation has been enacted:

<i>Aden</i>	Workmen's Compensation Ordinance, 1939 (Ordinance No. 40 of 1939) (This came into operation on 1 January 1940 and replaces the Indian legislation referred to in the report for the year 1937-38) Workmen's Compensation (Amendment) Ordinance, 1940 (Ordinance No. 35 of 1940)
<i>Bahamas</i>	Workmen's Compensation Act, 1943 (Act No. 25 of 1943) Workmen's Compensation (Amendment) Act, 1944 (No. 9 of 1944)
<i>Barbados</i>	Workmen's Compensation Act, 1943 (Act No. 2 of 1943) Workmen's Compensation (Amendment) Act, 1943 (Act No. 47 of 1943)
<i>British Honduras</i>	Workmen's Compensation Ordinance, 1942 (Ordinance No. 4 of 1942) Workmen's Compensation (Amendment) Ordinance, 1942 (No. 18 of 1942) Workmen's Compensation Regulations, 1942 (S. R. & O., No. 14 of 1942) Workmen's Compensation (Medical Referees and Return of Injuries) Order, 1943 (S. R. & O., No. 35 of 1943) Workmen's Compensation (Amendment) Ordinance, 1943 (No. 7 of 1943)
<i>Cyprus</i>	Workmen's Compensation Law, 1942 (No. 30 of 1942)
<i>Fiji</i>	Workmen's Compensation Ordinance, 1940 (Ordinance No. 23 of 1940) Workmen's Compensation (Amendment) Ordinance, 1940 (Ordinance No. 44 of 1940) (The principal Ordinance was brought into operation on 1 March 1941)
<i>Gambia</i>	Workmen's Compensation Ordinance, 1940 (Ordinance No. 18 of 1940) Workmen's Compensation (Amendment) Ordinance, 1940 (Ordinance No. 35 of 1940) (The principal Ordinance was brought into operation on 1 January 1942) Workmen's Compensation Order, 1940 (Order No. 47 of 1940) Workmen's Compensation Regulations, 1941 (Regulations No. 17 of 1941) Workmen's Compensation (Rules of Court) Rules, 1941 (Rules No. 43 of 1941) Workmen's Compensation (Amendment) Ordinance, 1942 (No. 16 of 1942) Workmen's Compensation (Amendment) Order, 1943 (Order No. 5 of 1943)
<i>Gold Coast¹</i>	Workmen's Compensation Ordinance, 1940 (Ordinance No. 52 of 1940) Workmen's Compensation (Application) Order, 1941 (Order No. 8 of 1941) Workmen's Compensation (Rules of Court) Rules, 1941 (Rules No. 59 of 1941) Workmen's Compensation Rules, 1942 (Rules No. 5 of 1942) Workmen's Compensation (Application) (Amendment) Order, 1942 (No. 21 of 1942) Master and Servant (Amendment) Ordinance, 1943 (No. 4 of 1943) Workmen's Compensation (Amendment) Rules, 1943 (Rules No. 19 of 1943) Workmen's Compensation (Application) (Amendment) Order, 1943 (No. 16 of 1943)
<i>Jamaica</i>	Workmen's Compensation Amendment Law, 1939 (Law No. 35 of 1939) Workmen's Compensation (Amendment) Law, 1941 (No. 71 of 1941) Workmen's Compensation (Amendment) Law, 1942 (No. 45 of 1942) Workmen's Compensation (Amend-

¹ The Gold Coast Workmen's Compensation Ordinance, 1940, was brought into operation on 1 July 1942.

<i>Johore</i>	ment) Enactment, 1940 (Enactment No. 9 of 1940)		ment) Ordinance, 1941 (Ordinance No. 5 of 1941)
<i>Kedah</i>	Fatal Accidents Enactment, 1360 (Enactment No. 2 of 1360)		Workmen's Compensation (Application to certain employments) Order in Council, 1940 (Public Notice No. 79 of 1940)
<i>Kelantan</i>	Workmen's Compensation Enactment, 1939 (Enactment No. 43 of 1939)		Workmen's Compensation (Application to certain employments) (Amendment) Order in Council, 1941 (Public Notice No. 39 of 1941)
	Government Gazette Notification, No. 185 of 1940 removing certain occupational diseases from Schedule 3 of the Workmen's Compensation Enactment, 1939		Workmen's Compensation (Notification of Injuries) Rules, 1940 (Public Notice No. 118 of 1940)
<i>Kenya</i>	Mining Ordinance, 1940 (Ordinance 29 of 1940), Section 76		Workmen's Compensation (Amendment) Ordinance, 1942 (Ordinance No. 12 of 1942)
<i>Leeward Islands</i>	Workmen's Compensation (Amendment) Act, 1939 (Act No. 8 of 1939)		Minerals (Amendment) Ordinance, 1942 (Ordinance No. 11 of 1942)
	Workmen's Compensation (Amendment) Act, 1939 (Act No. 8 of 1939)		Workmen's Compensation Ordinance, 1941 (Ordinance No. 7 of 1941)
<i>Malta</i>	Workmen's Compensation (Amendment) Ordinance, 1943 (No. 7 of 1943)	<i>St. Lucia</i> ¹	Workmen's Compensation Regulations, 1942 (S. R. & O., No. 58 of 1942)
<i>Nigeria</i>	Workmen's Compensation Ordinance, 1941 (Ordinance 51 of 1941)		Workmen's Compensation (Amendment) Ordinance, 1942 (No. 4 of 1942)
	Workmen's Compensation (Employment) Order in Council, 1941 (Order No. 31 of 1941)	<i>St. Vincent</i>	Workmen's Compensation Ordinance, 1939 (Ordinance No. 21 of 1939) (brought into operation 1 December 1940)
	Workmen's Compensation Rules, 1942 (Rules No. 4 of 1942)		Workmen's Compensation Regulations, 1940
	Minerals (Amendment) Ordinance, 1942 (Ordinance No. 4 of 1942)		Workmen's Compensation (Amendment) Ordinance, 1943 (No. 8 of 1943)
<i>Northern Rhodesia</i>	Employment of Natives (Amendment) (No. 2) Ordinance, 1940 (Ordinance No. 55 of 1940)		
<i>Palestine</i>	Workmen's Compensation (Amendment) Ordinance, 1942 (No. 27 of 1942)		
<i>Sierra Leone</i>	Workmen's Compensation Ordinance, 1939 (Ordinance No. 35 of 1939)		
	Workmen's Compensation (Amendment) Ordinance, 1940 (Ordinance No. 28 of 1940)		
	Workmen's Compensation (Amend-		

For the *Netherlands*, see under Convention No. 2.

For *New Zealand*, see under Convention 1.

¹ The *St. Lucia* Workmen's Compensation Ordinance was brought into operation on 1 January 1943.

13. Convention concerning the use of white lead in painting

This Convention came into force on 31 August 1923

Countries	Date of registration of ratification	Periods covered by reports received
Afghanistan	12. 6. 1939	
Argentine Republic	26. 5. 1936	1939-1940, 1940-1941, 1941-1943
Austria	12. 6. 1924	
Belgium	19. 7. 1926	
Bulgaria	6. 3. 1925	
Chile	15. 9. 1925	1939-1940, 1940-1942, 1942-1943, 1943-1944
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	7. 7. 1928	1939-1940, 1940-1943, 1943-1944
Czechoslovakia	31. 8. 1923	
Estonia	8. 9. 1922	
Finland	5. 4. 1929	1939-1941, 1941-1942
France	19. 2. 1926	
Greece	22. 12. 1926	1939-1940, 1940-April 1941
Hungary ¹	4. 1. 1928	
Latvia	9. 9. 1924	
Luxembourg	16. 4. 1928	
Mexico	7. 1. 1938	1939-1940, 1940-1943, 1943-1944
Netherlands	15. 12. 1939	(colonies) 1939-1940
Nicaragua	12. 4. 1934	
Norway	11. 6. 1929	
Poland	21. 6. 1924	
Rumania	4. 12. 1925	
Spain	20. 6. 1924	
Sweden	27. 11. 1923	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944
Venezuela	28. 4. 1933	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Yugoslavia	30. 9. 1929	

¹ Conditional ratification registered.

The Government of *Chile* in its reports for the period 1939-1944 mentions the Regulations (No. 655) of 25 November 1940 con-

cerning industrial hygiene and safety (§ S234 and 235) as supplementing previous legislation.

Article 3(1) of the Convention is reproduced in § 234 of the Regulations, and Article 5 in § 235 (1)-(9). As regards Article 7 of the Convention, § 235 (10) requires all cases of death and morbidity due to lead poisoning to be reported.

According to the report for 1943-44, about 5,000 workers were employed on painting work, and of these 250 were employed in paint factories. No breaches of the Regulations have been recorded, and there have been no cases of lead poisoning. No decisions have been given by the courts. No observations from employers' or workers' organisations.

The Government of *Colombia* in its report for 1940-41 stated that as no cases of lead poisoning had occurred, it was not considered necessary to take special measures in this connection for the time being. The medical services supervise the matter.

The Government of *Cuba* states in its report for 1943-44 that no judicial decisions affecting the Convention have been given. No statistics relating to morbidity and mortality exist. No observations from employers' or workers' organisations.

The Government of *Mexico* in its report for 1943-44 states that industrial hygiene Regulations are now in the final stage of prepara-

tion, and that a draft has been submitted to employers' and workers' organisations. It is hoped that the Regulations will be issued soon; they will contain provisions relating to white lead.

The Government of *Uruguay* in its report for 1940-1944 does not mention the Convention.

The Government of *Venezuela* in its report for 1939-1944 mentions the adoption of the Regulations of 30 November 1938 issued under the Labour Code. The provisions of Article 5 of the Convention are covered by § 136 of the Regulations of 1938. § 136(f) of the Regulations requires working clothes to be put in a clean place, free from dust and steam. Article 7 of the Convention is covered by § 137 of the Regulations.

The Ministry of Labour and Communications is responsible for the administration of the Labour Code and the Regulations under it, assisted by the Directorate of Labour.

No decisions have been given by the courts and no observations have been made by employers' or workers' organisations.

Colonies, etc. (Article 35 of the Constitution).

For the *Netherlands*, see under Convention No. 2.

14. Convention concerning the application of the weekly rest in industrial undertakings

This Convention came into force on 19 June 1923

Countries	Date of registration of ratification	Periods covered by reports received
Afghanistan	12. 6. 1939	
Argentine Republic	26. 5. 1936	1939-1940, 1940-1941, 1941-1943
Belgium	19. 7. 1926	
Bulgaria	6. 3. 1925	
Canada	21. 3. 1935	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Chile	15. 9. 1925	1939-1940, 1940-1942, 1942-1943, 1943-1944
China	17. 5. 1934	1940-1943
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Czechoslovakia	31. 8. 1923	
Denmark	30. 8. 1935	
Estonia	29. 11. 1923	
Finland	19. 6. 1923	1939-1941, 1941-1942
France	3. 9. 1926	
Greece	11. 5. 1929	
India	11. 5. 1923	1939-1940, 1940-1941, 1941-1943
Ireland	22. 7. 1930	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Italy	8. 9. 1924	
Latvia	9. 9. 1924	
Lithuania	19. 6. 1931	
Luxembourg	16. 4. 1928	
Mexico	7. 1. 1938	1939-1940, 1940-1943, 1943-1944
New Zealand	29. 3. 1938	1939-1940, 1940-1944
Nicaragua	12. 4. 1934	
Norway	7. 7. 1937	
Poland	21. 6. 1924	
Portugal	3. 7. 1928	1939-1940
Rumania	18. 8. 1923	
Spain	20. 6. 1924	
Sweden	22. 12. 1931	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Switzerland	16. 1. 1935	1939-1940, 1940-1941, 1941-1943, 1943-1944
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944
Yugoslavia	1. 4. 1927	
* * *	* * *	* * *
Burma ¹	11. 5. 1923	1939-1940, 1940-1941

¹ See note to Convention 1.

The Government of the *Argentine Republic* states that it has had to authorise exceptions to its normal legislative position in regard to weekly rest days by reason of the situation created by the war. The report lists twenty such authorisations relating to industrial undertakings. Statistics of the National Department of Labour, for the period 1 October 1942 to 30 September 1943, note 746 contraventions of legislation concerning the weekly rest in industrial establishments, with regard to which fines totalling 53,615 pesos were imposed.

For *Canada*, see under Convention No. 1.

The latest report of the Government of *Chile* states that the number of employed persons covered by legislation regarding the weekly rest is approximately 1,500,000, of whom 321,051 are employed in industrial undertakings (27,676 salaried employees and 293,375 wage earners). Inspectors have made 2,468 visits, and 213 cases of infringements were notified, almost all of which concerned commercial establishments.

The report of the Government of *China* contains statistics showing that of 574 factories in Szechuan, 294 grant four days of rest each month, 21 give three days, 234 give two days, and 25 factories one day per month. The Government states that, according to factory and mining inspectors' reports, many factories are giving one day of rest in every ten or fifteen days in order to increase production and to strengthen the war effort.

The Government of *India* reports, under Point IV of the Report Form, that the number of labour inspectors who assist the Supervisor of Railway Labour was raised to 21 in the period 1939-40, and to 23 in the period 1940-41.

The Government of *Ireland* reports one contravention in the period 1940-41, three in 1941-42, and five in 1942-43. The employers were suitably warned in all cases.

With reference to Article 6 of the Convention, the Government of *Mexico* states in its report that it cannot supply a list of exceptions because none is permitted other than the general exception for establishments employing only the members of a family.

New legislation reported by the Government of *Switzerland*, relating to weekly rest in industrial undertakings, includes an Order of the Federal Department of Public Economy, dated 31 January 1941, concerning the weekly rest of the staff of agencies furnishing watchmen's services; a Federal Act of 30 September 1943, amending Article 26 (1) of the Act of 26 September 1931, concerning contraventions of the weekly rest provisions and fixing penalties for contraventions, not only of the Act itself, but also of the Orders issued by competent authorities under the Act; and an Order of the Federal Council of 16 July 1943 concerning enforcement of cantonal Regulations regarding the weekly rest in mines. With regard to Point IV of the Report Form, the Government states that a federal mines inspectorate was created by the Order of 16 July 1943. In connection with infringements of the federal Act respecting weekly rest, the Government reports 54 decisions in the period 1939-40; 75 in 1940-41; 114 in 1941-43; and 19 in 1943-44. The latest statistics available from the reports of the federal factory inspectorate, as of 17 September 1943, with respect to the number of establishments and employees covered by the Factory Act, show coverage of 9,082 establishments, in which 425,972 persons (293,260 males and 132,712 females) were employed. Copies of relevant laws and Regulations, reports of the factory inspectorate, and administrative and judicial decisions are appended to the Government's annual reports on the application of the Convention.

Colonies, etc. (Article 35 of the Constitution).

For *New Zealand*, see under Convention No. 1.

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 1922¹

Countries	Date of registration of ratification	Periods covered by reports received
Argentine Republic	26. 5.1936	1939-1940, 1940-1941, 1941-1943
Australia	28. 6.1935	1939-1940, 1941-1943, 1943-1944
Belgium	19. 7.1926	1939-1940
Bulgaria	6. 3.1925	
Canada	31. 3.1926	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Chile	18.10.1935	1939-1940, 1940-1942, 1942-1943, 1943-1944
China	2.12.1936	1940-1943
Colombia	20. 6.1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	7. 7.1928	1939-1940, 1940-1943, 1943-1944
Denmark	12. 5.1924	
Estonia	8. 9.1922	
Finland	10.10.1925	1939-1941, 1941-1942
France	16. 1.1928	
Germany	11. 6.1929	
United Kingdom	8. 3.1926	1939-1940, 1940-1941, 1941-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Greece	14. 6.1930	1939-1940, 1940-1943, 1943-1944
Hungary	1. 3.1928	
India	20.11.1922	1939-1940, 1940-1941, 1941-1943
Ireland	5. 7.1930	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Italy	8. 9.1924	
Japan	4.12.1930	
Latvia	9. 9.1924	
Luxembourg	16. 4.1928	
Netherlands	17. 6.1931	(colonies) 1939-1940
Nicaragua	12. 4.1934	
Norway	7.10.1927	
Poland	21. 6.1924	
Rumania	18. 8.1923	
Spain	20. 6.1924	
Sweden	14. 7.1925	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Uruguay	6. 6.1933	
Yugoslavia	1. 4.1927	1940-1941, 1941-1943, 1943-1944
***	***	***
Burma ¹	20.11.1922	1939-1940, 1940-1941

¹ See note on Convention 1.

The Government of *Belgium* stated in its report of 1939-40 that all persons employed in the engine rooms of Belgian ships during this period were above 18 years of age.

The Government of *Burma* in its report for 1940-41 stated that no contraventions of the provisions of the relevant legislation were reported and that no decisions had been given by courts of law regarding the application of the Convention. No observations from employers' or workers' organisations.

In its report for 1943-44 the Government of *Canada* states that this Convention, among others, forms part of the Canada Shipping Act, 1934, and that its provisions are being observed by owners, masters and seamen of Canadian vessels engaged in maritime navigation. No contraventions or difficulties, legal or otherwise, or judicial decisions were reported during the period. No observations from employers' or workers' organisations.

The report of the Government of *Chile* for 1943-44 states that no judicial decisions affecting the application of the Convention were given. The reports of the Maritime

Labour Inspection Services state that crews under 18 years of age are not employed in the vessels of the national mercantile marine. No observations from employers or workers.

The Government of *China* in its report for 1940-1944 states that according to the Civil Law of the Republic of China, all persons under the age of 20 are considered as under age; and according to the Provisional Measures for the Control of Seamen, "when an under-age person applies for a seaman's certificate, the permission of his legal agent shall be attached to the application form".

Over 95 per cent. of seamen in China hold seamen's certificates; none of them is under the age of 20.

The competent authorities for the application of the Convention are the Bureau of Navigation and the local Governments.

The Government of *Cuba* in its report for 1943-44 states that with regard to Article 2 of the Convention, Legislative Decree 52 of 1934 (§ 3) prohibits the employment of minors under 18 years of age as trimmers or stokers. The Government stated in its report

for 1939-1940(?) that the Ministry of Labour had ordered inclusion in all written articles of agreement of a brief summary of the provisions of the Convention.

The Government of the *United Kingdom* in its report for 1943-44 states that no relevant statistics are compiled and no reports of inspection or registration services are available. The Government is, however, satisfied that the measures taken to enforce the Convention are effective. No observations from employers' or workers' organisations.

For *Greece*, see under Convention No. 7.

The Government of *India* in its report for 1941-1943 states that no judicial decisions have come to the notice of the Government. No contraventions have been reported at any port. No observations from employers or workers.

The Government of *Ireland* stated in its report for 1939-40 that the Department of Industry and Commerce is the authority entrusted with the administration of the Act, which is operated through the medium of the Mercantile Marine Offices when the engagement of crews is supervised. The provisions of the Convention can also be enforced by proceedings for penalties under Section 4 of the Merchant Shipping (International Labour Conventions) Act, 1943. The report for 1939-40 stated that it has not been the practice to employ persons under 18 as firemen or trimmers, and that no contraventions were reported. The report for 1943-44 states that there is no change in the position outlined for 1939-40.

Colonies, etc. (Article 35 of the Convention).

For *Australia*, see under Convention No. 7.

The Government of the *United Kingdom* states in its reports that the following further legislation has been enacted:

<i>Cyprus</i>	Registration of Ships (International Labour Conventions) Law, 1939 (Law No. 24 of 1939)
<i>Gambia</i>	Merchant Shipping (International Labour Conventions) Ordinance, 1940 (Ordinance No. 16 of 1940)
<i>Tanganyika</i>	Employment of Women and Young Persons Ordinance, 1940 (Ordinance No. 5 of 1940). (The provisions in this Ordinance replace those in Section 101 of the Shipping Ordinance, 1937 (No. 28 of 1937) which have been repealed by the Shipping (Amendment) Ordinance, 1940 (No. 33 of 1940))

By Order in Council dated 7 March 1940 (The Merchant Shipping (Colonies) (Amendment) Order, 1940), the provisions of the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925, were applied to ships registered as British ships under the United Kingdom Merchant Shipping Acts in the following colonial dependencies:

<i>Gibraltar</i>	(Order came into operation on 20 May 1940)
<i>Grenada</i>	(Order came into operation on 25 May 1940)
<i>Nigeria</i>	(Order came into operation on 29 May 1940)
<i>St. Lucia</i>	(Order came into operation on 11 May 1940)

By Order in Council dated 14 March 1941 (The Merchant Shipping (Colonies) (Amendment) Order, 1941), the provisions of the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925, were applied to ships registered as British ships under the United Kingdom Merchant Shipping Acts in the following Colonial Dependencies:

<i>Aden</i>	(Order came into operation on 24 May 1941)
<i>Falkland Islands</i>	(Order came into operation on 1 July 1941)
<i>Sierra Leone</i>	(Order came into operation on 24 April 1941)

For provisions applicable to the Straits Settlements, Dominica and Leeward Islands, and British Guiana, see Convention No. 8 above.

For the *Netherlands*, see under Convention No. 2.

16. Convention concerning the compulsory medical examination of children and young persons employed at sea

This Convention came into force on 20 November 1922

Countries	Date of registration of ratification	Periods covered by reports received
Argentine Republic	26. 5. 1936	1939-1940, 1940-1941, 1941-1943
Australia	28. 6. 1935	1939-1940, 1940-1943, 1943-1944
Belgium	19. 7. 1926	1939-1940
Brazil	8. 6. 1936	1942-1943
Bulgaria	6. 3. 1925	
Canada	31. 3. 1926	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Chile	18. 10. 1935	1939-1940, 1940-1942, 1942-1943, 1943-1944
China	2. 12. 1936	1940-1943
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	7. 7. 1928	1939-1940, 1940-1943, 1943-1944
Denmark	23. 4. 1938	
Estonia	8. 9. 1922	
Finland	10. 10. 1925	1939-1941, 1941-1942
France	22. 3. 1928	
Germany	11. 6. 1929	
United Kingdom	8. 3. 1926	1939-1940, 1940-1941, 1941-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Greece	28. 6. 1930	1939-1940, 1940-1943, 1943-1944
Hungary	1. 3. 1928	
India	20. 11. 1922	1939-1940, 1940-1941, 1941-1943
Ireland	5. 7. 1930	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Italy	8. 9. 1924	
Japan	7. 6. 1924	
Latvia	9. 9. 1924	
Luxembourg	16. 4. 1928	
Mexico	9. 3. 1938	1939-1940, 1940-1943, 1943-1944
Netherlands	9. 3. 1928	(colonies) 1939-1940
Nicaragua	12. 4. 1934	
Poland	21. 6. 1924	
Rumania	18. 8. 1923	
Spain	20. 6. 1924	
Sweden	14. 7. 1925	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944
Yugoslavia	1. 4. 1927	
* * *	* * *	* * *
Burma ¹	20. 11. 1922	1939-1940, 1940-1941

¹ See note on Convention 1.

The Government of *Australia* in all its reports has furnished statistics regarding the number and results of medical examinations of young persons under 18 years of age in the principal ports of the Commonwealth. It is pointed out that the great majority (98.5 per cent. in 1943-44) of youths presenting themselves for examinations were fit for service at sea.

The Government of *Belgium* in its report for 1939-40 stated that it was customary to subject all seamen to a medical examination before the articles of agreement were signed. This examination is particularly strict in the case of young persons. No observations from employers or workers during 1939.

The Government of *Burma* in its report for 1940-41 stated that no decisions were given by courts of law or other courts, and that no contraventions of the provisions of the relevant legislation had been reported. No observations from employers' or workers' organisations.

For *Canada*, see under Convention No. 15.

The Government of *Chile* states in its reports that no seaman is under 18 years of age,

except apprentices aged 14 to 18. The number of apprentices is limited. On registration the apprentice has to show that he is in good health. All the reports supply the numbers of apprentices who have been employed during the periods covered.

The Government of *China* in its reports for the period 1940-1943 states that no seaman in China today is under the age of 20. The competent authorities for the application of the Convention are the Bureau of Navigation and local Governments.

The Government of *Cuba* in its report for 1943-44 states that under the law the Department of Labour, the custom authorities and port captains can prevent the departure of a ship when the master cannot produce medical certificates for young persons employed on board.

For *Greece*, see under Convention No. 4.

The Government of *India* in all its reports gives information as to the number of young persons who were medically examined for employment in the port of Bombay, and it states that no young persons were medically examined for employment at other ports in India.

The Government of *Ireland* stated in its report for 1939-40 that the provisions of the legislation relating to this Convention were enforceable by proceedings under § 4 of the Merchant Shipping (International Labour Conventions) Act, 1933. The Department of Industry and Commerce is concerned with the enforcement of the relevant provisions. Very few young persons are employed on Irish ships. No difficulty in the working of the Act is experienced. No observations from seamen's or employers' organisations. Subsequent reports do not indicate any change in the situation.

The Government of *Mexico* in its report for 1940-1943 states that a general law on Means of Transportation was promulgated in February 1940.

The Mexican law does not provide for medical examination of young persons at sea. How-

ever, an administrative Order by the Navy Department provides for annual medical examination of all persons under the age of 18. The crew is also medically examined before embarkation. The provisions of this Order are in accordance with the Convention.

It is the intention of the Department of Labour to include the provisions of the Convention in the Industrial Hygiene Regulations.

For the *United Kingdom*, see under Convention No. 15.

Colonies, etc. (Article 35 of the Constitution).

For *Australia*, see under Convention No. 7.

For the *United Kingdom*, see under Convention No. 15.

For the *Netherlands*, see under Convention No. 2.

7th SESSION (GENEVA, 1925)

17. Convention concerning workmen's compensation for accidents

This Convention came into force on 1 April 1927

Countries	Date of registration of ratification	Periods covered by reports received
Austria	21. 8. 1936	
Belgium	3. 10. 1927	
Bulgaria	5. 9. 1929	
Chile	8. 10. 1931	1939-1940, 1940-1942, 1942-1943, 1943-1944
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	6. 8. 1928	1939-1940, 1940-1943, 1943-1944
Hungary	19. 4. 1928	
Latvia	29. 5. 1928	
Luxembourg	16. 4. 1928	
Mexico	12. 5. 1934	1939-1940, 1940-1943, 1943-1944
Netherlands	13. 9. 1927	(colonies) 1939-1940
New Zealand	29. 3. 1938	1939-1940, 1940-1944
Nicaragua	12. 4. 1934	
Poland	3. 11. 1937	
Portugal	27. 3. 1929	1939-1940
Spain	22. 2. 1929	
Sweden	8. 9. 1926	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Uruguay	6. 6. 1933	1940-1943, 1943-1944
Yugoslavia	1. 4. 1927	

The Government of *Chile* in its reports for 1939-1944 supplements previously announced legislation by Decree No. 655 of 25 November 1940, issuing new Regulations concerning industrial hygiene and safety.

During the year 1939, 53,668 industrial accidents were reported in the Republic. The number of employment accidents in 1941 was 62,690; in 1942, 71,207; and in 1943, 68,407. The total number of wage-earning workers, salaried workers and apprentices, excluding agricultural workers and seamen and fishermen, covered by the legislation was 583,937 in 1941; 584,674 in 1942; 593,525 in 1943; in the same years the number of workers covered by a special scheme was 23,499; 22,762 and 21,560 respectively. The total number of employees in agriculture was 400,982 in 1941 and 1942 and 339,664 in 1943; that of seamen 17,118 and of fishermen 3,850.

Statistical information supplied shows that in 1943 benefits in cash amounted to 1,048,921.26 pesos and the pensions granted represent a capital value of 5,730,801.65 pesos; the average amount of expenditure per insured employee was 240.90 pesos.

The reports state that the cost of benefits in kind is not known, as the companies do not publish statements on this subject.

The Government of *Colombia* in its reports for 1939-40 and 1940-41 states that no changes have been made in its legislation. There are no statistics.

The Government of *Cuba* has submitted reports covering the periods 1939-40, 1942-43 and 1943-44. The basic legislation remains Decree No. 2687 of 1933. Statistics are given for the workers who are covered by insurance.

The Government of *Mexico* states in its reports for 1939-1944 that with the promulgation of the Social Insurance Act of 19 January 1943, Mexican legislation is in complete harmony with the Convention, especially with respect to Article 5.

As regards Article 5 of the Convention, Chapter III of the Social Insurance Act establishes insurance against employment injuries, as defined by the Federal Labour Act, and provides, in the case of death or permanent incapacity, a pension based on wages and calculated according to an actuarial table. The Act provides that, in the case of permanent partial incapacity, should the amount of the monthly pension be less than 16 pesos (Mexican), a lump sum equal to 5 times the annual pension will be substituted for such pension. § 46 of the Social Insurance Act provides that an employer who has insured an employee against industrial accidents in

the Mexican Institute of Social Insurance will be relieved of his liability in this respect under the Federal Labour Act. The report states that the Social Insurance Act came into effect in the Federal District on 10 January 1944 and that it will gradually be extended to other States, and that, in addition, the Social Insurance Act maintains the provision of the Federal Labour Act whereby a month's wages is paid for funeral expenses in the case of the death of an insured person as the result of an industrial accident.

As regards Article 6, Article 303 of the Federal Labour Act provides for the payment of compensation in respect of permanent incapacity from the commencement of such incapacity. The compensation must be met by the employer, but, according to Article 305 of the Federal Labour Act, he may insure the worker in a Mexican company, provided the insurance is not less than the compensation. This article also makes it compulsory for ship-owners to set up insurance for workers when the latter are engaged for an indefinite term. The report states that when the Social Insurance Act becomes effective this provision will automatically be changed.

As regards Article 8, the Federal Labour Act provides an effective system of inspection. Article 307 of the Act permits a claimant to apply for a revision of his compensation if he proves an increase or decrease of incapacity, provided this is done within the period of a year. Such revision must be approved by the Central Committee of Conciliation and Arbitration.

As regards Article 9, § 295 provides medical care, medicines and medical supplies for workers until they are cured or die. The Social Insurance Act also insures the worker in case of accident, and provides medical and surgical care and pharmaceutical supplies. According to Part XIV of Article 123 of the Constitution and Article 291 of the Federal Labour Act, the employer is responsible for medical care and medicines, and Articles 308 and 309 of the same Act deal with the manner in which these are supplied.

As regards Article 10, the Federal Labour Act does not require the employer to provide prosthetic or orthopaedic appliances, but Part I of Article 37 of the Social Insurance Act approves the provision of prosthetic and orthopaedic appliances, although it contains no measures providing for their renewal. The report states that it is probable that when Regulations governing accident insurance are incorporated in the Social Insurance Act, a provision to this effect will be included.

As regards Article 11, the report shows that the Mexican laws adequately guarantee the rights of the workers.

The Secretariat of Labour and Social Security, the Department of the Federal District, the Federal and Local Committees of Conciliation and Arbitration, the Mexican Institute of Social Insurance, the labour inspectors, both federal and local, and the chairmen of municipalities are responsible for the application of labour legislation. Reports previously published describe, in detail, the administrative authority of these officials.

The reports include 23 decisions sustained by the Supreme Court referring to industrial accidents.

In the period 1938-1943, 171,670 industrial accidents were reported in the federal jurisdiction and 17,124,705 pesos have been paid as compensation wages during periods of cessation of work, healing periods, etc.

The report includes detailed statistics on accidents by industries, by places where accidents occur most frequently, according to age and wage groups, and showing, in percentages, the causes of accidents.

The Government of *New Zealand* has submitted detailed reports covering the periods 1939-40 and 1940-44, and including statistics of application. The Government states that "it was never anticipated when the instrument of ratification was adopted that application to the mandated territory of Western Samoa and the Cook Islands (including Niue Island) would be involved. Owing to the war situation, no further consideration has been given to the matter as raised by the Report of the Committee of Experts on the application of the Convention in 1939."

The Government of *Portugal* has submitted a report for 1939-40, stating that no change has been made in its legislation.

The Government of *Sweden* has submitted detailed reports covering the periods 1939-40, 1940-41, 1941-42, 1942-43 and 1943-44, each of which contain statistics of application. During these periods the legislation enacted includes provision for State insurance against war risks, and the application of accident insurance to persons working on State account. The report for 1943-44 mentions further amendments of the Act of 17 June 1916 made in 1941 and 1944.

The Government of *Uruguay* in its reports for 1940-1944 mentions Act No. 10004 of 28 February 1941 on compensation for employment injuries and occupational diseases. The scope of this Act as regards employment injuries is defined in Sections 1, 3 and 11. The limitations which previous legislation contained are annulled, thereby bringing the legislation into harmony with the corresponding provisions of the Convention.

As regards Article 6, Act No. 10004 of 28 February 1941 in Article 12, subsection (a) 1, states that the compensation will be paid from the day following the accident.

Article 12, subsection (b), final paragraph, of the Law raises to 100 per cent. the annual payment in respect of accidents sustained in the case contemplated in Article 7 of the Convention.

Article 20 of Act No. 10004 brings its provisions into agreement with Article 9 of the Convention.

Colonies, etc. (Article 35 of the Constitution).

For the *Netherlands*, see under Convention No. 2.

For *New Zealand*, see under Convention No. 1.

18. Convention concerning workmen's compensation for occupational diseases

This Convention came into force on 1 April 1927

Countries	Date of registration - of ratification	Periods covered by reports received
Austria	29. 9.1928	
Belgium	3.10.1927	
Bulgaria	5. 9.1929	
Chile	31. 5.1933	1939-1940, 1940-1942, 1942-1943, 1943-1944
Colombia	20. 6.1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	6. 8.1928	1939-1940, 1940-1943, 1943-1944
Czechoslovakia	19. 9.1932	
Denmark	18. 6.1934	
Finland	17. 9.1927	1939-1941, 1941-1942
France	13. 8.1931	
Germany	18. 9.1928	
United Kingdom ¹	6.10.1926	
Hungary ¹	19. 4.1928	
India	30. 9.1927	1939-1940, 1940-1941, 1941-1943
Iraq	28.11.1938	
Ireland ¹	15.11.1927	
Italy	22. 1.1934	
Japan	8.10.1928	
Latvia	29.11.1929	
Luxembourg	16. 4.1928	
Netherlands ¹	1.11.1928	(colonies) 1939-1940
Nicaragua	12. 4.1934	
Norway	11. 6.1929	
Poland	3.11.1937	
Portugal	27. 3.1929	1939-1940
Spain	29. 9.1932	
Sweden ¹	15.10.1929	
Switzerland	16.11.1927	1939-1940, 1940-1941, 1941-1943, 1943-1944
Uruguay	6. 6.1933	1940-1941, 1941-1943, 1943-1944
Yugoslavia	1. 4.1927	
* * *	* * *	* * *
Burma ²	30. 9.1927	1939-1940, 1940-1941

¹ See under Convention 42 (revised).² See note on Convention 1.

The report of the Government of *Chile* mentions Decree No. 655 of 25 November 1940 as supplementing previously existing legislation. The Decree contains Regulations concerning hygiene and social insurance, which supplement the provisions relating to this matter.

The reports state that as there are few cases of occupational diseases in Chile there are no statistics to submit. During 1943-44, 379 cases occurred and compensation in respect of them was settled satisfactorily. Records of various decisions of the courts are attached to the reports. No observations from employers' or workers' organisations.

The Government of *Colombia* in its report for 1940-41 stated that no legislation existed on this matter. Provision for partial compensation for occupational diseases was contained in the legislation concerning workmen's compensation.

The Government of *Cuba* in its report for 1943-44 states with regard to Article 2 of the Convention that Cuban legislation is drafted in wider terms than the revised Convention (No. 42), as it includes pulmonary nicotine poisoning. The report contains statistical data concerning accidents which are also valid for occupational diseases. No decisions by courts, and no observations from employers' or workers' organisations.

The Government of *India* in its report for 1941-1943 states that the Workmen's Compensation Act of 1923 was further amended by the Workmen's Compensation (Amendment) Act, 1942. Statistical information is contained in the *Workmen's Compensation Statistics for 1941*, *Note on the Working of the Workmen's Compensation Act, 1923*, and *Statistics of Factories*. During the year 1941, one case of occupational disease (lead poisoning) was reported. No decisions by courts; no observations from employers' or workers' organisations.

The Government of *Switzerland* in its report for 1942-43 stated that the discussions between the Swiss National Accident Insurance Institute and the Federal Office for Industry, Arts, Crafts and Labour concerning the adaptation of the Swiss list of harmful substances to the list in the Convention have been discontinued. During the period 1943-44, there were 26 cases of lead poisoning (2 with disablement pension) and 21 cases of mercury poisoning (3 with disablement pension). The lead poisoning cases cost 19,479 francs for unemployment benefits, 11,788 francs for medical charges and the capital value of the disablement pension was 17,670 francs, making a grand total of 48,937 francs. The mercury poisoning cases cost 15,953 francs for unemployment benefits, 12,562 francs for medical

charges, and the capital value of the disablement pension was 33,201 francs, making a grand total of 61,716 francs. There were no cases of anthrax.

The report of the Government of *Uruguay* for 1942-43 mentions Act No. 10004 of 28 February 1941 concerning compensation for accidents and occupational diseases.

The Government of *Burma* in its report for

1940-41 stated that during the calendar year 1940 only one case of compensation for disablement due to occupational disease was reported. No observations from employers' or workers' organisations. No decisions by courts of law.

Colonies, etc. (Article 35 of the Constitution).

For the *Netherlands*, see under Convention No. 2.

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

Countries	Date of registration of ratification	Periods covered by reports received
Austria	29. 9. 1928	
Belgium	3. 10. 1927	
Bulgaria	5. 9. 1929	
Chile	8. 10. 1931	1939-1940, 1940-1942, 1942-1943, 1943-1944
China	27. 4. 1934	1940-1943
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	6. 8. 1928	1939-1940, 1940-1943, 1943-1944
Czechoslovakia	8. 2. 1927	
Denmark	31. 3. 1928	
Estonia	14. 4. 1930	
Finland	17. 9. 1927	1939-1941, 1941-1942
France	4. 4. 1928	
Germany	18. 9. 1928	
United Kingdom	6. 10. 1926	1939-1940, 1940-1941 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943
Greece	30. 5. 1936	1939-1940, 1940-April 1941
Hungary	19. 4. 1928	
India	30. 9. 1927	1939-1940, 1940-1941, 1941-1943
Iraq	30. 4. 1940	
Ireland	5. 7. 1930	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Italy	15. 3. 1928	
Japan	8. 10. 1928	
Latvia	29. 5. 1928	
Lithuania	28. 9. 1934	
Luxembourg	16. 4. 1928	
Mexico	12. 5. 1934	1939-1940, 1940-1943, 1943-1944
Netherlands	13. 9. 1927	(colonies) 1939-1940, 1940-1941
Nicaragua	12. 4. 1934	
Norway	11. 6. 1929	
Poland	28. 2. 1928	
Portugal	27. 3. 1929	1939-1940
Spain	22. 2. 1929	
Sweden	8. 9. 1926	1939-1940, 1940-1941, 1941-1942, 1942-1943
Switzerland	1. 2. 1929	1939-1940, 1940-1941, 1941-1943, 1943-1944
Union of South Africa	30. 3. 1926	1939-1942, 1942-1943, 1943-1944
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944
Yugoslavia	1. 4. 1927	
* * *	* * *	* * *
Burma ¹	30. 9. 1927	1939-1940, 1940-1941

¹ See note on Convention 1.

The Governments of *Burma*, *China*, *Colombia*, *Cuba*, *India*, *Portugal*, and the *United Kingdom* have submitted reports from which it appears that no changes have been made in the legal provisions which secure equality of treatment for foreign workers. The Cuban report for 1943-44 contains statistics of lump-sum compensation awarded to foreign workers.

The Government of *Chile* in its reports for 1939-1944 mentions Decree No. 655 of 25 November 1940, issuing new Regulations concerning industrial hygiene and safety, as sup-

plementing previously announced legislation.

A copy of a judicial decision accompanies the reports, and it is stated that the labour courts and the administrative authorities often issue decisions and resolutions which recognise the rights of the foreigner under the legislation pertaining to this Convention.

The number of foreign workers residing in the country in 1940 was 32,998; in 1943 this number had risen to 41,050.

In 1940 the number of accidents reported as occurring to foreign workers residing in the

country was 499; in 1941 it was 309; in 1942, 221; and in 1943, 450.

The reports of the Inspection Services state that almost all employers have insured their workers against industrial accidents and that, in consequence, no difficulties occur in payment of compensation.

Neither the employers' organisations nor those of the workers have submitted any observations on the practical application of the provisions of the Convention.

The Government of *Ireland*, in its reports for 1939-1944, states that reciprocal arrangements have been made for the transfer of lump sums of compensation between Ireland and the Union of South Africa (Statutory Rules and Orders 1943, No. 73). A provisional arrangement was made in 1941 with Great Britain and Northern Ireland, whereby workmen's compensation monies (other than weekly sums) awarded in one State might be transferred to the other for administration (Statutory Rules and Orders 1941, No. 512).

The Government of *Mexico* in its reports for 1939-1944 mentions the Political Constitution of 1917, the Federal Labour Act of 18 August 1931, and the Social Insurance Act of 19 January 1943, as the legislation applying the Convention.

Mexican legislation makes no difference between national and foreign resident workers. No such agreement has been concluded under Article 2 of the Convention. Nevertheless, the authorities take care that when employment is offered by foreign employers the latter should provide assurances that he will carry out his contractual obligations. As regards Article 4, the reports state that there has been no fundamental change in the scheme of compensation for industrial accidents, except what is involved in the Social Insurance Act, which, however, does not affect equality of treatment for Mexicans and foreigners. No case has arisen before the courts in which any complaint has been made of discrimination between foreigners and nationals. As regards practical application, see under Convention No. 17.

The Government of *Switzerland* in its reports for 1939-1944 states with respect to Article 4 of the Convention that no legislative changes have been introduced during the period. The report refers to the "Collection of Decisions Given by the Federal Insurance Tribunal", which publishes judicial or other decisions concerning the application of the Convention.

Statistical information supplied in the report shows, *inter alia*, that out of 100 deaths due to industrial accidents, 10 related to foreigners in 1939-40, 7 in 1940-41, 6 in 1941-1943 and 9 in 1943-44. No observations from employers' or workers' organisations regarding the practical application of the Convention, but these organisations are in favour of an increase in the benefits to be taken into account for purposes of insurance.

The reports from the Government of the *Union of South Africa* for 1939-1944 mention

the Workmen's Compensation Act No. 30 of 1941 and the Regulations framed thereunder as the law governing the application of the Convention. The report states that this statute is in harmony with the provisions of the Convention.

The Act of 1941 makes no discrimination between foreign and Union nationals, but in respect of those foreign workmen who are ordinarily employed by an employer (who carries on business chiefly outside the Union) but who are *temporarily* employed by him in the Union, it is necessary for an agreement, prior to an accident in respect of which compensation is claimed, to be entered into between the Workmen's Compensation Commissioner and the said employer before the benefits of the Act apply.

Under § 10 (1), the Act provides that where an employer carries on business chiefly within the Union and the usual place of employment of his workman is in the Union, and an accident happens to his workman while the workman is temporarily employed by him out of the Union, the workman shall be entitled to compensation in the same manner as if the accident had happened in the Union, provided that the amount of compensation shall be determined on the basis of earnings which the workman, in the opinion of the commissioner, would have received if he had remained in the Union, and provided further that this provision shall cease to apply to a workman if he has been employed out of the Union for a continuous period of twelve months, save by arrangement between the commissioner, the workman and the employer concerned, and subject to such conditions as the commissioner may determine (§ 10(2)).

Reciprocal arrangements for the administration of workmen's compensation awards have been entered into between the Union, Great Britain and Ireland.

The Workmen's Compensation Act of 1941 came into full operative effect on 1 January 1943. All previous Union statutory laws relating to workmen's compensation were consolidated and substituted by the new Act, in which several new factors have been embodied, which include nationalisation of all rights to workmen's compensation and the obligations of employers to pay such compensation under the administrative directorship of a Workmen's Compensation Commissioner, appointed by the Minister of Labour.

The Act of 1941 is administered by the Workmen's Compensation Commissioner. Officers of the Department of Native Affairs assist in the administration of the Act in cases where the workman is a Native.

The report states that owing to war conditions it is not possible to give information concerning the number of foreign workers. No observations from employers' or workers' organisations.

The Government of *Uruguay* in its reports for 1940-1944 mentions Act No. 10004 of 28 February 1941 concerning compensation for industrial accidents and occupational diseases as supplementing previously existing legislation.

Colonies, etc. (Article 35 of the Constitution).

For the *United Kingdom*, see under Convention No. 12.

For the *Netherlands*, see under Convention No. 2.

The report of the Government of the *Union of South Africa* states that the Union has no

protectorates, Colonies or possessions, but information regarding the Mandated Territory of South-West Africa, furnished by the Administration, is to the effect that although the Convention has not been ratified in respect of its territory, the legislation of that territory conforms to the requirements of the Convention.

20. Convention concerning night work in bakeries

This Convention came into force on 26 May 1928

Countries	Date of registration of ratification	Periods covered by reports received
Bulgaria	5. 9. 1929	
Chile	31. 5. 1933	1939-1940, 1940-1942, 1942-1943, 1943-1944
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	6. 8. 1928	1939-1940, 1940-1943, 1943-1944
Estonia	23. 12. 1929	
Finland	26. 5. 1928	1939-1941, 1941-1942
Ireland	15. 3. 1937	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Luxembourg	16. 4. 1928	
Nicaragua	12. 4. 1934	
Spain	29. 8. 1932	
Sweden	5. 1. 1940	1940-1941, 1941-1942, 1942-1943, 1943-1944
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944

The Government of *Chile* supplies the texts of relevant Labour Court decisions, as requested in Point V of the Report Form, involving fines for various breaches of the Regulations. There are 7 such decisions for the report period 1939-40; 15 for 1940-1942; 7 for 1942-43; and 4 for 1943-44. The latest report states that 13,428 workers are covered by the relevant legal provisions; 125 breaches of the Act were noted in 1943.

The Government of *Ireland* reports that enforcing authorities carried out 1,981 inspections in 764 bakeries in 1940 (legal proceedings were taken in respect of contraventions noted in three cases); 2,082 inspections in 721 bakeries in 1941; 1,868 inspections in 682

bakeries in 1942; and 1,674 inspections in 675 bakeries in 1943.

The Government of *Sweden* states in its report for 1939-40 that this Convention is applied by the Act of 16 May 1930, which mentions certain restrictions on the hours of work in bakeries and confectioneries, and the Act of 26 May 1939 amending certain parts of the aforesaid Act. The most important amendment was that the so-called family bakeries, which had formerly been placed in a special position, were brought within the scope of the Act, thus making Swedish ratification of the Convention possible.

Colonies, etc. (Article 35 of the Constitution).

Does not apply to the reporting countries.

8th 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

Countries	Date of registration of ratification	Periods covered by reports received
Albania	17. 3. 1932	
Australia	18. 4. 1931	1939-1940, 1940-1943, 1943-1944
Austria	17. 3. 1932	
Belgium	15. 2. 1928	
Bulgaria	29. 11. 1929	
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Czechoslovakia	25. 5. 1928	
Finland	5. 4. 1929	1939-1941, 1941-1942
France ¹	13. 1. 1932	
United Kingdom ¹	16. 9. 1927	
Hungary	3. 2. 1931	
India	14. 1. 1928	1939-1940, 1940-1941, 1941-1943
Ireland	5. 7. 1930	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Japan	8. 10. 1928	
Luxembourg	16. 4. 1928	
Mexico	9. 3. 1938	1939-1940, 1940-1943, 1943-1944
Netherlands	13. 9. 1927	(colonies) 1939-1940
New Zealand	29. 3. 1938	1939-1940, 1940-1944
Nicaragua	12. 4. 1934	
Sweden ¹	15. 10. 1929	
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944
* * *	* * *	* * *
Burma ²	14. 1. 1928	1939-1940, 1940-1941

¹ Conditional ratification registered.

² See note to Convention 1.

The Government of *Colombia* in its report for 1940-41 stated that there existed in Colombia no special legislation concerning the subject matter of the Convention, except the laws and decrees which regulate immigration.

The Government of *India* in its report for 1941-1943 stated that the number of immigrants to Ceylon was 3,584 in 1941 and 6,814 in 1942, and that during the year 1943 up to 30 September the number was 35,203. The number of immigrants to Malaya up to the end of November 1941 was 1,034. No immigration to that country has taken place since that date. No observations from employers' or workers' organisations.

The Government of *Mexico* has supplied a detailed report on the application of the Convention during the period 1942-1944, which indicated in particular that no case arose in which the Government was called upon to ensure the protection of emigrants on board ship.

The Government of *New Zealand* in its

report for 1940-1944 gives a list of the number of permanent residents departing permanently from New Zealand in the years 1940-1943, qualified into departures from New Zealand for British countries and the number departing for foreign countries. It is explained, however, that very few of these can be regarded as "emigrants" in a strict definition of the term, as the greater part would be first-class or cabin-class passengers, with very few in the steerage. In view of the small extent of emigration from New Zealand no inspection service has been set up. No decisions have been given by courts of law, and no observations have been received from organisations of employers or workers.

The Government of *Burma* stated in its report for 1940-41 that during the period no migrants left Burma.

Colonies, etc. (Article 35 of the Constitution).

For the *Netherlands*, see under Convention No. 2.

9th SESSION (GENEVA, 1926)

22. Convention concerning seamen's articles of agreement

This Convention came into force on 4 April 1928

Countries	Date of registration of ratification	Periods covered by reports received
Australia	1. 4. 1935	1939-1940, 1943-1944
Belgium	3. 10. 1927	1939-1940
Bulgaria	29. 11. 1929	
Canada	30. 6. 1938	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Chile	18. 10. 1935	1939-1940, 1940-1942, 1942-1943, 1943-1944
China	2. 12. 1936	1940-1943
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	7. 7. 1928	1939-1940, 1940-1943, 1943-1944
Estonia	10. 5. 1929	
France	4. 4. 1928	
Germany	20. 9. 1930	
United Kingdom	14. 6. 1929	1939-1940, 1940-1941, 1941-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
India	31. 10. 1932	1939-1940, 1940-1941, 1941-1943
Ireland	5. 7. 1930	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Italy	10. 10. 1929	
Luxembourg	16. 4. 1928	
Mexico	12. 5. 1934	1939-1940, 1940-1943, 1943-1944
Netherlands	15. 12. 1937	(colonies only) 1939-June 1941
New Zealand	29. 3. 1938	1939-1940, 1940-1944
Nicaragua	12. 4. 1934	
Norway	29. 3. 1940	
Poland	8. 8. 1931	
Spain	23. 2. 1931	
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944
Yugoslavia	30. 9. 1929	
* * *	* * *	* * *
Burma ¹	31. 10. 1932	1939-1940, 1940-1941

¹ See note to Convention 1.

The Government of *Australia* in its report for 1939-40 stated that the number of individual seamen signing on in Australia during the twelve months ended 30 June 1940 was 10,764, but those seamen made 33,482 engagements during the same period.

The Government of *Belgium* in its report for 1939-40 stated that 15,582 seafarers, of which 508 were foreigners, were engaged under the Belgian flag in 1939.

For *Canada*, see under Convention No. 15.

The Government of *Chile* states in all its reports that the reports from the Maritime Inspection Service show that all the legal dispositions are in conformity with the Convention.

The reports also indicate the numbers of crew of the Chilean merchant fleet, and the total number of persons protected by the relevant legislation.

The Government of *China* in its report for 1940-1943 states that Part III of the Maritime Commerce Act and Article 17 of the Provisional Measures for the Control of Seamen are both based on the provisions of the Convention. They both provide that seamen holding articles of agreement shall register with the Bureau of Navigation. All the seamen in China who hold articles of agreement have registered with the Bureau of Navigation. The competent authorities for the application of the Convention are the Bureau of Navigation and local Governments.

The Government of *Cuba* states in its reports that the authorities responsible for the relevant legislation are the port captains, the Administrator of Customs and the Ministry of Labour.

The Government of *India* states in its report for 1941-1943 that at the port of Calcutta, a suggestion for an extension of the basic period

of the Lascar Agreement from 12 months to 18 months was received from the Chairman of the Liners Conference, Calcutta. The Conference also reported difficulties in dealing with seamen abroad on time-expired articles whose numbers were reported to be large. This matter is receiving consideration by the Government of India.

The Government of *Ireland* in all its reports supplies information on the number of seamen who were signed on during the periods covered.

The Government of *Mexico* in its report for 1943-44 states that an Act concerning general means of communication was promulgated on 19 February 1940, and that Regulations for technical machine inspectors were promulgated on 27 September 1939. The report states that the Mexican law is fundamentally in agreement with the provisions of the Convention, although detailed Regulations concerning ocean navigation and coasting trade have not yet been issued.

The Government of *New Zealand* in its report for 1940-1944 states that in accordance with the promise made in 1937 the question of incorporating the provisions of Article 13

in the national law has been noted for consideration when the Shipping and Seamen Act is amended.

The annual report of the Marine Department for each year contains returns showing the number of seamen engaged and discharged at the various ports in New Zealand during the year. No questions regarding the application of the Convention have been brought before any court of law for decision. No observations from employers' or workers' organisations.

The Government of the *United Kingdom* states in its reports that statistics respecting the number of seamen on British ships are not available. No decisions have been given by courts of law. No observations from employers' or workers' organisations.

Colonies, etc. (Article 35 of the Constitution).

For *Australia*, see under Convention No. 7.

For the *Netherlands*, see under Convention No. 2.

For *New Zealand*, see under Convention No. 1.

23. Convention concerning the repatriation of seamen

This Convention came into force on 16 April 1928

Countries	Date of registration of ratification	Periods covered by reports received
Belgium	3. 10. 1927	
Bulgaria	29. 11. 1929	
China	2. 12. 1936	1940-1943
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	7. 7. 1928	1939-1940, 1940-1943, 1943-1944
Estonia	9. 7. 1928	
France	4. 3. 1929	
Germany	14. 3. 1930	
Ireland	5. 7. 1930	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Italy	10. 10. 1929	
Luxembourg	16. 4. 1928	
Mexico	12. 5. 1934	1939-1940, 1940-1943, 1943-1944
Nicaragua	12. 4. 1934	
Poland	8. 8. 1931	
Spain	23. 2. 1931	
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944
Yugoslavia	30. 9. 1929	

The Government of *China* in its report for 1940-1943 stated that seamen in China were mostly employed in the coastal ports which were then either occupied by the Japanese or were subject to blockade by the Japanese Navy. Most of the seamen had found other employment and their original contracts of employment were suspended for the duration. They would be sent back to their original ports of employment at the end of the war; but they would not be sent back until then for the obvious reason that the Chinese Government would never supply the Japanese with fresh manpower.

The competent authorities for the application of the Convention are the Bureau of Navigation and local Governments.

The Government of *Cuba* in its report for 1943-44 states that the Ministry of Labour

and the port captains are the authorities responsible for the repatriation of seamen.

The Government of *Ireland* states in its report for 1939-40 that the Department of Industry and Commerce is the authority in Ireland which deals with repatriation cases.

Superintendents of mercantile marine offices at the ports take the necessary action. Repatriation cases occur but rarely in Ireland. No difficulties have been experienced in carrying out the Regulations, and no contraventions have occurred. No complaints or observations from organisations of seamen or employers.

The Government of *Mexico* in its report for 1943-44 states that an Act concerning general means of communication was promulgated on 19 February 1940.

Colonies, etc. (Article 35 of the Constitution).
Nil.

10th SESSION (GENEVA, 1927)

24. Convention concerning sickness insurance for workers in industry and commerce and domestic servants

This Convention came into force on 15 July 1928

Countries	Date of registration of ratification	Periods covered by reports received
Austria	18. 2. 1929	
Bulgaria	1. 11. 1930	
Chile	8. 10. 1931	1939-1940, 1940-1942, 1942-1943, 1943-1944
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Czechoslovakia	17. 1. 1929	
Germany	23. 1. 1928	
United Kingdom	20. 2. 1931	1939-1940, 1940-1941, 1941-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Hungary	19. 4. 1928	
Latvia	29. 11. 1929	
Lithuania	19. 6. 1931	
Luxembourg	16. 4. 1928	
Nicaragua	12. 4. 1934	
Rumania	28. 6. 1929	
Spain	29. 9. 1932	
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944
Yugoslavia	30. 9. 1929	

The Government of *Chile* in its reports for 1939-1944 mentions the following supplementary legislation: Act No. 6501 of 25 January 1940, a copy of which was included, supplementing No. 6174 and stating that the preventive medicine service in the armed forces will use the respective sanitary agencies; Decree No. 807 of 21 August 1940, a copy of which accompanied the report, stating that for the purpose of the application of the law on sickness, old-age and invalidity insurance, the terms "wages" or "salaries" mean the total remuneration received by the workman, including emoluments, whether in cash or kind; Act No. 7771 of 26 June 1944, which abolishes the maximum salary limit on workers covered by the Compulsory Insurance Act and states that for the purpose of insurance the term salary shall mean the actual remuneration earned by the workman, including money, lodging, food, bonuses, overtime, etc., family allowances alone being excepted.

The reports point out that by Decree No. 148 of 16 February 1940 a committee of seven specialists was appointed to study the amendments to be made to Act 4054 and that the said committee finished its task and submitted to the Government and to Congress a Bill amending the present legislation and bringing social insurance into complete harmony with the principles of this Convention.

The decisions taken by the administration

of the Compulsory Workers' Insurance Fund on the imposition of fines for infractions of the provisions of the above Act are carried out by the Labour Courts. The Insurance Fund itself discharges fiscal duties under the law, having special inspectors for this work.

Eight decisions on this subject accompanied the reports.

The reports contain statistical information for the years covered.

During 1943 the number of insured persons was approximately 1,400,000 and the following benefits were paid: 39,241,769.02 pesos in cash, 231,525,972.17 pesos in kind. The cash receipts of the Fund were as follows: employers' contributions, 208,600,035.66 pesos; workers' contributions, 97,896,521.33 pesos; State contribution, 85,254,145.26 pesos; other receipts, 35,659,580.15 pesos.¹

Neither the employers' nor the workers' organisations have expressed observations on the application of the Convention.

The Government of *Colombia* stated in its report for 1940-41 that it had submitted to Congress a Bill to establish social insurance.

¹ The data given in respect of the resources of the Fund refers also to the invalidity, old-age and death insurance and the benefits in cash and kind of the Sickness Insurance Fund include those provided under the Preventive Medicine Act.

The Government of the *United Kingdom* mentions in its reports the following legislation:

National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939; Old-Age and Widows' Pensions Act, 1940; National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941.

Various Orders and Regulations concerning National Health Insurance dating from 1936 to 1942.

For Northern Ireland¹, the following legislation is mentioned:

National Health Insurance Act, 1936; National Health Insurance (Amendment) Act, 1938; National Health Insurance (Amendment) Act (Northern Ireland), 1938; Widows', Orphans' and Old-Age Contributory Pensions Act (Northern Ireland), 1936; Widows', Orphans' and Old-Age Contributory Pensions (Voluntary Contributors) Act (Northern Ireland), 1937; National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939; Old-Age and Widows' Pensions Act (Northern Ireland), 1940.

Various Orders and Regulations concerning National Health Insurance dating from 1924 to 1941.

Application of Article 2 (b): persons employed otherwise than by way of manual labour at a rate of remuneration in excess of £250 a year and not over £420 a year have been compulsorily insurable from 5 January

¹ The National Health Insurance Scheme in Northern Ireland is identical with the scheme in Great Britain, with the exception of some differences in administrative machinery. The last report which included Northern Ireland covered the year ended 30 September 1941.

1942. (Section 3 of the National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941.)

Application of Article 2 (e): in consequence of the reduction of the pension age for women from 65 to 60, women over 60 years of age engaged in insurable employment are now exempted from compulsory insurance. (Section 2 of Old-Age and Widows' Pensions Act, 1940).

Application of Article 3: as a corollary to the reduction of the pension age for women from 65 to 60 the age at which an insured woman's right to sickness benefit terminates has also been reduced to 60. (Section 2 of the Old-Age and Widows' Pensions Act, 1940.)

Application of Article 7: the rates which have operated with effect from 5 January 1942 are supplied.

The benefits provided in the Acts include disablement and maternity benefits in addition to medical and sickness benefits. It is not possible to give separate statistics with reference only to the persons and benefits covered by the Convention.

The reports furnish detailed statistical information for the period ended 31 December 1942 in respect of scope of application, benefits in cash, benefits in kind, and financial resources.

No decisions have been given by courts of law. No observations have been received from organisations of employers or workers regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention.

Colonies, etc. (Article 35 of the Constitution).

United Kingdom: no fresh information.

25. Convention concerning sickness insurance for agricultural workers

This Convention came into force on 15 July 1928

Countries	Date of registration of ratification	Periods covered by reports received
Austria	18. 2. 1929	
Bulgaria	1. 11. 1930	
Chile	8. 10. 1931	1939-1940, 1940-1942, 1942-1943, 1943-1944
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Czechoslovakia	17. 1. 1929	
Germany	23. 1. 1928	
United Kingdom	20. 2. 1931	1939-1940, 1940-1941, 1941-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Luxembourg	16. 4. 1928	
Nicaragua	12. 4. 1934	
Spain	29. 9. 1932	
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944

For *Chile*, see under Convention No. 24. Agricultural workers are insured under the same law on the same basis as other workers.

The Government of *Colombia* stated in its report for 1940-41 that it had submitted to

the Congress a Bill to establish social insurance.

For *United Kingdom*, see under Convention No. 24.

Colonies, etc. (Article 35 of the Constitution).

United Kingdom: no fresh information.

11th SESSION (GENEVA, 1928)

26. Convention concerning the creation of minimum wage-fixing machinery

This Convention came into force on 14 June 1930

Countries	Date of registration of ratification	Periods covered by reports received
Australia	9. 3. 1931	1939-1940, 1940-1943, 1943-1944
Belgium	11. 8. 1937	
Bulgaria	4. 6. 1935	
Canada	25. 4. 1935	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Chile	31. 5. 1933	1939-1940, 1940-1942, 1942-1943, 1943-1944
China	5. 5. 1930	1940-1943
Colombia	20. 6. 1933	1939-1940, 1940-1941, 1941-1943 (in prep.)
Cuba	24. 2. 1936	1939-1940, 1940-1943, 1943-1944
France	18. 9. 1930	
Germany	30. 5. 1929	
United Kingdom	14. 6. 1929	1939-1940, 1940-1941, 1941-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Hungary	30. 7. 1932	
Ireland	3. 6. 1930	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Italy	9. 9. 1930	
Mexico	12. 5. 1934	1939-1940, 1940-1943, 1943-1944
Netherlands	10. 11. 1936	(colonies) 1939-1940
New Zealand	29. 3. 1938	1939-1940, 1940-1944
Nicaragua	12. 4. 1934	
Norway	7. 7. 1933	
Spain	8. 4. 1930	
Union of South Africa	28. 12. 1932	1939-1942, 1942-1943, 1943-1944
Uruguay	6. 6. 1933	1940-1943, 1943-1944

In *Australia*, the National Security (Economic Organisation) Regulations, 1942, which form part of the Government's policy for preventing inflation, have limited the discretion of Commonwealth and State minimum wage-fixing tribunals both with respect to the variation of wage rates and in the making of new awards. From 1942 to 1944 women's wages were regulated by the Women's Employment Board established under the Women's Employment Act, 1942, and Regulations; the functions of the Board were transferred in 1944 to the Commonwealth Arbitration Court, which has continued to apply the principles governing women's wages developed by the Board.

The Government of *China* reports that the minimum wage law which was promulgated by the National Government on 25 June 1936 has not yet been enforced because of the Sino-Japanese hostilities which began in 1937.

The Government of *Colombia* stated in its reports for the years 1939-40 and 1940-41 that legislation relating to the Convention had not yet been enacted.

In the *United Kingdom*, the Catering Wages Act, 1943, provides that the Catering Wages Commission may recommend the establishment of a wages board or boards in cases where joint voluntary negotiating machinery either does not exist or is not adequate and cannot by improvement be made adequate.

The Government of *Ireland* reports that, under the Emergency Powers (No. 83) Order, 1941, the powers vested in the Trade Boards under the Trade Boards Act to fix, alter, cancel or vary minimum rates of wages were suspended from 7 May 1941; this Order was revoked, however, by the Emergency Powers (No. 166) Order, 1942.

The Government of the *Union of South Africa* reports that War Measures 9 and 145 of 1942 taken under the War Measures Act 1940 "constitute a departure from the terms of the Convention in as much as no provision exists for consultation with representatives of employers and employees before the machinery of the war measures is applied, i.e., before arbitrators are appointed to settle labour disputes. Both war measures, however, require

arbitrators to consult trade unions and employers' organisations which are representative of the interests involved. These measures are intended to operate during the war period only."

The Government of *Uruguay* reports that with the enactment of Act No. 10449 of 12 November 1943, providing for the establishment of wages boards, Uruguay's compliance with the Convention is completed. Before that time, legislation complying with the Convention had been enacted only for home-working industries.

Colonies, etc. (Article 35 of the Constitution).

The Government of the *United Kingdom* reports that the following further legislation has been enacted:

<i>Aden</i>	Minimum Wage and Wages Regulation Ordinance, 1940 (Ordinance No. 17 of 1940)
<i>Bahamas</i>	*Abaco Lumber Company (Minimum Wage) Order, 1942 (Order in Council dated 3 October 1942)
<i>Barbados</i>	Wages Boards Act, 1943 (No. 32 of 1943) Defence (Trade Disputes) Regulations, 1943 Defence (Trade Disputes) Order, 1943 Defence (Trade Disputes) (Amendment) Order, 1943 Defence (Trade Disputes) (Amendment) Order, 1943, No. 2 Regulations made under Section 25 of the Wages Board Act of 1943
<i>British Guiana</i>	Labour Ordinance, 1942 (Ordinance No. 2 of 1942) Part III *Minimum Wages (Georgetown Waterfront Workers) Order, 1942 (Order No. 25 of 1942) *Order in Council made under Ordinance No. 2 of 1942 (No. 35 of 1943)
<i>British Honduras</i>	Labour (Minimum Wage) Ordinance, 1940 (Ordinance No. 1 of 1940) *Proclamation dated 29 October 1941 fixing minimum rates for crews or vessels plying on the Belize River (S. R. & O., 79 of 1941) *Proclamation declaring minimum rates of wages for crews of vessels plying on the Belize River (S. R. & O., No. 46 of 1944)
<i>Ceylon</i>	Wages Boards Ordinance, 1941 (Ordinance No. 27 of 1941)
<i>Cyprus</i>	Minimum Wage Law, 1941 (Law No. 17 of 1941) *Minimum Wage (Nahieh of Khrysokhou) Order, 1941 *Minimum Wage Commerce and Trade Regulations, 1942
<i>Dominica</i>	*Proclamation made on 15 December 1939 fixing minimum rates of wages for shop assistants in the towns of Roseau and Portsmouth *The Labour (Minimum Wage) (Advisory Board) Rules, 1944 (S. R. & O., No. 34 of 1944)
<i>Falkland Islands</i>	Minimum Wage Ordinance, 1942 (Ordinance No. 2 of 1942)
<i>Gambia</i>	Labour (Amendment) Ordinance, 1941, Section 3 (Ordinance No. 13 of 1941) *Minimum Wage (Unskilled Manual Labour) Order, 1941 (Order No. 30 of 1941) *Minimum Wage (Unskilled Manual Labour) Order, 1942 (Order No. 11 of 1942)
<i>Grenada</i>	*Minimum Wage (Agriculture) Order, 1940 (S. R. & O., 1940, No. 19) Department of Labour Ordinance, 1940 (Ordinance No. 16 of 1940) Department of Labour (Amendment)

*Denotes Rules, Regulations, Orders, etc., designed to implement general legislation.

Hong Kong

Jamaica

Kenya

Ordinance, 1941 (Ordinance No. 6 of 1941)

*Department of Labour Order (S. R. & O., 1942, No. 68) as amended by Department of Labour (Amendment) Order, 1942 (S. R. & O., 1942, No. 88)
Trade Board's Ordinance, 1940 (Ordinance No. 15 of 1940) (this repealed the Minimum Wage Ordinance, 1932 (No. 28 of 1932))

*Advisory Board (Sugar Industry) Regulations, 1940, published 28 November 1940

Advisory Board (Sugar Industry) (Amendment) Regulations, 1941 published 14 March 1941

*Advisory Board (Bakery Trade) Regulations, 1942 (Notice No. 50 in Government Gazette Supplement, No. 33 of 18 September 1942)

Minimum Wage (Sugar Industry) Proclamation, 1942 (Proclamation No. 39 of 1942)

*Advisory Board (Alcoholic and Non-Alcoholic Beverages Trade) Regulation, 1943 (Notice No. 79 in Government Gazette Supplement of 18 November 1943)

Advisory Board (Printing Trade) Regulations, 1944 (Notice No. 57 in Government Gazette Supplement of 20 July 1944)

Minimum Wage (Catering Trade) (Kingston and St. Andrew) Proclamation, 1944 (Proclamation No. 8 of 1944), Minimum Wage (Bread and Cake Bakery Trade) (Kingston and St. Andrew) Proclamation, 1944 (Proclamation No. 9 of 1944)

*Defence (Fixing of Wages) Regulations, 1940. Under the powers conferred by these Regulations the following minimum and maximum rates of wages were fixed for Asians engaged in the Central Rift Valley and Coast Provinces as from 23 November 1940:

	Minimum	Maximum per hour
Fitters, turners, moulders, welders, pattern makers	85c to 1sh.	25 cents
Joiners, cabinet makers, tinsmiths, machinists (wood-workers)	75 cents to 1sh.	10 cents
Blacksmiths, bricklayers, carpenters, leather workers, masons, plasterers	72 cents to 1sh.	10 cents.

The following persons are excluded: apprentices, learners, improvers, leading artisans, charge hands, mistrys and any person or persons engaged in the above-mentioned trades and occupations, who, prior to 23 November 1940, was or were in receipt of a higher rate than the rate fixed (Government Notice No. 1063 dated 20 November 1940 and Notice No. 1065 dated 23 November 1940)

*Government Notice No. 892 dated 28 September 1942 made under Defence (Fixing of Wages) Regulations, 1940

*Government Notice No. 819 of 1942 and Government Notice No. 115 of 1943 made under Defence (Fixing of Wages) Regulations, 1940, in respect of Asians engaged in certain trades and occupations in the Nyanza, Central, Rift Valley and Coast Provinces

For *Netherlands*, see under Convention No. 2.

For *New Zealand*, see under Convention No. 1.

*Denotes Rules, Regulations, Orders, etc., designed to implement general legislation.

	Government Notice No. 327 of 1944 made under Defence (Limitation of Labour) Regulations, 1944, fixed the minimum wages payable to Natives employed in any industry or undertaking including domestic service within the Municipality of Nairobi	<i>St. Lucia</i>	*Minimum Wage (Agricultural Labourers) Order, 1940 (S. R. & O., 1940, No. 25) Minimum Wage (Shop Assistants) Order, 1940 (S. R. & O., 1940, No. 26), Labour (Minimum Wage) (Amendment) Ordinance, 1941 (Ordinance No. 24 of 1941) *Labour (Coaling Industry) (Minimum Wage) Order, 1941 (S. R. & O., 1941, No. 63) Labour (Minimum Wage) (Shop Assistants) Order, 1941 (S. R. & O., 1941, No. 64) Minimum Wages (Agricultural Labourers) Order, 1940 (S. R. & O., 1940, No. 101) Labour (Minimum Wage) (Agricultural Labourers) Order, 1941 (S. R. & O., No. 65 of 1941) *Labour (Minimum Wage) (Shop Assistants) Order, 1942 (S. R. & O., No. 80 of 1942) Labour (Minimum Wage) (Agricultural Labourers) Order, 1942 (S. R. & O., No. 79 of 1942) *Labour (Minimum Wage) (Agricultural Labourers) Order, 1944 (S. R. & O., No. 32 of 1944) *Agricultural Workers (Minimum Wage) (Amendment) Order, 1940
<i>Mauritius</i>	*Order made under the Minimum Wages Ordinance, 1934, fixing minimum rates of wages for all agricultural labourers employed in the Colony as from 1 September 1941 (Government Notice No. 210 dated 30 August 1941), *Minimum Wage (Baking Industry) (Government Notice No. 55 of 1943), Minimum Wage (Printing Trade) (Government Notice No. 310 of 1943), *Minimum Wage (Sugar Industry) (Government Notices Nos. 170, 368 and 379 of 1944)		*Agricultural Workers (Minimum Wage) (Amendment) Order, 1942 (S. R. & O., 1942, No. 94) Labour Ordinance, 1942 (No. 14 of 1942, repealing previous minimum wage legislation) *Department of Labour (Agricultural Workers) Order, 1943 (S. R. & O., No. 18 of 1943)
<i>Nigeria</i>	*Mining Industry (Control of Wages) (Northern Provinces) (No. 2) Regulations, 1942 (Regulations No. 91 of 1942) Mining Industry (Compulsory Service) (Northern Provinces) Wage Fixing Notice, 1942 (No. 201 of 1942) Labour (Wage-Fixing and Registration) Ordinance, 1943 (No. 40 of 1943), *The Labour (Wage-Fixing and Registration) (Publication of Notices) Rules (No. 17 of 1943) The Wage-Fixing (Tailoring, Shirt-making and Ancillary Trades or Occupations) Order in Council (No. 33 of 1944) The Labour (Wage and Registration) (Amendment) Ordinance (No. 22 of 1944)	<i>St. Vincent</i>	
<i>Nyasaland</i>	Minimum Wage (Amendment) Ordinance, 1940 (Ordinance No. 3 of 1940), *Instructions issued during the winter of 1941-42 provided that all African Government workers engaged on essential or productive work who were in receipt of wages of less than 12 shillings a month and had proved themselves efficient, should be granted an immediate raise to 12 shillings a month. Government employees on rates ranging between 12s. and 14s.6d. a month were also granted increases, those on the last-mentioned figure being given 15s. a month.	<i>Turks & Caicos Islands</i>	Salt Industry Control Ordinance, 1940 (Ordinance No. 1 of 1940), Section 10 (VIII) *Salt Industry Regulations, 1940, as amended by Notification No. 5 of 1941 dated 23 January 1941 Minimum Wage Ordinance, 1941 (Ordinance No. 4 of 1941)
		<i>Uganda</i>	*Defence (Fixing of Wages) Regulations, 1940 *Defence (Fixing of Wages) Regulations, 1941 (Legal Notice No. 15 of 1941)

*Denotes Rules, Regulations, Orders, etc., designed to implement general legislation.

*Denotes Rules, Regulations, Orders, etc., designed to implement general legislation.

12th SESSION (GENEVA, 1929)

27. Convention concerning the marking of the weight on heavy packages transported by vessels

This Convention came into force on 9 March 1932

Countries	Date of registration of ratification	Periods covered by reports received
Australia	9. 3. 1931	1939-1940, 1940-1941 ¹ , 1941-1943, 1943-1944
Austria	9. 3. 1931	
Belgium	6. 6. 1934	
Bulgaria	4. 6. 1935	
Canada	30. 6. 1938	1939-1940, 1940-1941, 1941-1943, 1943-1944
Chile	31. 5. 1933	1939-1940, 1940-1942, 1942-1943, 1943-1944
China	24. 6. 1931	1940-1943
Czechoslovakia	26. 3. 1934	
Denmark ²	18. 1. 1933	
Estonia	18. 1. 1932	
Finland	8. 8. 1932	1939-1941, 1941-1942
France	29. 7. 1935	
Germany	5. 7. 1933	
Greece	30. 5. 1936	1939-1940, 1940-April 1941
Hungary	6. 12. 1937	
India	7. 9. 1931	1939-1940, 1940-1941, 1941-1943
Ireland	5. 7. 1930	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Italy	18. 7. 1933	
Japan	16. 3. 1931	
Lithuania	28. 9. 1934	
Luxembourg	1. 4. 1931	
Mexico	12. 5. 1934	1939-1940, 1940-1943, 1943-1944
Netherlands	4. 1. 1933	(colonies) 1939-1940
Nicaragua	12. 4. 1934	
Norway	1. 7. 1932	
Poland	18. 6. 1932	
Portugal	1. 3. 1932	1939-1940
Rumania	7. 12. 1932	
Spain	29. 8. 1932	
Sweden	11. 4. 1932	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Switzerland	8. 11. 1934	1939-1940, 1940-1941, 1941-1943, 1943-1944
Union of South Africa ²	21. 2. 1933	
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944
Venezuela	17. 12. 1932	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Yugoslavia	22. 4. 1933	
* * *	* * *	* * *
Burma ³	22. 12. 1937	1939-1940, 1940-1941

¹ Only concerning application to Papua, New Guinea, Nauru and Norfolk Island.

² Conditional ratification registered.

³ See note to Convention I.

The *Australian* Government reports that there has been no change as regards the various States since 1939.

On 16 July 1941 the Commonwealth Government issued the Navigation (Loading and Unloading) Regulations under the Navigation Act, 1912-1935 (Statutory Rules 1941, No. 164), and § 51 of these Regulations deals with the marking of the weight on packages, etc.,

intended for loading on ships. The Regulations of 1928, 1930 and 1932 mentioned in the *Summary of Annual Reports* for 1939 are repealed.

Article 1 of the Convention is covered by this section, except that the requirement of marking the weight is limited to packages or articles of cargo "before being loaded . . . by means of the cargo gear belonging to or used on the ship".

Provisions relating to the procedure in prosecutions for breaches of the Regulations were introduced in amending Regulations of 24 July 1942 (1942 No. 337).

No decisions have been given by the courts regarding the application of the Convention.

No observations have been received from employers' or workers' organisations.

Canada applies the Convention under § 468 of the Canada Shipping Act, 1934, the provisions of which correspond to those of Article 1 of the Convention. The Act is administered by the Department of Transport, Ottawa. No representations have been made by organisations of employers or workers.

In *Chile*, §§ 253 and 254 of the General Hygiene and Safety Regulations (No. 655), dated 25 November 1940, give effect to Article 1 of the Convention but do not specify the persons responsible for compliance. No decisions have been given by the courts. No observations have been submitted by employers' or workers' organisations.

The Government of *China* in its report for 1940-1943 states that since the coastal harbours or ports have been either occupied or blockaded by the Japanese, the transport of heavy packages by ocean-going vessels has been temporarily suspended. Such packages are now transported by river vessels.

The Government of *Sweden* states in its report that during the period 1940-41 the industrial inspectorates' reports showed that no cases of contravention of the law were notified in Sweden. During 1941-42 one such case was notified. During 1943-44 no breaches

of the legislation have been committed, as far as can be judged from the labour inspection reports.

The Government of *Switzerland* states that owing to the difficulties encountered by Swiss trade since the war, the Convention has lost much of its importance for Switzerland for the time being, and the inspectors have not been asked to furnish reports on its application.

The reports submitted by the Government of *Uruguay* do not specifically mention the Convention.

In *Venezuela* Regulations under the Labour Act of 1936, issued on 30 November 1938, contain provisions (§§ 168 and 169) applying Article 1 of the Convention.

Under a Decree of 12 April 1940 the administration of the Act and the Regulations under it is entrusted to the Minister of Labour and Communications.

No decisions have been given by the courts. No observations have been submitted by employers' or workers' organisations.

Colonies, etc. (Article 35 of the Constitution).

For *Australia*, see Convention No. 8.

The Australian Government's letter of 5 April 1944 also states that as regards the application of Conventions No. 27 and 29 to Norfolk Island, no forced labour has been employed and no instance of contravention of the Regulations concerning the marking of weight on heavy packages has come under notice.

For the *Netherlands*, see under Convention No. 2.

28. Convention concerning the protection against accidents of workers employed in loading or unloading ships

This Convention came into force on 1 April 1932

Countries	Date of registration of ratification	Periods covered by reports received
Ireland	5. 7. 1930	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Luxembourg	1. 4. 1931	
Nicaragua	12. 4. 1934	
Spain ¹	29. 8. 1932	

¹ Since the ratification by Spain of Convention No. 32 was registered on 28 July 1934, its ratification of Convention No. 28 lapsed on 28 July 1935.

14th SESSION (GENEVA, 1930)

29. Convention concerning forced or compulsory labour

This Convention came into force on 1 May 1932

Countries	Date of registration of ratification	Periods covered by reports received
Australia	2. 1. 1932	1939-1940, 1940-1941 ¹ , 1941-1943
Belgium	20. 1. 1944	
Bulgaria	22. 9. 1932	
Chile	31. 5. 1933	1939-1940, 1940-1942, 1942-1943, 1943-1944
Denmark	11. 2. 1932	
Finland	13. 1. 1936	1939-1941, 1941-1942
France	24. 6. 1937	
United Kingdom	3. 6. 1931	1939-1940, 1940-1941, 1941-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Ireland	2. 3. 1931	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Italy	18. 6. 1934	
Japan	21. 11. 1932	
Liberia	1. 5. 1931	1939-1943
Mexico	12. 5. 1934	1939-1940, 1940-1943, 1943-1944
Netherlands	31. 3. 1933	(colonies) 1939-1940
New Zealand	29. 3. 1938	1939-1940, 1940-1944
Nicaragua	12. 4. 1934	
Norway	1. 7. 1932	
Spain	29. 8. 1932	
Sweden	22. 12. 1931	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Switzerland	23. 5. 1940	1940-1941, 1941-1943, 1943-1944
Yugoslavia	4. 3. 1933	
Anglo-Egyptian Sudan (voluntary) ²		1939-1940

¹ Only concerning application to New Guinea, Papua, Nauru and Norfolk Island.

² A voluntary report for the period 1939-40 was submitted by the Government of the Anglo-Egyptian Sudan although the Anglo-Egyptian Sudan is not a contracting party. By letter of 9 October 1944, the Government of the Anglo-Egyptian Sudan informed the Office that instructions would be given for the resumption of these voluntary reports as soon as the local administrative manpower situation improves. The Government also stated that an *ad hoc* report would be sent on any relevant event of sufficient importance.

I

LIST OF LEGISLATION, ETC., APPLYING THE PROVISIONS OF THE CONVENTION

Australia:

New Guinea Native Administration Regulations, 1924.

See under Conventions Nos. 8 and 27 regarding the application of the Convention in the territories of *Papua*, *New Guinea* and *Nauru*.

Nigeria

Forced Labour Ordinance, 1933 (*L.S.* 1933, Nig. 1), amended by Ordinances Nos. 16 of 1937 and 60 of 1942. 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 and 4 of 1938 Regulations No. 13 of 1934, made under § 16 of the above Ordinance, amended by Regulations No. 21 of 1936

Netherlands:

Regulations No. 23 of 1935, made under § 16 of the above Ordinance, amended by Regulation No. 24 of 1938
Order in Council No. 18 of 1937, made under § 11 of the Native Courts Ordinance, 1933

The situation in the *Netherlands East Indies* was radically changed by the adoption in 1941 of legislation abolishing *heerendiensten*. Owing to the war situation, however, reports on this new legislation have not been communicated to the International Labour Office.

II

ARTICLE 26 OF THE CONVENTION

Netherlands: No change has been reported in the declarations made under Article 26 of the Convention (in accordance with Article 35 of the Constitution of the International Labour Organisation), in which each Member states:

(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 decisions.

III

PROVISIONS OF LEGISLATION, ETC., UNDER WHICH THE ARTICLES OF THE CONVENTION ARE APPLIED

Articles 1-21

The *United Kingdom* Government has reported in respect of Southern Rhodesia the adoption of the Emergency Powers (Defence) Act, 1939, which confers powers on the Governor to make Regulations including provision for compelling any person to enter employment and to remain employed in any industry, undertaking, trade or occupation. An amending Act, No. 27 of 1940, provides that the legislation is to remain in force until a date which is not later than six months after the end of the present war. Emergency legislation has not been reported in respect of other dependent territories.

With one exception, no change is reported in the legislation and Regulations applying to provisions of the Convention to separate dependent territories. The exception is that of *Nigeria*, where the Forced Labour (Amendment) Ordinance, 1942 (No. 60 of 1942) was enacted to ensure that the provisions of the Workmen's Compensation Ordinance, 1941, should apply in any case in which forced labour is employed.

By letter dated 21 December 1943 the Government of *Liberia* stated that with the exception of an Act entitled "An Act Fixing Minimum Wages for Women and Protecting the Interests of the Working Classes", passed and approved on 29 January 1943, no other measures in relation to forced or compulsory labour had been taken by the Government since the submission of the report for 1938-39.

Netherlands: The report for 1939-40 on the Netherlands Indies gives no legislative changes during the period under review, but records the adoption of the Road Tax Ordinance, to come into effect from 1 January 1942, by which *heerendienstein* in the *Outer Provinces* under direct rule was to be replaced by a tax levied on all male adults, without dis-

tinction of race or nationality. The report also states that the early and total abolition of the imposition of compulsory services in the *Java* principalities was intended.

In connection with services for the landlords of the private estates in *Java*, the Government reports the purchase of two more estates and states that the company created by the Government for the redemption of these estates continued to impose in a humane manner the services Natives were liable to render, permitting commutation and providing for the reduction of commutation rates as from 1 January 1941.

Article 22

United Kingdom

Statistical information concerning forced or compulsory labour exacted under the laws reported has been given for the years 1939-1940, 1940-1941, 1941-1942, 1942-1943, and 1943-1944 in the case of *Kenya*, *Nigeria*, *Sierra Leone*, *Tanganyika* and *Uganda*. Similar information concerning *North Borneo* was given in the reports for 1939-1940 and 1940-1941. In the case of the *Gold Coast*, including *Togoland under British Mandate*, it is reported that no unpaid compulsory labour other than for minor communal services was employed and that no forced labour was employed otherwise than on minor communal services.

Netherlands

Statistical information is given for the year 1939-1940. There were no cases of the illegal exaction of forced or compulsory labour, punishable by law under § 335 of the Penal Code.

IV

GENERAL APPRECIATION OF MANNER IN WHICH THE CONVENTION IS APPLIED

United Kingdom: The general situation remains unchanged.

V

DECISIONS GIVEN BY COURTS OF LAW, ETC.

United Kingdom: In respect of *Sierra Leone* certain cases are reported where convictions were secured either for the illegal exaction of forced labour or for failure to perform certain services. The other reports supplied by the British Government on the separate dependent territories state that no decisions have been given by the courts regarding the application of the Convention and that no representations have been received from employers' or workers' organisations.

New Zealand (1940-1944): No decisions have been given by courts of law regarding the application of this Convention. No observations have been received from organisations of employers or workers.

30. Convention concerning the regulation of hours of work in commerce and offices

This Convention came into force on 29 August 1933

Countries	Date of registration of ratification	Periods covered by reports received
Austria ¹	16. 2.1933	
Bulgaria	22. 6.1932	
Chile	18.10.1935	1939-1940, 1940-1942, 1942-1943, 1943-1944
Cuba	24. 2.1936	1939-1940, 1940-1943, 1943-1944
Finland	13. 1.1936	1939-1941, 1941-1942
Mexico	12. 5.1934	1939-1940, 1940-1943, 1943-1944
New Zealand	29. 3.1938	1939-1940, 1940-1944
Nicaragua	12. 4.1934	
Spain	29. 8.1932	
Uruguay	6. 6.1933	1940-1941, 1941-1943, 1943-1944

¹ Conditional ratification registered.

The texts of Labour Court decisions regarding the application of legislation relating to the Convention are appended to the reports of the Government of *Chile*. There were 3 such decisions in the period 1939-40; 13 in 1940-1942; and 4 in 1943-44. The number of workers protected by the legislation is approximately 180,000.

The reports of the Government of *Cuba* submitted since 1940 refer to Article 66 of the Constitution (adopted in 1940) which limits hours of work to 8 in the day and 44 in the week for all categories of employment except domestic service and, provisionally, the sugar industry. The latest report states with reference to Article 9 of the Convention, that exceptional authorisations have been issued only in respect of undertakings essential to the national defence or to production for the United Nations.

The Government of *Mexico* reports new laws and Regulations as follows: an Act fixing the civil servants' statute, promulgated on 17 April 1941; and Presidential Decrees of 5 July 1943 and 16 May 1944, fixing business hours in commercial establishments in the federal capital.

In its first report on the application of the Convention, the Government of *New Zealand* gives detailed information concerning the relevant legislation and awards of the Court of Arbitration or industrial agreements made un-

der the provisions of the Industrial Conciliation and Arbitration Act, 1925, as amended, limiting hours of work to 48 or less in the week. The Government states that it is satisfied that in practice the Convention is applied either by statutory provisions or awards made pursuant thereto. With respect to Articles 3 and 5 of the Convention, the report states that overtime is permissible, at time and one-half penalty rates, to the extent of 3 hours in any one day or 60 hours in any one year under the Shops and Offices Amendment Act, 1936. The annual report of the Department of Labour for 1944 states, with reference to the Shops and Offices Act, that the estimated number of shops operating during the year was 26,140, of which 12,559 did not employ assistants. It was estimated that 19,051 males and 25,999 females were engaged in shops where assistants were employed. Visits of inspection numbered 10,926; 44 convictions were obtained for breaches of the Act, resulting in fines totalling £78, and 120 warnings were issued. In lieu of figures, which are not available, as to the number of workers covered by the legislation, the report contains figures for the membership of industrial unions; as at 31 December 1943, these figures stood at 14,078 for shop assistants and 22,346 for clerical workers.

Colonies, etc. (Article 35 of the Constitution).

For *New Zealand*, see under Convention No. 1.

16th SESSION (GENEVA, 1932)

32. Convention concerning the protection against accidents of workers employed in loading or unloading ships (revised 1932)

This Convention came into force on 30 October 1934

Countries	Date of registration of ratification	Periods covered by reports received
Chile	18. 10. 1935	1939-1940, 1940-1942, 1942-1943, 1943-1944
China	30. 11. 1935	1940-1943
United Kingdom	10. 1. 1935	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Italy	30. 10. 1933	
Mexico	12. 5. 1934	1939-1940, 1940-1943, 1943-1944
New Zealand	29. 3. 1938	1939-1940, 1940-1944
Spain	28. 7. 1934	
Sweden	3. 8. 1938	1943-1944
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944

The Government of *Chile* states in its reports that the General Industrial Hygiene and Safety Regulations issued on 25 November 1940 contain a chapter — Chapter IV of Title III — relating to hygiene and safety in dock work. These Regulations contain provisions dealing with the subject matter of Articles 2-12 of the Convention, but appear to apply fully only the provisions of Articles 4, 6, 10 and 12.

No decisions relating to the Convention have been given by the courts.

The Chilean Government's report for 1943-44 states that the legislation applying the Convention is working more or less satisfactorily. In 1943 this legislation covered 14,300 workers. There were 352 accidents during the year, of which 9 were fatal, 25 serious and 318 slight.

Neither the employers' nor the workers' organisations have submitted any observations on the application of the Convention.

The Government of the *United Kingdom* states in its reports that a high standard of observance of the law which embodies the provisions of the Convention continues to be observed. In 1944 there were 9,864 accidents at docks, wharves and quays, of which 102 were fatal. The principal causes of these accidents were handling goods or articles in manufacturing or carrying processes (2,566); struck by falling body (1,837); lifting machinery (1,689); stepping on or striking against objects (581); railway locomotives and rolling stock (544); hand tools (378); and other vehicles (301).

The report of the Government of *Mexico* for 1939-40 stated that the relevant Regula-

tions were under revision. Subsequent reports state that in the absence of specific legislation port authorities have been recommended to comply with the protective provisions of the Convention. It is intended to incorporate the provisions of the Convention in a new Act on general means of communication and in the general accident prevention Regulations.

Note has been taken of the objections raised by the Committee of Experts in 1937 as to the manner in which the Convention has been applied in Mexico.

The Government of *New Zealand* in its reports for 1939-1944 states that while national law is not absolutely in harmony with the provisions of the Convention, the differences are so small that it has not been considered necessary at present to make any amendments to comply fully.

Responsibility for compliance with the Regulations is specifically laid on the owner, master or officer in charge of a ship, the owner of machinery or plant, and every person who by himself, his agents or workmen carries on the loading, unloading or handling of cargo or coal on ships or wharves. Further, it is the duty of all agents, workmen and persons employed in such work to comply with the respective Regulations.

Waterside inspectors have been appointed in the principal ports to see that the provisions of the legislation and Regulations are complied with.

No decisions have been given by the courts.

There are at present no statistics available regarding the number of workers covered by

the relevant legislation, but the annual report of the Department of Labour for 1944 indicates that 6,454 persons were members of the industrial unions embracing waterside employees, stevedores and timekeepers.

No representations or observations have been made by the organisations of employers or workmen.

The Government of *Sweden* in its report for 1943-44 refers to Royal Decree No. 815 of 8 October 1937 concerning the protection of workers engaged in the loading and unloading of ships, which is a responsibility of the captain, amended by Decree No. 842 of 10 December 1943, and Decree No. 816 concerning measures of protection. Reference is also made to Orders issued by the State Insurance Office on 30 July 1938; No. 599, concerning certain exemptions from the application of Decree No. 816; and No. 600, containing special provisions in pursuance of Decree No. 816.

Colonies, etc. (Article 35 of the Constitution).

The Government of the *United Kingdom* states that the following further legislation has been enacted:

Cyprus The Docks (Amendment) Regulations, 1940 (Government Notice No. 307 of 1940)

Malta Order made by the Governor on 23

Nigeria

Sierra Leone

*Federated Malay States
Gambia*

Jamaica

Kelantan

*British
Guiana*

June 1939 under the Workmen's Compensation Ordinance, 1934, with Regulations for the loading, unloading, moving and handling of goods at docks, wharves, and quays (came into operation on 1 October 1939)

Docks (Safety of Labourers) Regulations, 1940 (Regulations No. 35 of 1940)

Docks (Safety of Labourers) (Amendment) Regulations, 1941 (Regulations No. 18 of 1941)

General Port (Amendment) Regulations, 1941 (Regulations No. 19 of 1941)

Piers (Amendment) Regulations, 1941 (Regulations No. 22 of 1941)

Wharves (Safety of Workers) Rules, 1940, made under the Regulations of Docks Ordinance, 1938, as amended by the Wharves (Safety of Workers) (Amendment) Rules, 1940 (Public Notices Nos. 30 and 91 of 1940)

Ports (Amendment) Enactment, 1941 (Enactment No. 8 of 1941)

Regulation of Docks Ordinance, 1940 (Ordinance No. 33 of 1940)

Dock Workers (Protection against Accidents) Law, 1941 (Law No. 18 of 1941)

Ports (Amendment No. 1) Enactment, 1941 (Enactment No. 13 of 1941)

Docks Regulations, 1943, made under Section 3 of the Regulation of Dangerous Trades Ordinance, 1938 (came into effect on 1 July 1943)

For *New Zealand*, see under Convention No. 1.

33. Convention concerning the age for admission of children to non-industrial employment

This Convention came into force on 6 June 1935

Countries	Date of registration of ratification	Periods covered by reports received
Austria	26. 2. 1936	
Belgium	6. 6. 1934	
Cuba	24. 2. 1936	1939-1940, 1940-1943, 1943-1944
France	29. 4. 1939	
Netherlands	12. 7. 1935	(colonies) 1939-1940, 1940-1941
Spain	22. 6. 1934	
Uruguay	6. 6. 1933	1940-1941, 1941-1943, 1943-1944

The Government of *Cuba* in its report for 1943-44 states that during that period no decisions were given by the courts, and that no observations were made by employers' or

workers' organisations.

Colonies, etc. (Article 35 of the Constitution).

For the *Netherlands*, see under Convention No. 2.

17th SESSION (GENEVA, 1933)

34. Convention concerning fee-charging employment agencies

This Convention came into force on 18 October 1936

Countries	Date of registration of ratification	Periods covered by reports received
Chile	18. 10. 1935	1939-1940, 1940-1942, 1942-1943, 1943-1944
Finland	13. 1. 1936	1939-1941, 1941-1942
Mexico	21. 2. 1938	1939-1940, 1940-1943, 1943-1944
Spain	27. 4. 1935	
Sweden	1. 1. 1936	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944

The Government of *Mexico* includes information in its 1943-44 report, on the recruitment of Mexican workers for employment in the United States.

The Government of *Sweden* points out, in the official letters transmitting the reports on

the application of the Convention, that a request for the revision of the Convention had been made by Sweden.

Colonies, etc. (Article 35 of the Constitution).

Does not apply to reporting countries.

35. Convention concerning compulsory old-age insurance for persons employed in industrial or commercial undertakings, in the liberal professions, and for out-workers and domestic servants

This Convention came into force on 18 July 1937

Countries	Date of registration of ratification	Periods covered by reports received
Chile	18. 10. 1935	1939-1940, 1940-1942, 1942-1943, 1943-1944
France	23. 8. 1939	
United Kingdom	18. 7. 1936	1939-1940, 1940-1941, 1941-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944

Chile: For list of legislation see under Convention No. 24. The statistical data furnished by the Government of Chile on contributions and the number of insured persons given in connection with Convention No. 24 also refer to this Convention. Additional information on old-age pensions has been supplied. There are no non-contributory pensions.

The Government of the *United Kingdom* mentions the following legislation:

Widows', Orphans' and Old Age Contributory Pensions Act, 1936; Widows', Orphans' and Old-Age Contributory Pensions (Voluntary Contributors Act, 1937; National Health Insurance Act, 1938; National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939; Old-Age and Widows' Pensions Act, 1940; National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941.

Various Orders and Regulations concerning

Contributory Pensions and National Health Insurance dating from 1937-1943.

For Northern Ireland¹ the following legislation is mentioned.

Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland) 1936; Widows', Orphans' and Old-Age Contributory Pensions (Voluntary Contributors) Act (Northern Ireland), 1937; National Health Insurance Act, 1936; National Health Insurance (Amendment) Act, 1938; National Health Insurance (Amendment) Act (Northern Ireland), 1938; National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939; Old-Age and Widows' Pensions Act (Northern Ireland), 1940.

¹ The Contributory Pensions Scheme in Northern Ireland is substantially the same as that in operation in Great Britain, with some minor differences in administrative machinery. The last report which included Northern Ireland covered the year ended 30 September 1941.

Various Orders and Regulations concerning Contributory Pensions and National Health Insurance dating from 1937-1940.

Application of Article 2: as from 5 January 1942, the remuneration limit for the compulsory insurance of persons employed otherwise than by way of manual labour was raised from £250 to £420 a year. (Section 3 (1) of the National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941.)

Application of Article 4: the pensionable age for insured women and the wives of men in receipt of contributory old-age pensions was reduced from 65 to 60 with effect from 1 July 1940. (Sections 1 (1), 1 (5), 8 (2) and the First Schedule of the Old-Age and Widows' Pensions Act, 1940.)

Application of Article 9: for the year ended 31 March 1944, the grant made by the State towards the cost of the Contributory Pensions Scheme for widows', orphans' and old-age pensions was 21 million pounds. In the same year the cost of contributory pensions after age 70 borne by the State amounted to over 42½ million pounds, making the total State con-

tributions approximately 63½ million pounds.

For other articles see previous reports.

No decision of courts of law or administrative decisions regarding the application of the Convention were given during the period under review.

The Contributory Pensions Scheme provides for widows' and orphans' pensions in addition to old-age pensions and it is not possible to furnish separate statistics in regard only to persons covered by the Convention.

The report contains statistical information for the period ended 31 December 1942 (no statistics available for Northern Ireland after 1940) in respect of scope and application, benefits in cash and in kind, and financial resources.

Colonies, etc. (Article 35 of the Constitution).

The Government of the *United Kingdom* mentions the following additional legislation in respect of Conventions 35 and 36:

<i>Barbados</i>	Old-Age Pensions Act, 1937 (Act No. 48 of 1937)
<i>Trinidad</i>	Old-Age Pensions Ordinance, 1939 (Ordinance No. 15 of 1939)

36. Convention concerning compulsory old-age insurance for persons employed in agricultural undertakings

This Convention came into force on 18 July 1937

Countries	Date of registration of ratification	Periods covered by reports received
Chile	18. 10. 1935	1939-1940, 1940-1942, 1942-1943, 1943-1944
France	23. 8. 1939	
United Kingdom	18. 7. 1936	1939-1940, 1940-1941, 1941-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944

Chile: See under Convention No. 35, since compulsory old-age insurance applies to all workers, apprentices and domestics in the service of employers in agricultural undertakings, in the same manner as to workers in industry and commerce.

For *United Kingdom*, see under Convention No. 35.

Colonies, etc. (Article 35 of the Constitution).

For *United Kingdom*, see under Convention No. 35.

37. Convention concerning compulsory invalidity insurance for persons employed in industrial or commercial undertakings, in the liberal professions, and for out-workers and domestic servants

This Convention came into force on 18 July 1937

Countries	Date of registration of ratification	Periods covered by reports received
Chile	18. 10. 1935	1939-1940, 1940-1942, 1942-1943, 1943-1944
France	23. 8. 1939	
United Kingdom	18. 7. 1936	1939-1940, 1940-1941, 1941-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944

Chile: For list of legislation, see under Convention No. 24.

The figures given with reference to Convention No. 25 on the number of insured persons and on contributions also apply to this Convention. The report contains additional data.

The Government of the *United Kingdom* mentions the following legislation:

National Health Insurance Act, 1936; National Health Insurance (Amendment) Act, 1937; National Health Insurance (Amendment) Act, 1938; Widows' Orphans' and Old Age Contributory Pensions Act, 1936; Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act, 1937; National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939; Old-Age and Widows' Pensions Act, 1940; National

Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941.

Various Orders and Regulations concerning national health insurance dating from 1924 to 1942.

For Northern Ireland¹ the following legislation is mentioned:

National Health Insurance Act, 1936; National Health Insurance (Amendment) Act, 1938; National Health Insurance (Amendment) Act (Northern Ireland), 1938; Widows', Orphans' and Old-Age Contributory Pensions Act (Northern Ireland), 1936; Widows', Orphans' and Old-Age Contributory Pensions (Voluntary Contributors) Act (Northern Ireland), 1937; National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939; Old-Age and Widows' Pensions Act (Northern Ireland), 1940.

Various Orders and Regulations concerning national health insurance dating from 1924 to 1941.

Application of Article 2 (a): persons employed otherwise than by way of manual labour at a rate of remuneration in excess of £250 a year and not over £420 a year are no longer excepted from compulsory insurance as from 5 January 1942. (Section 3 of the National Health Insurance Contributory Pensions and Workmen's Compensation Act, 1941.)

Application of Article 2 (c): in consequence of the reduction of the pension age for women from 65 to 60, women over 60 years of age engaged in insurable employment are now excepted from compulsory invalidity insurance. (Section 2 of the Old Age and Widows' Pensions Act 1940).

Application of Article 7: the ordinary rates of disablement benefit, which are not depen-

¹ The National Health Insurance Scheme in Northern Ireland is identical with the scheme in Great Britain, with the exception of some difference in administrative machinery. The last report which included Northern Ireland covered the year ended 1941.

dent on the time spent in insurance have been raised from 7s. 6d. to 10s. a week for a man; from 5s. to 8s. a week for a woman; from 6s. to 9s. a week for an unmarried woman or widow.

Application of Article 9 (2): as a corollary to the reduction of the pension age for women from 65 to 60, the age at which an insured woman's rights to disablement benefit terminates is reduced to 60. (Section 2 of the Old-Age and Widows' Pensions Act, 1940.)

Application of Article 9 (3): as from 5 January 1942 the amount by which disablement benefit is reduced during any period when an insured person disabled in consequence of the War of 1914-1918 is in receipt of a pension or allowance in respect of disablement in the highest degree, unless and until, since leaving pensionable service, he has been insurably employed during 104 weeks and 104 weekly contributions have been paid in respect of him, has been raised from 7s. 6d. to 10s. a week.

No decisions by courts of law and no administrative decisions have been given regarding the application of the Convention.

It is not possible to give statistics in regard only to persons covered by the Convention; but figures relating to all persons insured under the National Health Insurance Scheme, including juvenile contributors, are supplied.

Disablement benefit is not paid as a pension, but at intervals, on receipt of evidence of continuing incapacity. It is accordingly not possible to furnish any information as to the number of persons in receipt of disablement benefits.

The report supplies statistical information for the period ended 31 December 1942 (statistics for Northern Ireland not available after 1940) in respect of scope and application (number of persons insured), benefits in cash and in kind, and financial resources.

Colonies, etc. (Article 35 of the Constitution).

No fresh information.

38. Convention concerning compulsory invalidity insurance for persons employed in agricultural undertakings

This Convention came into force on 18 July 1937

Countries	Date of registration of ratification	Periods covered by reports received
Chile	18. 10. 1935	1939-1940, 1940-1942, 1942-1943, 1943-1944
France	23. 8. 1939	
United Kingdom	18. 7. 1936	1939-1940, 1940-1941, 1941-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944

Chile: For list of legislation, see Convention No. 24. The report points out that the compulsory invalidity insurance applies to agricultural workers under the same law and in the same manner as to industrial workers.

United Kingdom: As for Convention No. 37.

Colonies, etc. (Article 35 of the Constitution).

No fresh information.

18th SESSION (GENEVA, 1934)

41. Convention concerning employment of women during the night (revised)

This Convention came into force on 22 November 1936

Countries	Date of registration of ratification	Periods covered by reports received
Afghanistan	12. 6. 1939	
Belgium	4. 8. 1937	
Brazil ¹	8. 6. 1936	1942-1943
Estonia	21. 12. 1935	
France	25. 1. 1938	
United Kingdom	25. 1. 1937	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Greece ²	30. 5. 1936	1939-1940, 1940-April 1941
Hungary	18. 12. 1936	
India ³	22. 11. 1935	1939-1940, 1940-1941, 1941-1943
Iraq	28. 3. 1938	
Ireland	15. 3. 1937	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Netherlands	9. 12. 1935	(colonies) 1939-1940
New Zealand	29. 3. 1938	1939-1940, 1940-1944
Switzerland	4. 6. 1936	1939-1940, 1940-1941, 1941-1943, 1943-1944
Union of South Africa	28. 5. 1935	1939-1942, 1942-1943, 1943-1944
* * *	* * *	* * *
Burma ⁴	22. 11. 1935	1939-1940, 1940-1941

¹ Brazil has denounced Convention 4.

² Greece has denounced Convention 4.

³ India has ratified this Convention but has not denounced Convention 4.

⁴ See note to Convention 1.

The Government of the *United Kingdom* in its report for 1943-44 states with regard to Article 4 of the Convention that as a result of the war it became necessary to take advantage of the provisions of § 150 of the Factories Act, 1937, to permit the employment of women at night. Similar and somewhat wider powers of exemption from the provisions of the Factories Act are conferred on the Minister of Labour and National Service by Regulation 59 of the Defence (General) Regulations, 1939, and these powers have been used to a limited extent. During 1944 it has been necessary to continue to permit the employment of women at night.

As regards the authorities responsible for supervising the application of the relevant legislation (IV of the Report Form), see under Convention No. 5.

No decisions have been given by courts of law and no observations have been received from employers' or workers' organisations.

In Great Britain the number of women employed in factories in 1936 was 1,455,734, and in 1943 1,614 women aged 20 years or over (excluding clerks and salaried persons) were employed above ground at quarries (excluding quarries producing less than 1,000 tons per annum). During 1944 there were 2 prosecutions for breaches of the Convention.

For *India*, see under Convention 4.

The Government of *Ireland* during the five-year period mentions in two reports (1939-1941) exceptions under paragraph (a) of Article 4 of the Convention. These exceptions were made in the cases of three undertakings, in one instance to meet a national emergency arising from shortage of cloth for army clothing and two others to enable 13 women to be employed.

Under paragraph (b) of Article 4, it is noted from the reports that during the five-year period a total of 161 permits were issued in the case of 98 undertakings, all in connection with the killing, plucking and packing of fowl at the Christmas season.

Contraventions were reported in six cases during this period, and suitable action was taken in each instance.

The Government of *New Zealand* in its report for 1940-1944 mentions the following legislation as applying the Convention:

Coal-mines:

The Coal-Mines Act, 1925 (No. 39); the Coal-Mines Amendment Act, 1927, 1935, 1936, 1937; Statutes Amendment Act, 1939, Section 8; Regulations (Regulations Series, Serial 1939/

94, 1939/116; Statutes Amendment Act, 1940, Sec. 6, 32-38; Coal-Mines Council Emergency Regulations, 1940/135; Coal-Mines Amendment Act, 1941; Coal-Mines Regulations, 1939, Amendment No. 2, 1942/67.

Gold or any other metal or mineral — other than coal:

The Mining Act, 1926 (No. 15); The Mining Amendment Act, 1927, 1931, 1934, 1935, 1937; Statutes Amendment Act, 1939, Sections 41-45; Regulations: *N.Z. Gazette* 1926/3173, 1928/3343, 1930/450, 1931/3368, 1932/2145, 1935/315, 1937/122, 1938/100, 1941/105, 1942/85; Mining Emergency Regulations, 1939/147.

Quarries:

References to awards of the Court of Arbitration are given under heading "Building Construction", paragraph II. Quarries in *New Zealand* are more conveniently grouped with "construction" except in so far as they are "mines". "Mine" includes every parcel of land in, on or under which any mining operations are carried on. "Mining operations" mean mining for gold or any other metal or mineral. (Mining Act, 1926, Section 4.)

Industry:

The Factories Act, 1921-22; The Factories Amendment Act, 1936; Statutes Amendment Act, 1937, Section 11; 1938, Section 17; 1941, Section 25; Factory Emergency Regulations, 1939; Regulations, etc.: Regulations Series, Serial 1936/2, 1936/11, 1937/192, 1938/4, 1938/5, 1938/79, 1939/61.

The application of the Convention is entrusted to and supervision and enforcement is ensured by:

Mines: The Mines Department, with an inspection service.

Factories and building construction: The Department of Labour, with an inspection service.

No decisions have been given by courts of law, and no observations have been received from employers' or workers' organisations.

A National Service Department estimate of the women labour force employed at the end of 1943 shows no women employed in the mining, building or construction industries, but 39,400 employed in manufacture. Arising out of the war emergency, the prohibitions as regards night work have been relaxed temporarily in certain industries (baking, biscuit, etc.) by Labour Legislation Suspension Orders, 1942-43.

The Government of *Switzerland* in its report for 1943-44 mentions the Order of 1 October 1943 issued by the War Industries and Labour Office concerning economy of fuel in undertakings and administrations and concerning hours of work, as well as the Order of 16 March 1943 issued by the Federal Department of Economy concerning hours of work, as supplementing previously existing legislation (see also under Convention No. 6).

The report contains particulars about various decisions given during the period 1943-44,

which include 30 convictions for violation of the prohibition of night work prescribed by the Factories Act as regards the employment of women, and one conviction for violation of the Act concerning the employment of women and young persons in arts and crafts. In all these cases the penalty imposed was a fine.

The report of the Federal Factory Inspectors for 1943 contains information regarding the proportion of women workers to the total labour force. Generally speaking, the idea of active co-operation by occupational interests in the protection of labour has made progress during the year covered by the report. The Government refers to the administration report of the Federal Council for 1943 submitted to the Chambers, which contains a general survey of the application of the provisions which ensure the application of the Convention in Switzerland.

The Government of the *Union of South Africa* in its reports for 1939-44 refers to the Factories, Machinery and Building Work Act, 1941, which repealed the Factories Act, 1918, and the Factories Amendment Act, 1931.

The Factories, Machinery and Building Work Act of 1941 provides that "save as is otherwise provided in this Act, no employer shall require or permit an employee who is a female to work between 6 o'clock p.m. and 6 o'clock a.m.". Limitations are also set on the amount of overtime work required of or permitted for female employees.

In the case of operations falling outside the scope of the Factories Act, legislative authority exists in the Wage Act for enforcing compliance with the Convention. Under the latter Act, the Minister may make wage determinations which may provide for any matter affecting or connected with the conditions of employment of all employees, or of the members of any class or classes of employees. In specifying the class of employees, any method of differentiation based on age, sex, experience and certain other factors may be applied.

As the scope of the Wage Act excludes only such employees as those engaged in farming, domestic service in private households, Government employees, officers of Parliament, unpaid charitable workers and persons engaged in work at educational institutions where such work forms part of their training, it will be clear that legislative authority exists for dealing with any tendency towards contravention of the Convention which may develop.

Where industrial councils functioning under the Industrial Conciliation Act decline to make suitable provision in this respect in their collective industrial agreements, the Minister may refuse to give such agreements the force of law, and thus the position can also be controlled under this Act.

Since 1939 exemptions have been granted in certain essential industries such as engineering, textiles, foodstuffs, chemicals, etc., where the workers are employed on war production or on work of national importance. Other exemptions of a limited and temporary nature have been allowed by the Minister when he considered it advisable to do so.

The report for 1942-43 states that "conditions in South Africa are such that the necessity for imposing severe restrictions on the employment of women at night is unnecessary. The principle that women should not work at night is generally accepted, and no difficulty is experienced in administration."

During the five-year period under review, no representations have been received from organisations of workers or employers regarding the application of the Convention.

Colonies, etc. (Article 35 of the Constitution).

The Government of the *United Kingdom* states in its reports that the provisions of the Convention have been applied with modifications to the following additional dependencies:

<i>British Guiana</i>	Employment of Women, Young Persons and Children (Amendment) Ordinance, 1940 (Ordinance No. 7 of 1940) (this applies Article 8 of the Convention and extends the scope of the Principal Ordinance to women without distinction of age)
<i>Ceylon</i>	Employment of Women (Revised Convention) Ordinance, 1940 (Ordinance No. 16 of 1940) Employment of Women (Revised Convention) (Amendment) Ordinance, 1941 (No. 46 of 1941)
<i>Nyasaland</i>	Employment of Women, Young Persons and Children Ordinance, 1939 (Ordinance No. 22 of 1939) Employment of Women, Young Persons and Children (Amendment)

<i>Tanganyika</i>	Ordinance, 1940 (Ordinance No. 29 of 1940) Employment of Women and Young Persons Ordinance, 1940 (Ordinance No. 5 of 1940)
<i>Trinidad</i>	Employment of Women (Night Work) Regulations, 1940, made on 12 June 1940.
<i>Jamaica</i>	Employment of Women Law, 1941 (Law No. 33 of 1941) Employment of Women Regulations, 1942 (Government Notice No. 51 of 1942)
<i>Fiji</i>	Employment of Women, Young Persons and Children (Amendment) Ordinance, 1942 (Ordinance No. 5 of 1942)
<i>Palestine</i>	Defence (Amendment) of Women and Children (Industrial Employment Rules) Regulations, 1941 Defence (Amendment) of Women and Children (Industrial Employment Rules) Regulations, 1942

For the *Netherlands*, see under Convention No. 2.

For *New Zealand*, see under Convention No. 1.

The Government of the *Union of South Africa* states in its reports that the Union has no Colonies, protectorates or possessions which are not fully self-governing. The administration of the mandated territory of South-West Africa has been approached but has replied that it is of opinion that local conditions do not call for the application of the Convention.

42. Convention concerning workmen's compensation for occupational diseases (revised)

This Convention came into force on 17 June 1936

Countries	Date of registration of ratification	Periods covered by reports received
Austria	26. 2. 1936	
Brazil	8. 6. 1936	1942-1943
Cuba	22. 10. 1936	1939-1940, 1940-1943, 1943-1944
Denmark	22. 6. 1939	
United Kingdom	29. 4. 1936	1939-1940, 1940-1941 (colonies) 1939-1940, 1940-1941
Hungary	17. 6. 1935	
Iraq	25. 7. 1941	
Ireland	15. 3. 1937	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Japan	6. 6. 1936	
Mexico	20. 5. 1937	1939-1940, 1940-1943, 1943-1944
Netherlands	1. 9. 1939	(colonies) 1939-1940
New Zealand	29. 3. 1938	1939-1940, 1940-1944
Norway	21. 5. 1935	
Sweden	24. 2. 1937	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944

The Government of *Cuba* in its report for 1943-44 states that the list of harmful substances prescribed by Cuban legislation corresponds to the list given in the revised Convention, with the addition of nicotine poisoning. No decisions by courts of law. No complaints have been received with regard to occupational diseases, and no observations by employers' or workers' organisations.

The Government of the *United Kingdom* in its report for 1940-41 referred to the Workmen's Compensation (Supplementary Allowances) Act, 1940, which applied equally to workmen disabled by a scheduled disease as to workmen disabled by accident. Under the

Workmen's Compensation (Silicosis and Asbestosis) Amendment Scheme, 1940, the supplementary allowances payable under the Workmen's Compensation (Supplementary Allowances) Act, 1940, are payable to workmen entitled to weekly payment of compensation, under the Silicosis Compensation Schemes, in respect of total or partial impairment of their general physical capacity due to the disease.

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 numbers of workers employed in the numerous processes liable to give rise to one or other of the scheduled diseases.

Statistics regarding compensation for industrial diseases during the year 1940 were not published as collection of the information required to compile such statistics was abandoned during the war. In Northern Ireland, certificates of disablement were given by a certifying surgeon under § 44 of the Workmen's Compensation Act (Northern Ireland), 1927, in respect of one case of anthrax and one of epitheliomatous ulceration from mineral oil. No decisions by courts and no observations from employers' and workers' organisations.

The Government of *Ireland* in its report for 1939-40 stated that the Convention is applied as part of and on the same lines as the law dealing with workmen's compensation for accidents. A table showing the number of cases of such diseases reported to the Department of Industry and Commerce during the year 1938 was supplied. Subsequent reports contain no fresh information.

The Government of *Mexico* in its report for 1943-1944 refers to the Social Insurance Act of 19 January 1943 and to the Decree of 15 May 1943 instituting in the Federal District compulsory insurance for industrial accidents, occupational diseases and other diseases.

The provisions applying Article 2 of the Convention are contained in § 326 of the Labour Code of 1931. The reports contain information on decisions given by the Supreme Court. Statistics concerning industrial diseases are supplied.

The Government of *New Zealand* in its report for 1940-1944 states that while New Zealand legislation is not completely in accord with Article 2 of the Convention, provision exists in § 10(6) of the Workmen's Compensation Act, 1922, for extension of the Act to other diseases. The incidence of diseases not at present within the Act was recently carefully

studied with a view to determination of the question of extending the Act to them, and as a result the Industrial Diseases Order (1942/104) was issued. The matter of further additions is receiving attention.

The report states that it is not possible to give statistics of the cases of occupational diseases reported, nor of the sums paid by way of compensation as the available figures do not distinguish for compensation purposes between industrial accidents and occupational diseases. No accurate figures are available to show the number of workers employed in the trades, industries or processes concerned, but statistical information collected for other purposes and supplied in the report gives some indication of the position in this respect.

The Government of *Sweden* in its report for 1943-44 refers to the Act of 19 May 1944, further to amend the Act of 14 June 1929 concerning insurance against certain occupational diseases, as well as to the Royal Decrees of 5 December 1941 and 23 October 1942 to issue Regulations. Decisions given by the Insurance Council are in part published in *Arbets-skyddet*, which is regularly supplied to the International Labour Office.

During the year 1941, the last year for which figures are available, the number of occupational diseases reported was 773, of which 560 gave rise to compensation.

Colonies, etc. (Article 35 of the Constitution).

For the *United Kingdom*, see under Convention No. 12.

For the *Netherlands*, see under Convention No. 2.

For *New Zealand*, see under Convention No. 1.

43. Convention concerning the regulation of hours of work in automatic sheet-glass works

This Convention came into force on 13 January 1938

Countries	Date of registration of ratification	Periods covered by reports received
Belgium	4. 8. 1937	
Czechoslovakia	19. 9. 1938	
France	5. 2. 1938	
United Kingdom	13. 1. 1937	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Ireland	15. 5. 1939	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Mexico	9. 3. 1938	1939-1943, 1943-1944
Norway	21. 5. 1935	

The report of the Government of the *United Kingdom* states that the relevant legislation is now administered by the Factory Department of the Ministry of Labour and National Service, to which the Factory Department of the Home Office and its functions were transferred on 7 June 1940.

In its first report on the application of the Convention, the Government of *Ireland* states that the relevant legislation is contained in

(a) the Conditions of Employment Act, 1936, and (b) the Conditions of Employment (Sheet Glass Works) (Exclusion) Regulations, 1938, through which the provisions of Articles 1 to 4, inclusive, of the Convention are applied. Under point V of the Report Form the Government states that the Department of Industry and Commerce is responsible for the administration and enforcement of the legislation in question, and that inspection is a State service carried out by officers of the Department.

The Government of *Mexico* reports, under point I of the Report Form, the collective agreement between the Monterrey Glass Works (*Vidriera de Monterrey, S.A.*) and the Union of Glass Industry Workers (*Sindicato de Trabajadores de la Industria de Vidrio y Conexas*), and the works Regulations of the Monterrey Glass Works. The report states that the glass industry is local, not federal, in character. Nevertheless, the federal Government has exerted its influence to the effect that collective agreements should take into consideration the provisions of the Convention. This has been done in the case of the agreement cited above,

clause 16 of which provides that the company, which operates the most important glass works in the country, agrees with the union to put into effect the Executive Decree of 16 April 1938 promulgating the ratification of the Convention. With regard to point IV of the Report Form, the Government states that since this is a local industry, its supervision falls within the jurisdiction of the local conciliation and arbitration boards, State administrative authorities and local labour inspectors.

Colonies, etc. (Article 35 of the Constitution).

No fresh information.

44. Convention ensuring benefit or allowances to the involuntarily unemployed

This Convention came into force on 10 June 1938

Countries	Date of registration of ratification	Periods covered by reports received
United Kingdom	29. 4. 1936	1939-1940, 1940-1941, 1941-1943, 1943-1944 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Ireland	10. 6. 1937	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
New Zealand	29. 3. 1938	1939-1940, 1940-1944
Switzerland	14. 6. 1939	14 June 1940-October 1940, 1940-1941, 1941-1943, 1943-1944

The Government of the *United Kingdom* in its reports for 1939-1944 mentions the following legislation:

Unemployment Insurance Acts, 1935-1938; Unemployment Assistance Act, 1934; Old-Age and Widows' Pensions Act, 1940; Unemployment Insurance Act. (Amendment), 1940; Determination of Needs Act, 1941; National Health Insurance, Contributory Pensions and Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941; Pensions and Determination of Needs Act, 1943.

Various Orders, Rules and Regulations concerning unemployment insurance and assistance dating from 1921 to 1944.

For Northern Ireland¹ the following legislation is mentioned:

Unemployment (Agreement) Act (Northern Ireland), 1936; Unemployment Insurance Acts (Northern Ireland), 1936 to 1938; Unemployment Assistance Act (Northern Ireland), 1934; Unemployment Insurance Act (Northern Ireland), 1939; Old-Age and Widows' Pensions Act (Northern Ireland), 1940; Unemployment Insurance Act (Northern Ireland), 1940; Determination of Needs Act (Northern Ireland), 1941; Pensions and Determination of Needs Act (Northern Ireland), 1943.

Various Orders, Rules and Regulations concerning unemployment insurance and assistance dating from 1921 to 1944.

Application of Article 1: the weekly rates of unemployment insurance benefit under the General and Agricultural Schemes are supplied.

¹ The position in Northern Ireland concerning benefit and allowances to the involuntarily unemployed continues to remain in all essential respects on the same basis as that in force in Great Britain.

An increase in the rate of benefit for dependent children was made as from 11 April 1940 by the Unemployment Insurance (Increase of Benefit in respect of Dependent Children) Order, 1940 (S.R. & O. 1940, No. 569) when benefit in respect of the first two dependent children was raised from 3s. to 4s. a week each. The rate for an adult dependent remained at 10s. under the General Scheme and 9s. under the Agricultural Scheme throughout the year.

The maximum weekly rate under the Agricultural Scheme was increased from 33s. to 35s. as from 11 April 1940 by the Unemployment Insurance (Increase of Benefit in respect of Dependent Children) Order, 1940, and from 35s. to 41s. as from 1 August 1940 by the Unemployment Insurance Act, 1940.

Application of Article 2: the rate of remuneration limit for insurance against unemployment in the case of non-manual workers was raised from £250 to £420 a year, as from 2 September 1940.

The scope of the Unemployment Assistance Act, 1934, was extended to cover non-manual workers receiving remuneration exceeding £250 but not exceeding £420 per annum by legislation passed in 1941.

The position of persons engaged in various forms of national service, whether in the Armed Forces or otherwise, who were not provided for under the normal statutory provisions, has been regularised.

Application of Article 4: the Old-Age and Widows' Pensions Act, 1940, contained a provision whereby, on and after 1 July 1940, women ceased to be insurable under the Unemployment Insurance Acts when they reached the age of 60. The position of women who were insured contributors immediately before 1 July

1940 was safeguarded by a provision that, from 1 July 1940 to 30 June 1945, women aged 60 or over who were insured contributors immediately before the former date should retain their benefit rights under the Unemployment Insurance Acts; for that purpose contributions paid before their 60th birthday or 1 July 1940 (whichever is the later) should be taken into account.

From 7 May 1940 proof of maintenance has not been required in respect of an unemployment insurance claimant's children evacuated under an approved evacuation scheme, if the claimant contributes towards their maintenance as required under the scheme.

Contributors attending authorised courses of training or instruction and in receipt of training allowances have not, since 31 December 1940, been deemed available for work while attending such courses, nor eligible for benefit during the period.

Application of Article 5: the Old-Age and Widows Pensions Act, 1940, provided that no unemployment allowances should be payable to persons eligible for supplementary pensions under that Act.

Application of Article 6: as from 4 August 1940 the weekly rates of contributions for persons over 18 were increased by 2d. a week under the General Scheme and by 1d. a week under the Agricultural Scheme.

Provisions have been made in respect of the maintenance of acquired benefit rights by insured contributors employed outside the United Kingdom in a war occupation by the Government of any of H.M. Dominions.

Application of Article 7: the continuity rule was amended so that, from 1 August 1940, any two days (instead of three) of unemployment within a period of six consecutive days are to be treated as a continuous period of unemployment.

Periods of attendance at authorised courses of training or instructions are not to be excluded in the computation of continuous periods of unemployment, so that, if any trainee should require to claim unemployment benefit temporarily after his course is completed he will not have to serve a fresh waiting period.

Application of Article 10: a person convicted by a Court of Summary Jurisdiction or charged and made subject of an Order under the Probation of Offenders Act, 1907, for failing to comply with a direction to perform certain services given by the Minister of a National Service Officer under the Defence (General) Regulations, 1939, is disqualified for a period not exceeding 6 weeks under the Unemployment Insurance Acts.

The disqualification for refusal of suitable employment has been amended so that work certified by the Minister to be work of national importance is not, provided the wages and conditions are standard, regarded as unsuitable merely because the claimant has previously had better wages or conditions; or when the claimant has been unemployed for at least a fortnight, because it is not in his usual occupation.

Application of Article 12: in 1939, 1940, and 1942 the scale rates for unemployment assistance were increased to meet changed conditions.

The requirement that, in assessing the needs of an applicant for unemployment assistance or supplementary pensions, the resources of all members of the household must be taken into account, was abolished in 1941. War savings are to be disregarded in computing resources for such purpose.

Further provisions are made in respect of financial assistance to blind persons.

It was provided, in 1941, that the allowance to a household was to be reduced, not by a proportion of the wages of the self-supporting members, but only to the extent of their contributions equivalent to a reasonable sum for board and lodging. The allowance to a non-householder is to include an addition for rent.

In December 1943 previous Regulations in respect of unemployment assistance were consolidated and simplified, changes being introduced in respect of provision for rent, winter allowances, reduced allowances in rural localities, the rates payable to women, the rate in the supplementary pensions Regulations for a non-pensioner wife, and the rates for children.

Application of Article 13: in June 1940 a scheme was introduced to cover all workers who were transferred by an employment exchange, a juvenile employment bureau or a trade union approved for the purpose to work of national importance beyond daily travelling distance from their homes. Juveniles are to be transferred under the scheme only if their welfare in the new area is adequately safeguarded. Travelling and lodging allowances, household removal grants and settling-in-grants, etc., are paid in certain cases. Cheap travel schemes for visits home by transferred workers have been introduced. Over the period 1939-1944 the system has been modified and the rates of allowances and other payments have been increased.

The scheme for the payment of allowance to trainees has been extended in scope and the rates have been increased, those current at 30 September 1943 being supplied.

With a view to supplying trained workers for the war effort emphasis has been placed on training in engineering. Trainees receive wages broadly equivalent to those payable to new entrants to the engineering industry and they are regarded as under contract of service with the Minister of Labour and National Service. The payment of increments upon the reaching of specified standards has been introduced.

Application of Article 14: the composition of appeal tribunals and the time limit for lodging notices of appeal was amended in 1939.

Application of Article 16: in 1943 it was reported that pending the receipt of help from the Belgian Government, Belgian refugees who were in temporary need were given assistance under the Assistance Board's scheme for the prevention and relief of distress due to the war.

As regards authorities responsible for administration, the report states that in 1944 there

were 11 regional offices of the Ministry of Labour and National Service. In addition there were 44 district manpower offices, 30 appointments offices, and 1,619 local offices, including 197 juvenile employment bureaux.

No decisions have been given by any court of law or other competent authority regarding the application of this Convention. No observations from employers' or workers' organisations.

The Government of *Ireland* mentions the following additional legislation: Unemployment Insurance Act, 1941; Unemployment Insurance Act, 1943.

Application of Article 1: the weekly allowances payable to recipients of unemployment benefit in respect of adult and child dependants were increased as from 19 June 1941, from 5s. to 7s. 6d. and from 1s. to 2s. 6d., respectively.

Application of Article 2: statistical data for the period ended 1 October 1943 are supplied.

Application of Article 3: an Order of 1941 had the effect of amending, as from 7 August 1941, the definition of a continuous period of unemployment so as to permit of the payment of unemployment benefit in respect of any three days of unemployment, whether consecutive or not, within a period of six consecutive days and in respect of any two such periods of unemployment separated by not more than 20 weeks.

Application of Article 6: the Unemployment Insurance Act, 1941, made provision:

- (a) whereby members of the defence forces will not lose by reason of their service any of the unemployment benefit rights acquired by them before such service; and
- (b) whereby seamen domiciled in the country who are employed on ships the registration of which is changed after 2 September 1939, from a port in Ireland to a port elsewhere will retain unimpaired the unemployment benefit rights acquired in respect of unemployment insurance contributions paid before the date of transfer of registration.

The purpose of the Unemployment Insurance Act, 1943, was, briefly, to make provision whereby insured contributors who, during the emergency period leave Ireland for employment elsewhere will retain unimpaired the employment benefit rights acquired by them before their departure.

Application of Article 8: a number of the boy and girl claimants to unemployment benefit at the Dublin Employment Exchange attended courses of instruction, e.g., on 30 September 1944 there were 94 boy claimants and 136 girl claimants, of whom all the boys and 53 of the

girls were attending courses of instruction. At Drogheda, courses of instruction in cookery, laundry and needlework lasting six weeks are provided for women claimants to unemployment benefit.

As regards authorities responsible for administration, in 1943 there were 30 employment exchanges, 91 branch employment offices, and 2 central offices.

Decisions have not been given by courts of law or other tribunals regarding the application of the Convention.

No observations have been received from organisations of employers or workers regarding the conditions or application of the Convention.

The report supplies for the period up to and including the financial year 1942-43 information regarding the total amount of employment benefit paid and the State contribution to the unemployment fund.

The Government of *New Zealand* has furnished reports and statistics covering the period 1 October 1939 to 30 September 1944. No changes in legislation have been made during this period.

The Government of *Switzerland* has furnished its first report covering the period 14 June 1940 to 30 September 1940, and subsequent reports for the periods 1940-41, 1941-43 and 1943-44. Statistics of application are published monthly in an official review, which is received by the Office. As from 1 January 1943 new federal legislation on unemployment insurance and assistance came into force. At present provision is made for the unemployed by means of cantonal schemes of compulsory insurance (15 cantons), or voluntary insurance (10 cantons), which in 14 cantons are supplemented by unemployment assistance; all these schemes are subsidised by the Confederation. A number of special measures have been adopted by the Confederation in order to adapt the unemployment provision schemes to situations resulting from the war. In particular, work for national defence is deemed to be "suitable employment" for the purposes of unemployment insurance and assistance, and work performed in compulsory labour service is treated on the same footing as normal employment for the purpose of obtaining unemployment benefits or allowances.

Colonies, etc. (Article 35 of the Constitution).

For the *United Kingdom*, no fresh information.

For *New Zealand*, see under Convention No. 1.

19th SESSION (GENEVA, 1935)

45. Convention concerning the employment of women on underground work in mines of all kinds

This Convention came into force on 30 May 1937

Countries	Date of registration of ratification	Periods covered by reports received
Afghanistan	14. 5. 1937	
Austria	3. 7. 1935	
Belgium	4. 8. 1937	
Brazil	22. 9. 1938	1942-1943
China	2. 12. 1936	1940-1943
Cuba	14. 4. 1936	1939-1940, 1940-1943, 1943-1944
Estonia	4. 6. 1937	
Finland	3. 3. 1938	1939-1941, 1941-1942
France	25. 1. 1938	
United Kingdom	18. 7. 1936	1939-1940, 1940-1941, 1941-1943 (colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Greece	30. 5. 1936	1939-1940, 1940-April 1941
Hungary	19. 12. 1938	
India	25. 3. 1938	1939-1940, 1940-1941, 1941-1943
Ireland	20. 8. 1936	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Mexico	21. 2. 1938	1939-1940, 1940-1943, 1943-1944
Netherlands	20. 2. 1937	(colonies) 1939-1940
New Zealand	29. 3. 1938	1939-1940, 1940-1944
Portugal	18. 10. 1937	1939-1940
Sweden	11. 7. 1936	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Switzerland	23. 5. 1940	1940-1941, 1941-1943, 1943-1944
Turkey	21. 4. 1938	1943-1944
Union of South Africa	25. 6. 1936	1940-1943, 1943-1944

The report of the Government of *China* for 1940-1943 states that, according to factory and mining inspectors' reports, no women are employed underground in China. No decisions have been given by courts of law or other courts regarding the application of the Convention.

The Government of *Cuba* in its report for 1943-44 states that no decisions have been given by courts of law, and no breaches of the prohibition have been reported. No observations from employers' or workers' organisations.

The Government of the *United Kingdom* in its report for 1942-43 states that during that period no decisions were given by courts of law or other courts, and that no observations regarding the practical application of the Convention were received from employers' or workers' organisations.

The report of the Government of *India* for 1941-1943 states that the ban on the employment of women underground in coal mines was lifted temporarily in the Central Provinces and Berar in August 1943. This step was taken entirely owing to exigencies of the war. It was

subsequently (November 1943) found necessary to raise the ban in the Bengal, Bihar and Orissa coalfields also.

The ban has been lifted by the Government with the greatest reluctance, and it is the Government's intention to reimpose the ban as soon as the present emergency is over. The report states that the position will be reviewed shortly.

The Government have also attached the following statutory conditions to the lifting of the ban:

(1) All women employed underground will be paid the same rates of wages as men in similar work.

(2) No women shall be employed underground in galleries less than 5' 6" in height.

Women working underground will draw the same rations as men, and collieries have been asked to see that women are medically fit before they are allowed to go underground. Attempts are being made to import an adequate male labour force to work in coal mines so as to enable the Government to review the labour

position in the coalfields and consider the question of reimposing the ban in the near future.

The report from the Government of *Ireland* repeats the statement made in 1939-40 that the application of this Convention in Ireland is completely effective, no women being employed underground in the mines.

The Government of *Mexico* in its report for 1943-44 mentions the following legislation as applying the Convention: Political Constitution of 1917; the Federal Labour Act of 18 August 1931; Regulations of 9 August 1934 concerning the employment of women and minors in unhealthy and dangerous work.

The authorities responsible for the supervision of the application of the relevant legislation are the Secretariat of Labour, the Department of the Federal District, the Federal Conciliation and Arbitration Boards, the Federal Labour Inspectors and the Procurators.

The report of the Government of *New Zealand* for 1940-1944 mentions the following legislation as applying the Convention: the Coal Mines Act, 1925; the Coal Mines Amendment Act, 1937; the Mining Act, 1926; the Mining Amendment Act, 1937.

Application of the above legislation is entrusted to the Mines Department and its supervision and enforcement is ensured through the full inspection staff of that Department.

No decisions have been given by the courts, and no observations received from organisations of employers or workers.

The Government of *Switzerland* in its report for 1943-44 states that according to the Order of 16 July 1943 concerning work in mines issued by the Federal Council, open mines and quarries may also, by special decision of the Federal Department of Public Economy, be subjected to the system established by the above Order. During the period covered by the report, the above Department decided to exercise this power in the case of two surface lignite undertakings. On the other hand, quarries have

so far been exempted. No decisions have been given during this period concerning the application of the Convention.

The report states that during the period 1943-44, as for the previous period, no women were employed on underground work in mines. The administration report of the Federal Council for 1943 contains a general survey of the application of the provisions which apply the Convention in Switzerland.

The Government of *Turkey* in a letter dated 30 September 1944 states that Turkey has ratified the present Convention.

The Government of the *Union of South Africa* in its reports refers to a Government Notice (No. 26 of 28 February 1940) which provides that "no person shall employ underground in any mine or in any mine smelter any female or any boy under the age of 16 years". Reports state that there has been no change in the laws or customs regarding underground work for women.

Colonies, etc. (Article 35 of the Constitution).

The Government of the *United Kingdom* states in its reports that the following further legislation has been enacted:

<i>Fiji</i>	Regulation 18 of the Quarries Regulations, 1939
<i>Gold Coast</i>	(Colony and Ashanti), Mining Rights (Amendment No. 2) Regulations, 1940 (Regulations No. 15 of 1940) (Northern Territories) Minerals (Amendment) Regulations, 1940 (Regulations No. 16 of 1940) Mining (Northern Territories) Regulations, 1942 (Regulation No. 47 of 1942)
<i>Nyasaland</i>	Employment of Women, Young Persons and Children Ordinance, 1939 (Ordinance No. 22 of 1939)
<i>Tanganyika</i>	Section 62 of the Mining (Safe Working) Regulations, 1930 as amended by the Mining (Safe Working) (Amendment) Regulations, 1940

For the *Netherlands*, see under Convention No. 2.

For *New Zealand*, see under Convention No. 1.

48. Convention concerning the establishment of an international scheme for the maintenance of rights under invalidity, old-age and widows' and orphans' insurance

This Convention came into force on 10 August 1938

Countries	Date of registration of ratification	Periods covered by reports received
Hungary	10. 8. 1937	
Netherlands	6. 10. 1938	
Poland	21. 3. 1938	
Spain	8. 7. 1937	

No reports have been received.

49. Convention concerning the reduction of hours of work in glass-bottle works

This Convention came into force on 10 June 1938

Countries	Date of registration of ratification	Periods covered by reports received
Czechoslovakia	19. 9.1938	
France	25. 1.1938	
Ireland	10. 6.1937	1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Mexico	21. 2.1938	1940-1943, 1943-1944
New Zealand	29. 3.1938	1939-1940, 1940-1944
Norway	21. 7.1936	

For *Mexico*, see Summary of Reports for Convention No. 43 (hours of work, sheet-glass works).

The report of the Government of *New Zealand* states that only one glass-bottle works exists in that country, and that hours of work are governed by an industrial agreement under the Labour Disputes Investigation Act, 1913, and generally by the terms of the Factories Amendment Act, 1936. The hours of work are 8 per day and 40 per week, and no averaging

of hours is allowed for. Overtime rates are calculated daily at time and a half for the first three hours and double time thereafter. The relevant provisions are administered by the New Zealand Department of Labour.

Colonies, etc. (Article 35 of the Constitution).

New Zealand: The Government states that no such works exist in possessions and mandated territories. See also under Convention No. 1.

20th SESSION (GENEVA, 1936)

50. Convention concerning the regulation of certain special systems of recruiting workers

This Convention came into force on 8 September 1939

Countries	Date of registration of ratification	Periods covered by reports received
United Kingdom	22. 5. 1939	(colonies) 1939-1940, 1940-1941, 1941-1942, 1942-1943, 1943-1944
Japan	8. 9. 1938	
Norway	7. 7. 1937	

The reports of the Government of the *United Kingdom* show that the following legislation has been enacted giving effect to the provisions of the Convention:

<i>Bahamas</i>	Recruiting of Workers Act, 1939 (2 and 3 Geo. VI, Ch. 28) Recruiting of Workers Regulations, 1940 (The Convention has now been applied to the Bahamas without modification by Order of His Majesty's Most Honourable Privy Council dated 25 January 1944, and published in the <i>Bahamas Official Gazette Supplement</i> of 23 September 1944)	<i>Jamaica</i>	Regulations, 1942 (S. R. & O. 1942, No. 58) Recruiting of Workers (Amendment) Regulations, 1943 (S. R. & O. No. 25 of 1943) Recruiting of Workers Law, 1940 (Law No. 30 of 1940) Recruiting of Workers (Defence) Regulations, 1943 Recruiting of Workers (Revocation) (Defence) Regulations, 1944 Recruiting of Workers Regulations, 1944
<i>Barbados</i>	Recruiting of Workers Act, 1938 (Act No. 59 of 1938) Recruiting of Workers Regulations, 1941 Recruiting of Workers (Amendment) Act, 1941 (Act No. 45 of 1941) Recruiting of Workers (Amendment) Regulations, 1942	<i>Kenya</i>	Employment of Servants Ordinance, 1937 (Ordinance No. 2 of 1938) as amended by the Employment of Servants (Amendment) Ordinance, 1938 (Ordinance No. 35 of 1938)
<i>Basutoland</i>	Native Labour Proclamation, 1942 (Proclamation No. 5 of 1942)	<i>Leeward Islands</i>	Recruiting of Workers Act, 1941 (Act No. 4 of 1941)
<i>Bechuanaland Protectorate</i>	Native Labour Proclamation, 1941 (Proclamation of No. 56 of 1941) High Commissioner Notices Nos. 62 and 134 of 1942	<i>Mauritius</i>	Recruitment of Workers Ordinance, 1939 (Ordinance No. 3 of 1939) Regulations made on 3 October 1942 under the Labour Ordinance, 1938 (Government Notice No. 275 of 1942)
<i>British Guiana</i>	Recruiting of Workers Ordinance, 1943 (Ordinance No. 9 of 1943)	<i>New Hebrides</i>	Labour (Amendment) Regulation, 1941 (King's Regulation No. 16 of 1941) Native Recruiting and Employment Registration Regulation, No. 20 of 1941 Natives of North Malekula Recruiting and Employment (Prohibition) Regulation No. 21 of 1941.
<i>British Honduras</i>	Recruiting of Workers Ordinance, 1938 (Ordinance No. 25 of 1938) Recruiting of Workers (Amendment) Ordinance, 1941 (Ordinance No. 20 of 1941) Recruiting of Workers Regulations, 1941 (Regulations No. 74, 1941)	<i>North Borneo</i>	Joint Regulation No. 28 of 1941 Labour Recruiting Rules, 1940 (<i>Gazette</i> Notification No. 430 of 9 November 1940) <i>Gazette</i> Notification No. 224 of 1 June 1940 amending the Labour Ordinance, 1936
<i>Dominica</i>	Recruiting of Workers Ordinance, 1943 (Ordinance No. 3 of 1943) Recruiting of Workers Regulations, 1944 (S. R. & O. No. 2 of 1944) Recruiting of Workers (Amendment) Regulations, 1944 (S. R. & O. No. 33 of 1944)	<i>Northern Rhodesia</i>	Employment of Natives (Amendment) Ordinance, 1940 (Ordinance No. 27 of 1940) Employment of Natives (Amendment) Regulations, 1941, paragraph 2 (Government Notice 176 of 1941, published in <i>Gazette</i> of 1 August 1941) Employment of Natives (Amendment) (No. 2) Ordinance, 1941 (Ordinance No. 39 of 1941) Government Notice No. 109 of 1942 dated 29 April 1942
<i>Gambia</i>	Recruiting of Workers Ordinance, 1940 (Ordinance No. 1 of 1940) Recruiting of Workers (Amendment) Ordinance, 1941 (Ordinance No. 10 of 1941)	<i>Nyasaland</i>	Employment of Natives (Amendment) Ordinance, 1939 (Ordinance No. 25 of 1939)
<i>Grenada</i>	Recruiting of Workers Ordinance, 1939 (Ordinance No. 17 of 1939) Recruiting of Workers (Amendment) Ordinance, 1941 (Ordinance No. 5 of 1941) Recruiting of Workers Regulations, 1941 (S. R. & O. 1941, No. 81) Recruiting of Workers (Amendment)	<i>St. Lucia</i>	Recruiting of Workers Ordinance, 1939 (Ordinance No. 31 of 1939) Recruiting of Workers (Amendment)

<i>St. Vincent</i>	Ordinance, 1941 (Ordinance No. 2 of 1941)		Recruiting of Workers (Amendment) Regulations, 1942 (S. R. & O. 1942, No. 14)
	Recruiting of Workers Regulations, 1942 (S. R. & O. 1942, No. 13)		Recruiting of Workers (Amendment No. 2) Regulations, 1942 (S. R. & O. 1942, No. 29)
	Recruiting of Workers (Amendment) Regulations, 1942 (S. R. & O. No. 81 of 1942)		Recruiting of Workers (Amendment) Regulations, 1944 (S. R. & O. No. 26 of 1944)
	Recruiting of Workers Ordinance, 1940 (Ordinance No. 3 of 1940), and Recruiting of Workers Regulations, 1940	<i>Sierra Leone</i>	Recruiting of Workers Ordinance, 1941 (Ordinance No. 22 of 1941)
	Recruiting of Workers (Amendment) Ordinance, 1941 (Ordinance No. 1 of 1941)	<i>Somaliland</i>	Native Labour (Amendment) Ordinance, 1937 (Ordinance No. 21 of 1937)
	Recruiting of Workers (Amendment) Regulations, 1941 (S. R. & O. No. 96 of 1941)	<i>Tanganyika</i>	Defence (Recruitment of Servants) Regulations, 1942 (Government Notice No. 50 of 1942)
	Recruiting of Workers (Notified Places) Notice, 1942 (S. R. & O. 1942, No. 13)	<i>Trinidad</i>	Recruiting of Workers Ordinance, 1938 (Ordinance No. 29 of 1938)

52. Convention concerning annual holidays with pay

This Convention came into force on 22 September 1939

Countries	Date of registration of ratification	Periods covered by reports received
Brazil	22. 9. 1938	1942-1943
Denmark	22. 6. 1939	
France	23. 8. 1939	
Mexico	9. 3. 1938	1939-1940, 1940-1943, 1943-1944

The report of the Government of *Mexico* states that the legislation relevant to the application of the Convention is:

- (a) the Political Constitution of the United States of Mexico, 1917;
- (b) the Federal Labour Act of 18 August 1931; and
- (c) the Act fixing the civil servants' statute, promulgated on 17 April 1941.

The report states that the legislation concerning holidays is of such general coverage that it conforms with the enumeration of undertakings in Article 1 of the Convention, at the same time providing for the exceptions permissible under paragraph 3 of the article regarding family undertakings. With regard to Article 2, the report states that the Federal Labour Act provides for an annual holiday of four days after one year of service, and six days after two years; and that this minimum has largely been exceeded by the provisions of collective agreements of which the majority, if not all, fix longer holiday periods than the

Act. The report adds that the Government has under consideration measures for removing the discrepancies between its legislation and the Convention, but that gains won by workers in the annual holiday provisions of collective agreements are increasingly satisfactory.

With regard to Articles of the Convention, the Government states that although no advantage has been taken of this provision, it considers it to have the greatest importance and intends to incorporate the provisions of the Article in its legislation as soon as possible.

With regard to Point IV of the Report form, the report states that the supervision and enforcement of the relevant legislation is entrusted to the Secretariat of Labour and Social Welfare, the Department of the Federal District, the Governors of the States, the federal and local conciliation and arbitration boards, and the inspection and legal aid services.

Under Point V of the Report Form, the report for the period 1940-1943 has appended to it two relevant Supreme Court decisions, and that for 1943-44, one decision.

21st SESSION (GENEVA, 1936)

53. Convention concerning the minimum requirement of professional capacity for masters and officers on board merchant ships

This Convention came into force on 29 March 1939

Countries	Date of registration of ratification	Periods covered by reports received
U. S. A.	29.10.1938	1939-1940, 1940-1943, 1943-1944
Belgium	11. 4.1938	1939-1940
Brazil	12.10.1938	1942-1943
Denmark	13. 7.1938	
Egypt	20. 5.1939	1939-1940, 1940-1943
Estonia	20. 6.1938	
Mexico	1. 9.1939	20 February 1940-1943, 1943-1944
New Zealand	29. 3.1938	1939-1940, 1940-1944
Norway	7. 7.1937	

The Government of the *United States* in its report for 1939-1944 states that the Convention is implemented by the Act of 29 March 1939, which exempts in accordance with the express permission given by the Convention all vessels of less than 200 tons gross registered tonnage, and by the Act of 17 July 1939, which applies to the masters and other officers on board merchant ships so defined in the Convention the requirements for competence which had already been prescribed by law for similar officers on a narrower classification of vessels.

These Acts were formerly administered principally by the Bureau of Marine Inspection and Investigation of the Department of Commerce. The functions of that Bureau in relation to the Statutes cited above were transferred by order of the President (Executive Order No. 9083, 28 February 1942) to the United States Coast Guard and Bureau of Customs. The administration of these Acts is now carried out by the Merchant Marine Inspection Division of the United States Coast Guard. The United States Coast Guard may be expected to retain jurisdiction over the administration of the Statutes during the continuance of the war, and for six months thereafter.

The regulations relating to the administration of the above-mentioned statutes are contained in 46 Code of Federal Regulations, Part 62, Licensed Officers and Certificated Men, secs. 62.100-62.130, 46 Code of Federal Regulations (1939 Supp.), Part 62, Secs. 62.200-204 (1940 Supp.). As the number of vessels affected by these regulations was very small, no difficulty was encountered in providing licensed officers for service on board such vessels, and no violations of the Convention or the regulations issued thereunder were reported

for the period 1941-1943. The report for 1939-1940 mentioned four violations of the statutes.

The report adds that certain amendments have been introduced in connection with the issuance of certificates of lost licence (46 Code of Federal Regulations; Parts 36 and 62).

The Government of *Belgium* in its report for 1939-40 gave the number of certificates of various grades which were issued during 1939.

The Government of *Egypt* in its report for 1942-43 states that the law giving effect to this Convention is Law No. 61 promulgated on 8 July 1940. The text of this legislation is submitted with the report. The enforcement of the law comes within the competence of the Ports and Lighthouses Administration, which is attached to the Ministry of Communication.

The Government of *Mexico* in its report for 1943-44 states that the Convention is applied by means of an Act concerning general means of communication, which was promulgated on 19 February 1940.

The report states that the competency of captains and officers is insured both for vessels engaged in coastal traffic and ocean trade. Merchant marine masters and officers are required to be graduates of nautical schools.

With regard to Article 5 of the Convention, its enforcement is supervised by the Secretariat of the Navy and by the port captains. However, there is no law or regulation providing for the detention of a vessel for infraction of the Convention.

The Government of *New Zealand* in its report for 1940-1944 states that enforcement is entrusted to a Department of State, the Marine Department.

The report also supplies the number of candidates examined for the various certificates, and the number of prosecutions for infringements during the periods covered by it.

Colonies, etc. (Article 35 of the Constitution).

For *New Zealand*, see under Convention No. 1.

55. Convention concerning the liability of the shipowner in case of sickness, injury or death of seamen

This Convention came into force on 29 October 1939

Countries	Date of registration of ratification	Periods covered by reports received
U. S. A.	29.10.1938	1939-1940, 1940-1943, 1943-1944
Belgium	11. 4.1938	
Mexico	15. 9.1939	1939-1943, 1943-1944

The report of the Government of the *United States* for 1939-40 stated that the requirements of the Convention have all been met by the laws of the United States, except for the shipowners' responsibility in three minor respects: (1) for the burial of deceased seamen; (2) for the care of the effects of the deceased seamen; and (3) for the compensation of injured sick seamen (with dependants) after they are brought ashore.

The report for 1940-1943 states that the requirements of the Convention relating to burial of deceased seamen are met by the general rule that the owner of a vessel must bear the expenses (if any) of the burial of a seaman who dies on board ship and is subsequently taken on shore and buried without any deduction on that account from the wages of such master, seaman or apprentice.

With reference to the care of the effects of the deceased seamen, the statutes provide that when any seaman or apprentice belonging to or sent home on any merchant vessel on a voyage which is to terminate in the United States dies during such voyage, the master is required to take care of all "effects" which he leaves on board; and if the ship touches or remains at a foreign port before coming to any port of the United States, it is his duty to report the case to the consular officer there. Statutory provisions dealing with the care and disposal of the effects of a deceased seaman abroad are contained in 46 U.S.C.A., §§ 621, 622, 623 and 624. When a seaman dies on shore abroad, leaving money or effects not on board his vessel, 46 U.S.C.A. § 624 directs the consular officer of the United States at or nearest the place to claim and take charge of such money and effects. See also 1 Comp. Gen. 621.

The report for 1940 to 1943 states that the requirements of the Convention as to compensation of injured and sick seamen (with dependants) after they are brought ashore have not as yet been fulfilled by legislation. However, under general maritime law American seamen who are discharged for illness or injury incurred on board ship, and not as a result of their own vices or misconduct, continue to receive an amount equal to wages until the conclusion of the voyage on the ship on which they are serving, or until they are signed on another vessel, whichever occurs first.

The report mentions decisions of the U.S. Supreme Court in the following cases connected

with the rights of sick and injured seamen: *DeZon v. American President Lines Limited* (5 April, 1943), 318 U.S. 660; *O'Donnell v. Great Lakes Dredge and Dock Co.* (1 February 1943), 318 U.S. 36; *Aguilar v. Standard Oil Co.* (19 April, 1943), 318 U.S. 724; *Alaska Steamship Co. v. United States* (4 December, 1933), 290 U.S. 256.

While the State Department is responsible for the care and repatriation of shipwrecked American seamen, the War Shipping Administration, which in the present emergency controls all American shipping, has, with the knowledge and consent of the State Department, afforded care to and repatriation of American seamen survivors. As a result of this action on the part of the War Shipping Administration, agents of ship operators located in foreign ports will as a rule assume responsibility for relieving and repatriating shipwrecked American seamen. Consular officers for the United States are, however, still required by statute to relieve and repatriate shipwrecked American seamen abroad.

The report also contains information about the duties and responsibilities of other agencies, such as the Public Health Service, in connection with the subject matter of the Convention. The Government has furnished a summary of the bills introduced in Congress in 1939 to 1941 to implement the Convention. These bills were not proceeded with.

The report for 1943-44 states that no change has taken place in the statutes relating to the liability of the shipowner as regards the requirements of the Convention.

The report mentions a decision of the U.S. Supreme Court in the case of *Luksich v. Misetich* (140 F.(2d) 812) connected with the shipowner's responsibility for medical treatment.

During the period under review the Public Health Service Act was passed, consolidating and revising laws relating to the public health services furnished by the Government (Act of 1 July 1944). The Government has furnished the text of the sections of this Act which relate to seamen.

The report of the Government of *Mexico* states that the following legislation is relevant to the application of the Convention: Political Constitution of the United States of Mexico, 1917; Federal Labour Law of 18 August 1931;

the Law relating to transportation and communication, promulgated in the *Diario Oficial* of 19 February 1940; Social Security Law, promulgated in the *Diario Oficial* of 19 February 1943.

The scope of Article 1 is in accord with the Mexican legislation. The report states that no distinction is made between ships of war and merchant ships and that the only exceptions are ships that belong to and are managed by members of one family, which can be compared to the family undertakings mentioned in Article 211 of the Federal Labour Law. Article 133 of the Federal Labour Law defines the employer or the master or owner of the vessel, the workers, and the crew and Article 287 of the Law relating to transportation and communication stipulates that the hiring of the crew must be done according to the terms of the Federal Law.

Application of Article 2: Part XIV of Article 123 of the Constitution states that employers are responsible for employment injuries and occupational illness of their employees and various articles of the Federal Labour Law confirm this statement. According to Article 296 of this Law the employer must pay, in the case of death, a month's wages for the expenses of the funeral.

The definition of employment injuries excludes accidents outside the ship. Article 316 of the Federal Labour Law relieves the employer from the obligation of paying compensation and giving medical care to a worker who deliberately causes himself injury, not including in this category cases occurring through negligence or stupidity on the part of the victim unless premeditated.

Application of Article 3: Article 295 of the Federal Labour Law requires the employer to provide the victim with medical assistance, medicines and medical supplies, in addition to the compensation fixed in the tables given in the Law. According to Article 159 the shipowner must in each case provide food for members of the crew and, according to Article 157, furnish comfortable and hygienic living quarters.

The report states that there is no difficulty when the accident occurs in the ship or when the employee must be placed in a hospital, but the Mexican law does not deal with the case in which the employer has to supply food and lodging to a seaman ill in his home. The Law grants, in cases of sickness or incapacity, an allowance of 75 per cent. of wages, and, in accordance with Article 304, does not deduct the compensation received in respect of total or partial permanent incapacity.

Application of Article 4: Article 303 of the Federal Labour Law provides, in case of temporary incapacity, compensation equal to 75 per cent. of wages from the first day of in-

capacity. At the end of three months the beneficiary or the employer can ask for a medical revision for the purpose of determining whether or not the incapacity is to be declared permanent and the amount of compensation to which the beneficiary is entitled. The maximum period during which compensation for temporary incapacity is payable is one year.

The Federal Labour Law, according to Article 305, permits the employer to relieve himself of his responsibilities by insuring the worker, always provided that the insurance is not less than the compensation.

The report points out that according to the new Social Insurance Law compulsory insurance of employment injuries and occupational diseases will remain in effect.

Application of Article 5: the Law requires the employer to pay only 75 per cent. of the wages in accordance with the foregoing.

Application of Article 6: the Law does not contain specific provisions on this point, nevertheless, in Articles 29, 41, 144, 147 and 148 of the Federal Labour Law there are general provisions on repatriation.

Application of Article 7: in case of death, the employer must pay one month's salary for funeral expenses; the Mexican Law does not deal with the possibility stipulated in the second clause.

Application of Article 8: there is no legal provision on this matter, but in practice articles left on board by the seaman are placed in safe keeping.

Application of Article 9: the Mexican Law endeavours to reduce to a minimum the procedure in connection with claims based on occupational risks.

Application of Article 10: the Law does not deal with this case.

Application of Article 11: the legislation does not distinguish between Mexican and foreign seamen.

Article 13 does not apply to Mexico.

The Secretariat of the Marine and Secretariat of Labour and Social Insurance, Committees of Conciliation and Arbitration, Labour Inspectors, the Consuls and the Social Insurance Institute supervise the carrying out of the Law.

Although the Courts frequently consider cases relating to this Convention, none of the decisions given or resolutions made have been sent with the reports.

Neither the employers' organisations nor those of the workers have made any observations on the application of the Convention.

Colonies, etc. (Article 35 of the Constitution).

Nil.

22nd SESSION (GENEVA, 1936)

58. Convention fixing the minimum age for the admission of children to employment at sea (revised)

This Convention came into force on 11 April 1939

Countries	Date of registration of ratification	Periods covered by reports received
U. S. A.	29. 10. 1938	1939-1940, 1940-1943, 1943-1944
Belgium	11. 4. 1938	1939-1940
Brazil	12. 10. 1938	1942-1943
Iraq	30. 12. 1939	
Norway	7. 7. 1937	
Sweden	6. 1. 1939	1939-1940, 1943-1944

The Government of the *United States* in its report for 1939-40 states that the Convention has very little practical significance in the United States because the number of persons employed at sea beneath the ages of 15 and 14 years as prescribed by the Convention is negligible. In a census of seamen employed aboard all documented passenger, freight and tanking vessels of the United States Merchant Marine, engaged in foreign, nearby foreign, and inter-coastal trades, on 15 July 1907, it was revealed that out of a total of 35,545 seamen only 6 were under 16 years of age. The Department of Labour has received no evidence of any increase in such child labour and the prevailing opinion in the industry is that practically no persons under 16 years of age are employed on ocean-going vessels.

A Bill, H.R. 7527, providing for a minimum age of 18 years of age on ocean-going vessels and on work of a hazardous nature, and 16 years of age on all other vessels, which sought to regulate the actual employment of young persons on all vessels of the U.S., was introduced in the 76th Congress. Hearings before the House Committee on Merchant Marine and Fisheries were held on 6 February 1940. The Bill was referred to the interested Departments of the Executive Branch of the Government for report, but no further action was taken. A companion Bill, S. 324, was introduced in the Senate on 29 January 1940, and was subsequently referred to a subcommittee. On 3 January 1941 (77th Congress), H.R. 556, containing essentially the same provisions as H.R.

7527, was introduced in the House, but no further official action was taken.

The report for 1943-44 states that surveys of the maritime industries indicate that it is the practice to employ persons of 18 years of age or over. When persons under 18 years of age are employed the minimum age is not lower than that provided for in the Convention.

The Federal Statute requiring apprentice seamen to be no less than 12 years of age is generally considered obsolete.

While it has not yet been possible to establish a general minimum age for admission to employment at sea, the only existing Federal statutory regulation is directed at specific occupations rather than at the establishment of an over-all minimum. The minimum age established for the holding of a certificate as able seaman is 19 years.

The report gives a list of States in which laws exist prohibiting the employment, subject to the State's jurisdiction, of children under certain ages.

The Government of *Belgium* in its report for 1939-40 stated, with reference to paragraph 2 of Article 2, that no advantage had been taken of the proviso contained in this paragraph.

The Government of *Sweden* in its report for 1939-40 states that this Convention is applied by the Seamen's Act of 15 June 1922, and by an Act (No. 610) of 30 September 1938, which amended Articles 10, 23, 51 and 73 of the earlier Act.

23rd SESSION (GENEVA, 1937)

59. Convention fixing the minimum age for admission of children to industrial employment (revised)

This Convention came into force on 21 February 1941

Countries	Date of registration of ratification	Periods covered by reports received
China	21. 2. 1940	1940-1943
Norway	26. 8. 1938	

The report of the Government of *China* for 1940-1943 states that § 5 of the Factory Act provides that "no boy or girl under the age of 14 shall be employed in factories".

According to factory and mining inspectors' reports, there are still some children under the age of 14 who are at present employed as

apprentices or assistant labourers in small factories. Measures have been taken by the Ministry of Social Affairs to effect gradual elimination of child labour.

Colonies, etc. (Article 35 of the Constitution).

Does not apply to reporting countries.

62. Convention concerning safety provisions in the building industry

This Convention came into force on 4 July 1942

Countries	Date of registration of ratification	Periods covered by reports received
Mexico	4. 7. 1941	4 October 1941-1943, 1943-1944
Switzerland	23. 5. 1940	1941-1943, 1943-1944

The *Mexican* Government in its report for 1941-1943 furnishes the following list of laws and regulations in reply to Question I: Political Constitution of the United States of Mexico, 1917; Federal Labour Code, 18 August 1931 (*L.S.* 1931, Mex. 1); Regulations for the prevention of industrial accidents, published in the *Diario Oficial* of 29 November 1934; Regulations concerning urban constructions and the services in the Federal District, published in the *Diario Oficial* of 23 July 1942.

Application of Article 1: the report states that although the last two of the above-mentioned regulations contain several provisions corresponding to those of the Convention, both the federal labour authorities and the authorities of the Department of the Federal District are concerned to follow the broad lines of the regulations in the Model Code.

Mexico proposes to submit to the International Labour Office triennial reports on the application of the Model Code.

Application of Article 2: according to the report, both the Regulations for the prevention of industrial accidents and the Constructional Regulations for the Federal District apply to all work of construction, repair, alteration, maintenance and demolition of buildings, and Mexican legislation does not provide for any exceptions after consultation with organisations of employers and workers.

Further, under Chapter II of the Regulations for the prevention of industrial accidents, every undertaking must have a permanent safety committee composed of representatives of the employer and workers in equal numbers.

The Regulations concerning urban constructions only apply to the Federal District.

Application of Article 3: the report states that the provisions of this article are incorporated in Mexican legislation.

Application of Article 4: Mexican factory inspectors perform their duties along the general lines laid down in the Labour Inspection Recommendation, 1923. Every inspection is carried out through the safety committees already referred to.

Application of Article 5: Mexico has not taken advantage of this article.

Application of Article 6: statistics of accidents to persons employed in building work are compiled and included in the publications of the Directorate-General of Statistics, which are communicated periodically to the International Labour Office. This also applies to statistics compiled by the Department of Labour.

In summarising the Mexican Government's remarks concerning the technical provisions of the Convention (Articles 7-18) the federal legislation and the legislation of the Federal

District will be dealt with separately. The federal legislation is as follows:

Application of Article 7: the Report refers, *inter alia*, to Sections 521-528, 530, 534, 535, 536 and 538 of the Regulations for the prevention of industrial accidents.

These sections appear to cover paragraphs 3, 4, 5 and 7 of Article 7, but only as regards suspended scaffolds.

Application of Article 8: the report refers to Sections 522 and 523 of the Regulations, but these do not deal specifically with the points covered by Article 8.

Application of Article 9: there are no provisions in Mexican legislation exactly corresponding to the provisions of this article; this will be taken into account when the regulations for the prevention of industrial accidents are revised.

Application of Article 10: as for Article 9.

Application of Article 11: there is no regulation corresponding to this article.

Application of Article 12: as for Article 11.

Application of Articles 13 and 14: as for Article 11.

Application of Article 15: in the Regulations mentioned in the report there is no provision corresponding to paragraph 1 of this article. Sections 512 and 515 contain provisions covering paragraph 2. Section 514 has a bearing on paragraph 3 but does not entirely cover it.

Application of Article 16: there is no specific provision in Mexican legislation corresponding to this article.

Application of Articles 17 and 18: as for Article 16.

The Federal District legislation is as follows:

Scaffolds are dealt with in Chapter 43.3 of the Regulations of 1942.

Application of Article 7: Section 1 of the Regulations deals with safety in the construction of scaffolds but says nothing about their maintenance. There are no other provisions in the Regulations directly corresponding to the remaining provisions of this article.

Application of Article 8: Section 8 of the Regulations corresponds to paragraph 2 (a) of Article 8. Sections 7 and 9 correspond to paragraph 2 (b) in so far as concerns platforms and gangways.

Application of Article 9: the report states that the provisions of this article will be taken into account when the Regulations are revised.

Application of Article 10: as for Article 9.

Application of Articles 11 to 14: the report does not quote any provisions of the Regulations corresponding to these articles.

Application of Article 15: the report does not quote any provisions of the Regulations corresponding to this article.

Application of Articles 16 to 18: as for Article 15.

The Department of Labour, the Department of the Federal District and the local authorities of the States, are entrusted with the administration of the regulations applying the Convention. No observations from employers' or workers' organisations have been reported.

The Government of *Switzerland* in its reports

for 1942-1944 mentions the following additional legislation: Order concerning the prevention of accidents in building work, 2 April 1940. The Order deals mainly with pole scaffolds and trestle scaffolds, but it is proposed to extend it eventually to other types of scaffold, and more especially metal scaffolds. The Order does not deal in detail with hoisting appliances (Articles 12 - 14 of the Convention), on which subject it is intended to issue a separate Order. Owing to the war it has not yet been possible to complete the preparation of this Order; but instead instructions are issued in individual cases, under Section 65 of the Sickness and Accident Insurance Act of 1911. Nevertheless, Sections 4 - 6 of the Order of 1940 contain some provisions relating to hoisting appliances and correspond to Articles 11 (1) and 15 (1) of the Convention. A Federal Order of 11 January 1944 concerning the employment of women and young persons prohibits young persons under 16 years of age from working hoisting appliances.

Application of Article 7: the only provisions in the Regulations directly comparable with the provisions of this article are those of Section 2 (1), which cover paragraph 3.

Application of Article 8: paragraphs 1 (a), (b) and (c) are covered by Sections 13 and 15; and the provisions of Sections 9, 10, 11, 14 and 15 may be said to cover paragraphs 2 (a), 2 (b) and 2 (c).

Article 9(1) is covered by Section 9.

Application of Article 10: paragraph 1 is covered by Section 13 of the Regulations and paragraph 2 by Section 12.

Application of Article 11: paragraph 1 is covered by Section 4 of the Regulations.

Application of Articles 12 to 14: there are no provisions in the Regulations directly corresponding to these articles.

Application of Article 15: sections 6 and 8 of the Regulations cover paragraph 1.

Application of Articles 16 to 18: there are no provisions in the Regulations directly corresponding to these articles.

As regards scaffolds not covered by the Federal Order of 2 April 1940 (ladder scaffolds, suspended scaffolds, etc.), the safety measures required under section 65 of the Federal Sickness and Accident Insurance Act of 13 June 1911 are based on the relevant provisions of the Model Code annexed to the Safety Provisions (Building) Recommendation, 1937.

No federal Order concerning safety in the use of hoisting appliances has yet been issued, but there are some cantonal or communal regulations on the subject. Special mention is made of the Zurich Municipal Order of 1 October 1943 regarding the use of hoisting appliances in building and civil engineering construction, which is largely based on the rules in Part II of the Model Code.

The report states that the Convention is applied throughout Switzerland. For reasons of economy the reports of the Federal Council on its administration in 1941 and 1942 have been drastically abridged and do not deal with the application of the Convention.

Colonies, etc. (Article 35 of the Constitution).

Does not apply to reporting countries.

24th SESSION (GENEVA, 1938)

63. Convention concerning statistics of wages and hours of work in the principal mining and manufacturing industries, including building and construction, and in agriculture

This Convention came into force on 22 June 1940

Countries	Date of registration of ratification	Periods covered by reports received
Australia ¹	5. 9. 1939	1939-1940, 1940-1943, 1943-1944
Denmark ²	22. 6. 1939	
Egypt ³	5. 10. 1940	1940-1943
Mexico	16. 7. 1942	11 November 1942-1943, 1943-1944
Netherlands	9. 3. 1940	
New Zealand ¹	18. 1. 1940	1940-1944
Norway ²	29. 3. 1940	
Sweden ²	21. 6. 1939	1940-1941, 1941-1942, 1942-1943, 1943-1944
Switzerland ³	23. 5. 1940	1940-1941, 1941-1943
Union of South Africa ⁴	8. 8. 1939	1941-1942, 1942-1943, 1943-1944

¹ Excluding Part II.

² Excluding Part III.

³ Excluding Parts III and IV.

⁴ Excluding Parts II and IV.

Article 2 of this Convention provides that:

1. Any Member which ratifies this Convention may, by a declaration appended to its ratification, exclude from its acceptance of the Convention:

(a) any one of Parts II, III, or IV; or

(b) Parts II and IV; or

(c) Parts III and IV.

2. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every Member for which a declaration made under paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the application of the Part or Parts of the Convention excluded from its acceptance.

Since the system of summarising annual reports has been largely in abeyance since the outbreak of the war, this is the first summary statement of the reports made by the States Members who have ratified the Convention, and covers the period from 22 June 1940 when the Convention came into force to 30 September 1944, so far as reports have been received.

From *Egypt*, three reports of wage surveys undertaken in the discharge of the obligations assumed by ratification of the Convention have been received by the Office, in addition to a formal report.

The analysis given below is therefore limited to the reports of 7 countries, *Australia*, *Egypt*, *Mexico*, *New Zealand*, *Sweden*, *Switzerland* and the *Union of South Africa*.

The laws which carry out the provisions of the Convention, in the case of the Convention concerning Statistics of Wages and Hours of Work are not usually laws passed specifically for this purpose but are general provisions relating to the compilation of statistics.

The reports from the several countries describe the statistics compiled.

This Convention provides for optional exclusion from ratification of one or two Parts as specified in the ratifying instrument. *Australia* and *New Zealand* exclude Part II, *Sweden* Part III, *Egypt* and *Switzerland* Parts

III and IV, and the *Union of South Africa* Parts II and IV. In the reports from *Australia* and the *Union of South Africa*, special attention is paid to the problems involved in obtaining statistics to meet the specifications of the Parts excluded from ratification.

Certain of the reports describe in detail the statistics collected, with reference to the details called for under the various articles of the Convention. The amount of detail varies from country to country.

In the cases of two countries, the *Union of South Africa* and *New Zealand*, certain less industrially developed areas are excepted from the scope of the Convention.

The report from *Australia* describes the disappointing results obtained in regard to wages in agriculture, one of the Parts included in the Australian ratification. The report from *Mexico* also notes the unsatisfactory character of certain of its statistical materials on wages and hours of work.

The reports specify the statistical offices charged with the collection of the statistics.

No general observations on the manner in which the Convention is applied are made in the reports.

Colonies, etc. (Article 35 of the Constitution).

No information.

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REPORT VI (APPENDIX)

**INTERNATIONAL LABOUR
CONFERENCE**

TWENTY-SEVENTH SESSION

PARIS, 1945

**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

MONTREAL, 1945

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 the annual reports submitted under Article 22 of the Constitution of the International Labour Organisation upon the application of Conventions ratified by the Members of the Organisation and report on them to the Governing Body of the International Labour Office met in London from 23 to 27 July 1945, and held its 15th Session.

The last session of the Committee of Experts was held in April-May 1940 and a Report was adopted for submission to the Governing Body in view of the session of the Conference fixed for that year, but the military situation in Europe made it impossible to hold the Conference and the Report of the Committee was not communicated to the Governments for observations in accordance with the authorised procedure. The 26th Session of the Conference (Philadelphia, 1944) decided that the time had come for the Committee of Experts to be reconstituted and the Governing Body in due course took the necessary steps for this purpose.

The composition of the Committee is as follows:

Sir Atul CHATTERJEE, G.C.I.E. (Indian),

Former Member of the Secretary of State for India's Council, former Secretary to the Government of India in the Department of Labour (Indian Civil Service), former Member of the Viceroy's Executive Council, former High Commissioner for India in London, Chairman of the Governing Body of the International Labour Office, 1932-1933, President of the 10th (1927) Session of the International Labour Conference;

Sir Arnold D. McNAIR, K.C., C.B.E., LL.D. (British),

Vice-Chancellor of the University of Liverpool since 1937, Associate of the Institute of International Law, former Whewell Professor of International Law at the University of Cambridge, Secretary of the Coal Industry (Sankey) Commission, 1919;

Mr. William RAPPARD (Swiss),

Professor at the University of Geneva, Director of the Graduate Institute of International Studies, Vice-

Chairman of the Mandates Commission of the League of Nations, Director of the Mandates Section of the League Secretariat, 1920-1925;

Mr. Paul TSCHOFFEN (Belgian),

Doyen of the Bar at the Appeal Court of Liège, Senator, former Minister of Justice, of Labour, and for the Colonies;

Hon. Charles E. WYZANSKI, Jr. (U.S.A.),

Federal Judge, Representative of the United States Government on the Governing Body of the International Labour Office in 1935, Solicitor to the Department of Labor, Washington, D.C., May 1933-November 1935;

Dr. Shao Hwa TAN (Chinese),

Former Professor of International Law at the National Central University of China, former Chinese Minister to Mexico and Brazil;

Mr. Georges SCALLE (French),

Professor at the Faculty of Law of Paris, Associate of the Institute of International Law, former Professor at the University of Geneva and at the Graduate Institute of International Studies, Assistant Secretary-General of the Academy of International Law at The Hague;

Mr. Helio LOBO (Brazilian),

Doctor of Law, Member of the Brazilian Academy of Letters, former Minister Plenipotentiary, Representative of the Brazilian Government on the Governing Body of the International Labour Office, 1938-1941.

Of these eight members the following were present:

Sir Atul CHATTERJEE,
Sir Arnold D. McNAIR,
Professor William RAPPARD,
Mr. Paul TSCHOFFEN,
Hon. Charles E. WYZANSKI, Jr.

Much to the Committee's regret, Mr. Helio LOBO and Professor SCALLE were prevented by reasons of health from attending the meeting, and Dr. Shao Hwa TAN was detained in Washington on account of other work.

The Committee unanimously elected Mr. Tschoffen as Chairman and Sir Arnold McNair as Reporter.

The authorised strength of the Committee is 13 members, so that there are 5 vacancies remaining to be filled. In view of the large number of reports due in future each year, the Committee ventures to express the hope that the Governing Body will fill some, at any rate, of these vacancies as soon as possible.

In consequence of the events of the past six years and of the inevitable reduction in the staff of the International Labour Office, the amount of material at our disposal was much less than has been customary in the past. After examining it, we have come to the conclusion that, if we were to follow our practice of annexing to our Report an appendix containing detailed comments upon the reports made by the countries bound by Conventions, that appendix would give a misleading picture of the situation. Many countries bound by labour Conventions have been engaged in war, and many have been under military occupation. Every country, whether involved in war or not, has been subjected to abnormal conditions, and no report made by this Committee at the present stage could faithfully portray the dislocating effect of those conditions upon the ability of the countries affected by them to carry out their obligations under labour Conventions.

It is therefore clear to us that our next meeting should be of far greater importance than the present one. We hope to be placed in a position to give some account of the effect of the war of the past six years upon the application of the 52 labour Conventions in force and in particular upon the machinery of annual reports which it is our duty to supervise.

From time to time the Committee of Experts had made suggestions designed to focus attention on labour inspection as an essential guarantee of adequate standards of enforcement of ratified Conventions in the various countries, and the Governing Body decided to place on the agenda of the International Labour Conference for 1940 the question of the organisation of labour inspection in industrial and commercial undertakings. By the time that the war broke out in 1939, preparations for the consideration of the subject by the Conference had reached an advanced stage. A preparatory technical Conference had been held in Geneva in May 1939, and the Committee was informed that, as a result of that Conference, a questionnaire was sent out to Governments. At its 26th Session the Conference expressed the hope, on a recommendation made by its Committee on the Application of Conventions, that the Governing Body "will regard the question of inspection as of urgency and will

place the question of labour inspection on the agenda of an early session of the Conference with a view to the adoption of a draft Convention". We have been informed that, when fixing the agenda of the 27th Session of the Conference, the Governing Body decided that the scope of the discussions of the Conference Committee on the Application of Conventions might be widened to include questions relating to labour inspection. We understand that, with a view to ensuring that the discussion on inspection questions at the Conference Committee is as fruitful as possible, the Governing Body decided as an exceptional measure to treat Article 22 Reports as a separate item on the agenda of the Conference in order to enable Governments to appoint suitable advisers for the discussion. This should mean that advisers with practical experience of labour administration, including inspection, may be expected to take part in the discussions of the Conference Committee. In this connection it may be recalled that the Committee of Experts in their report in 1939 stated that the Committee "would welcome steps which might be taken for establishing contact between the inspection services of the Members of the Organisation, and between each of them and the technical staff of the International Labour Office". We are grateful to note that the report of the Conference Committee of that year recorded that Committee's "entire approval" of our suggestion.

It was in response to a suggestion originally made by the Committee of Experts that two regional conferences of representatives of labour inspection services were held respectively at The Hague (1935) and at Vienna (1937). In view of the valuable results obtained from these conferences the Committee recommends the Governing Body to consider the possibility of resuming such conferences as soon as circumstances permit.

There are three legal questions which touch our work. They are referred to in the following three paragraphs.

COLLECTIVE AGREEMENTS

A feature of the application of Conventions which is not only of general interest but of actual practical importance is the number of cases in which Governments in their reports on the application in particular of Conventions concerning hours of work and rest periods have referred to the possibility of applying Conventions by means of collective agreements. The Committee was informed in this connection that when fixing the agenda of the 27th Session of the Conference the Governing Body also decided that the scope of discussion of

the Conference Committee on the Application of Conventions should be widened to include collective agreements. The Committee's interest in collective agreements in this context is the practical question how far such agreements could be used as an alternative to legislation as a basis for the application of ratified Conventions. It would be premature for the Committee of Experts to express an opinion upon this matter, and indeed the necessary data are not yet available to them. They would, however, venture to point out that under Article 19, paragraph 7, of the Constitution of the International Labour Organisation the primary duty to which a Member becomes subject upon the ratification of a Convention is to "take such action as may be necessary to make effective the provisions of such Convention". Subject to any provisions which may be contained in the individual Conventions, it would seem therefore to the Committee very necessary that the legal basis and scope of these collective agreements should be examined to ascertain whether they rest merely upon the voluntary agreement of the parties thereto or whether the agreements become part of the law of the countries and legally enforceable by their Governments, and whether they cover all the persons affected by the Conventions or are limited to those who happen to be members of the industrial or commercial organisations which are parties to the agreements.

EFFECT OF WAR UPON CONVENTIONS

The question how the existence of a state of war affects the application of labour Conventions by countries which have ratified them is clearly one of great importance to the Organisation. The matter was raised in the 1940 Report of the Committee of Experts, which pointed out that certain annual reports mentioned cases in which Governments had taken advantage of the clauses contained in Conventions providing for the suspension of their provisions in the event of war or other national emergency, and that others mentioned cases in which Governments had taken similar action in the absence of suspension clauses. The only comment made by the Committee on that occasion was that the legal questions involved would doubtless be considered by the Governing Body at an appropriate time. The Conference Committee at Philadelphia took note of the above comment by the Committee of Experts in 1940, and added that it is probable that the number of cases of this kind had increased with the progress of the war and the widening of the area of the conflict. It is evident that

the events of the past six years have adversely affected the application of labour Conventions in a number of ways and have given rise to a number of questions, both of fact and of law. As these questions vitally affect the work of this Committee we shall mention some of them without comment. They may arise in the case of:

- (a) a Member which becomes involved in a war as a belligerent;
- (b) a Member which, whether becoming formally a belligerent or not, comes under military occupation;
- (c) a Member which, without becoming a belligerent or coming under military occupation, is so situated in regard to hostilities that its industrial and commercial life is profoundly affected by the fact of a war.

Again, as mentioned above, some of the labour Conventions contain an express provision enabling a ratifying Member to suspend their operation in the event of war or other national emergency. Others contain no such express provision and the question arises whether any similar provision can be implied. The foregoing matters touch the application of labour Conventions during a war but do not throw any doubt upon the continuance and survival after the end of a war of the legal obligations of the contracting parties arising from the ratification of Conventions.

POSITION OF FEDERAL COUNTRIES IN RESPECT OF THE RATIFICATION AND APPLICATION OF CONVENTIONS

The peculiar situation in which certain federal States may find themselves in regard to the ratification and application of labour Conventions became prominent and acute in 1937 as a result of the decision of the Judicial Committee of the British Privy Council which declared three Acts passed by the Dominion of Canada Parliament for the purpose of implementing Conventions Nos. 1, 14 and 26 to be *ultra vires* of the Dominion Parliament. The problem thus created remained unresolved when war broke out in 1939 and has not yet found a solution. Similar difficulties may arise in the case of other Members of the Organisation whose constitutions are of a federal character.

We understand that these legal questions are receiving the attention of the appropriate organs of the Organisation, and they are clearly questions in which this Committee is keenly interested.

It is a remarkable fact that, in spite of the events of the past six years, which have ren-

dered it impossible for many States to carry out their obligation to make annual reports upon the application of Conventions, the machinery supervised by this Committee has never ceased to function, and it may be mentioned by way of illustration that, in respect of the period 1943-1944, 254 reports had been received before we concluded this session, out of a total of 583 requested by the Office. The Committee was informed that an additional number of such reports were in course of transit to the Office.

It will be apparent from the preceding paragraphs of this Report that the duty of preparing for our next meeting which will fall upon the officials of the International Labour Office will be a heavy one, and we venture to

express the hope that the Governing Body will find itself in a position to take early steps to strengthen the staffing of those sections of the Office upon which the burden of this preparatory work will mainly fall.

We are greatly indebted to the officials, both of the Members of the Organisation and of the International Labour Office, for supplying, in spite of much difficulty, the information which has made this Report possible.

London, 27 July 1945.

(Signed) P. TSCHOFFEN,
Chairman.

(Signed) Arnold D. McNAIR,
Reporter.