

REPORT III

INTERNATIONAL LABOUR CONFERENCE

THIRTY-SECOND SESSION

GENEVA, 1949

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

Third Item on the Agenda



INTERNATIONAL LABOUR OFFICE

GENEVA, 1949

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INTRODUCTION

Article 22 of the Constitution of the International Labour Organisation provides that "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 the 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". Further, Article 23, paragraph 2, of the Constitution provides that each Member shall communicate to the representative organisations recognised for the purpose of Article 3 copies of the reports communicated to the Director-General in pursuance of Article 22.

Article 23 of the Constitution also provides that the Director-General shall lay before the next meeting of the Conference a summary of the reports communicated to him by Members in pursuance of Article 22.

The present summary is submitted to the Conference in pursuance of the obligation prescribed by Article 23 of the Constitution, and contains information on the 55 Conventions in force for which annual reports have become due. The period covered by the summary is 1 October 1947 to 30 September 1948.

A total of 799 annual reports was requested from Governments for this period. In the table under each Convention, a complete list of ratifications is given for statistical purposes only. It is realised that in respect of certain of these ratifications registered between 1921 and 1938, for which no reports were requested, a number of complicated legal and constitutional problems arise, varying from case to case, touching on the question whether reports are due in these cases.

Voluntary reports (in respect of Conventions which have not yet come into force) have been supplied by certain Governments. These reports are summarised in the present volume.

* * *

The summary contains a list of the legislation in force and a brief survey of applica-

tion during the period under review.¹ Special care has been taken in the summarising of information supplied by Governments for the first time (*i.e.*, in respect of reports submitted after the coming into force of a Convention for the Government concerned). Particular attention has also been paid to important changes in legislation. As a result of the coming into force of the amended Constitution, information relating to the communication of reports to representative organisations of employers and workers was requested from Governments for the first time. This information has been reproduced by the Office for each report.

In conformity with a decision of the Governing Body, States responsible for the administration of non-metropolitan territories were requested to supply, territory by territory, reports on the application of ratified Conventions, drafted in accordance with the report forms approved by the Governing Body. As this procedure has been applied for the first time, the Office has prepared a detailed summary of reports relating to non-metropolitan territories.

* * *

The present volume covers reports received by the office up to 8 April 1949, *i.e.*, two months before the opening session of the Conference. A list of reports received after 8 April 1949 will be found on p. 326.

The report of the 19th Session (Geneva, 23 March-2 April 1949) of the Committee of Experts on the Application of Conventions and Recommendations is communicated to the Conference as usual in the form of an Appendix to the summary, but is printed separately.

Geneva, May 1949.

¹ The following abbreviations are used throughout the summary:

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

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

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

FIRST SESSION (WASHINGTON, 1919)

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

This Convention came into force on 13 June 1921

Countries	Date of registration of ratification	Reports received
Argentina	30.11.1933	28. 1.1949
Austria ¹	12. 6.1924	
Belgium	6. 9.1926	29.11.1948
Bulgaria	14. 2.1922	
Burma ²	14. 7.1921	
Canada	21. 3.1935	24.11.1948
Chile	15. 9.1925	2. 4.1949
Colombia	20. 6.1933	
Cuba	20. 9.1934	30. 3.1949
Czechoslovakia	24. 8.1921	26.12.1948
Dominican Republic	4. 2.1933	23.10.1948
France ¹	2. 6.1927	
Greece	19.11.1920	30. 3.1949
India	14. 7.1921	29.11.1948
Italy ¹	6.10.1924	
Latvia ¹	15. 8.1925	
Lithuania	19. 6.1931	
Luxembourg	16. 4.1928	19.11.1948
New Zealand	29. 3.1938	26.12.1948
Nicaragua	12. 4.1934	
Pakistan ³	14. 7.1921	11. 1.1949
Peru	8.11.1945	
Portugal	3. 7.1928	10.12.1948
Rumania	13. 6.1921	
Spain	22. 2.1929	
Uruguay	6. 6.1933	23.12.1948
Venezuela	20.11.1944	

¹ Conditional ratification.

² The Union of Burma became a Member of the International Labour Organisation on 18 May 1948 and stated that Burma remained bound by the 14 Conventions which India had ratified up to 31 March 1937. The date given is that on which the ratification by India was registered.

³ Pakistan became a Member of the International Labour Organisation on 31 October 1947 and informed the Office that it had undertaken to implement the Conventions ratified by the Government of India up to 15 August 1947. The date given is that on which the ratification by India was registered.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Argentina.

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

Decree No. 16,115 of 16 January 1933 of the Ministry of the Interior, to issue regulations under Act No. 11,544 respecting the statutory hours of work (L.S. 1933, Arg. 1).

Various Decrees and Resolutions concerning methods of application in various industries.

Belgium.

Act of 14 June 1921 to provide for an eight-hour day and 48-hour week (L.S. 1921, Bel. 1), as supplemented by the Royal Order of 26 August 1939.

Ministerial Orders of 16 April and 21 August 1945 to authorise, in the "Veredeling" section of the textile industries, certain exceptions to the provisions of the Act of 14 June 1921 concerning the eight-hour day and the 48-hour week.

Legislative Decree of 5 May 1944 to repeal the Orders and other administrative decisions issued during the period of enemy occupation.

Various Orders and Ministerial Decrees issued from 1939 to 1941 relating to exceptions and to the conditions of labour in certain industrial and commercial undertakings.

Act of 16 May 1938 to regulate working hours in the diamond industry (L.S. 1938, Bel. 3), as amended by the Legislative Decree of 7 November 1946.

Royal Order of 3 February 1940, fixing working hours underground in coal mines, maintained in force by Order of the Regent of 10 September 1947.

Canada.

See under summary of other information.

Chile.

Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L.S. 1931, Chile 1).
Decree No. 224 of 16 March 1932 approving the Regulations concerning hours of work in private railway undertakings, superseded by Decree No. 702 of 8 June 1935.

Act No. 7173 of 15 May 1942 to authorise the President of the Republic to regulate and apportion the use of motorised means of transport and to introduce and issue Regulations respecting a uniform working day.

Decree No. 4392 of 4 August 1942 to introduce a uniform continuous working day of eight hours in the principal districts of the Republic.

Act No. 7747 of 24 December 1943 (paragraph A, § 27) to amend § 30 of the Labour Code, establishing paid rest periods in the working day.

Cuba.

§ 66 of the Constitution (1940) (L.S. 1940, Cuba 1).

Decree No. 3185 of 1940, respecting the application of § 66 of the Constitution.

Decree No. 2513 of 1933, as subsequently amended.

Regulation No. 870 of 10 April 1945 establishing the six-hour day for train despatchers.

Decree No. 1813 of 3 July 1945 establishing, for commercial enterprises, the continuous working day from 8.30 a.m. to 1 p.m. on Thursdays during the summer months.

Various Decrees and Regulations issued in 1947 and 1948 respecting hours of work and wages for certain categories of workers.

Czechoslovakia.

- Act of 19 December 1918 respecting the eight-hour working day (L.S. 1919, Cz. 1).
 Order of 11 January 1919 in pursuance of the Act respecting the eight-hour working day (L.S. 1919, Cz. 2).
 Circular of the Ministry of Social Welfare to all administrative authorities respecting the interpretation of the provisions relating to the eight-hour day, dated 21 March 1919 (L.S. 1919, Cz. 3).
 Decree No. 104 of 24 October 1945, respecting works councils and undertaking councils (L.S. 1945, Cz. 1).
 Act No. 177 of 1946, to regulate hours of work in bakeries.
 Regulation No. 24 of 1947 concerning the temporary transfer of regular working hours due to the necessity of economy in the use of electric power.
 Act No. 45 of 7 March 1947, to fix hours of work for mining (L.S. 1947, Cz. 1).
 Act No. 87 of 1947, relating to certain measures concerning the national mobilisation of workers.
 Notification No. 1092-1947 of 18 October 1947 concerning the regulation of working hours in sugar factories during the sugar-beet campaign.

Dominican Republic.

- Act No. 1075 of 4 January 1946 respecting hours of work (L.S. 1946, Dom. 2).
 Act No. 1655 of 5 March 1948 on emergency measures.

Greece.

- Act No. 2269 of 24 June 1920 to ratify the Convention.
 Decree of 27 June 1932 to consolidate and supplement the provisions relating to the eight-hour working day (L.S. 1932, Gr. 2 A).
 Decree of 8-15 July 1925 applying the eight-hour day in tobacco warehouses and factories.
 Decree of 23-30 November 1928, interpreting the provisions of the Decree of 8-15 July 1925.
 Decree of 1 June 1935 to amend § 14 of the Decree of 27 June 1932.
 Decree of 7 December 1932 to extend the provisions respecting the eight-hour day to Italian paste factories (L.S. 1932, Gr. 2 B).
 Decree of 7 December 1932 respecting the regulation of hours of work for the staff of motor omnibuses (L.S. 1932, Gr. 2 C).
 Decree of 23 November 1933 to extend the provisions respecting the eight-hour day to mechanical engineering workshops not operating independently (L.S. 1933, Gr. 3 B).
 Decree of 23 December 1933 to extend the provisions respecting the eight-hour day to factories for the manufacture of boots and shoes (including army boots) by machinery (L.S. 1933, Gr. 3 C).
 Decree of 9 July 1935 to extend the provisions concerning the eight-hour day to establishments for the manufacture of oil, cement, oxygen, calcium, carbide, soap and beer (L.S. 1935, Gr. 3 B).
 Decree of 15 September 1935 relating to the application of the Eight-Hour Day Act to the furniture industry (L.S. 1935, Gr. 3 C).
 Royal Decree of 18 February 1936 to extend the provisions respecting the eight-hour day to ironing work, contained in the Decree of 27 June 1932.
 Royal Decree of 30 June 1936 to extend the provisions respecting the eight-hour day to the work of welding with oxygen and of soldering articles made of lead and lead substances.
 Royal Decree of 10 July 1936 extend the provisions respecting the eight-hour day to manufactories of wines and alcohol, sugar, dried raisins, spirituous liquors and malt.

- Decree of 30 June 1936 establishing the eight-hour day in blacksmiths' shops.
 Royal Decree of 23 July 1936 to extend the provisions respecting the eight-hour day to all departments of glass works.
 Royal Decree of 14 August 1936 to extend the provisions respecting the eight-hour day to different industries and occupations.
 Act No. 199/1936 amending certain labour laws.
 Act No. 547/1937 amending and supplementing certain labour laws.
 Act No. 646 of 1937 relating to hours of work in bakeries.
 Decree of 3-13 April 1938 concerning hours of work in bakeries (L.S. 1938, Gr. 2).
 Decree of 28-29 April 1937 to extend the provisions respecting the eight-hour day to the textile industry.
 Decree of 10-29 September 1937 to extend the eight-hour day to all chemical industries.
 Decree of 3-15 September 1937 fixing 60 hours as the maximum amount of overtime which may be allowed in tanneries and gut factories.

India.

- Indian Factories Act, 1934 (L.S. 1934, Ind. 2), as amended by the Factories (Consolidation) Act of 1946 (L.S. 1946, Ind. 1).
 Indian Mines Act, 1923 (L.S. 1923, Ind. 3), as subsequently amended (L.S. 1923, Ind. 3; 1928, Ind. 1; and 1935, Ind. 3).
 Indian Railways (Amendment) Act, 1930 (L.S. 1930, Ind. 1).
 Railways Servants Hours of Employment Rules, 1931.

Luxembourg.

- Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference in the course of its first ten sessions (1919-1927).
 Grand-Ducal Order of 30 March 1932 concerning the application of certain Conventions adopted by the International Labour Conference in the course of its first ten sessions (L.S. 1932, Lux. 1).
 Grand-Ducal Order of 6 January 1933 to amend the Order of 30 March 1932 (L.S. 1933, Lux. 1).
 Grand-Ducal Order of 17 October 1938 concerning the reduction of hours of work (L.S. 1938 Lux. 2).
 Grand-Ducal Order of 16 October 1939, to limit hours of work (L.S. 1939, Lux. 3).

New Zealand.

- Coal Mines Act, 1925 (L.S. 1925, N.Z. 2), as amended by the Acts of 1927, 1935, 1936 and 1937 (L.S. 1937, N.Z. 2) and 1941.
 Mining Act, 1926 (L.S. 1926, N.Z. 1), as amended by the Acts of 1927, 1931, 1934, 1935 and 1937.
 Statutes Amendment Acts of 1938, 1939, 1941, 1944 and 1945.
 Factories (Consolidation) Act, No. 43 of 1946, (L.S. 1946, N.Z. 4), as amended by the Order of 1948.
 Industrial Consolidation and Arbitration Amendment Act, 1936.
 Transport Licensing Act, 1931, amended by the Transport Licensing Amendment Law of 1939.
 The Factories Consolidating Regulations, 1937, as amended in 1948.
 Various Orders, Regulations and Awards made in virtue of the above Acts between 1926 and 1942.

Pakistan.

- Indian Factories Act, 1934 (L.S. 1934, Ind. 2), as amended by the Factories (Consolidation) Act of 1946 (L.S. 1946, Ind. 1).
 Indian Mines Act, 1923 (L.S. 1923, Ind. 3), as subsequently amended (L.S. 1923, Ind. 3; 1928, Ind. 1; and 1935, Ind. 3).

Indian Railways (Amendment) Act, 1930 (L.S. 1930, Ind. 1).
Railways Servants Hours of Employment Rules, 1931.

Portugal.

Legislative Decree No. 24402 of 26 August 1934 to regulate hours of work in commercial and industrial undertakings (L.S. 1934, Port. 5.).
Legislative Decree No. 32193 of 13 August 1942 (§ 1) relating to the extension of hours of work.
Legislative Decree No. 32647 of 29 January 1943 relating to hours of work in land transport. Various resolutions relating to hours of work, night work, overtime and payment for overtime issued by the Under-Secretary for Corporations and Social Welfare between 31 March 1942 and 15 July 1946.
Legislative Decree No. 36173 of 6 March 1947, providing that the terms of a collective agreement may not be contrary to the principles established by legislation concerning working hours.
Decisions concerning hours of work in various industries issued by the Under-Secretary for Corporations and Social Welfare, dated 7 January 1947, 18 August 1947 and 30 April 1948.

Uruguay.

Act No. 5,350 of 17 November 1915, limiting the daily hours of work of workers, employees, etc., to eight throughout the territory of the Republic (B.B. 1916, Vol. XV, p. 29).
Decree of 15 May 1935 to issue regulations under Act No. 5,350 respecting the eight-hour day (L.S. 1935, Ur. 1), as supplemented and amended by various other Decrees up to 30 November 1946.
Decree of 23 June 1944 on the control of employment (bakery workers).

SUMMARY OF OTHER INFORMATION

Argentina. No changes have taken place in the list of processes classed as being necessarily continuous in character (Article 7 of the Convention). The application and supervision of the hours of work legislation is entrusted to the Secretariat of Labour and Social Welfare, the jurisdiction of which covers the capital of the Republic, the national territories and the provinces, through regional delegations.

The report contains the text of two decisions by courts of law concerning work done in shifts and, in particular, remuneration for employment, including day and night work.

During the period under review, 36,545 inspections were carried out; 1,322 breaches of the regulations were noted; and action was taken in 710 cases.

Copies of the report have been communicated to the General Confederation of Labour and to the Argentine Association of Production, Industry and Commerce.

Belgium. The Royal Order of 26 August 1939, which authorises exceptions to the provisions of the Act of 14 June 1921 in the event of the strengthening or mobilisation of the army, is still in force, but no use was made of this Order during the period under review. One hundred and

thirty-seven cases of infringement of the Eight-Hour Day Act were reported. In certain cases, the Administration lodged appeals in order to secure the rectification of certain decisions of the first instance which it considered of a character likely to hamper the action of the supervisory services.

During the period under review, the total personnel of the 22,957 undertakings visited by the inspection service was 258,110, excluding industrial undertakings coming under the supervision of the Directorate-General of Mines. Authorisations for additional hours, granted from 1 October 1947 to 30 September 1948 under § 7 of the Act of 14 June 1921, covered 187 undertakings and 5,878 workers; the number of additional hours worked amounted to 573,341, as against 1,395,049 during the corresponding preceding period, when 15,083 workers and 295 undertakings were affected.

Organisations of employers and workers did not submit any observations. The breaches of the legislation reported by the workers' organisations were followed up by enquiries in order to institute proceedings.

Copies of the report have been communicated to the Federation of Belgian Industries, the General Federation of Labour of Belgium, the Confederation of Christian Trade Unions and the General Association of Liberal Trade Unions.

Canada. The Government refers to the information furnished for the preceding period and adds that it has no information as to whether or not the legislative programmes planned for the 1949 sessions of the provincial legislatures will involve any changes in the legislation relating to the Convention.

A report on the question will also be communicated to the representative organisations of employers and workers.

Chile. The report refers to information previously given; the total number of workers covered by the legislation applying the Convention is now as follows: mining, manufacturing, building and construction; transport, communications and miscellaneous undertakings, 423,205 (52,050 employees and 371,155 workers); railways, 33,328 (6,407 employees and 26,921 workers). During 1948, breaches of the legislation were reported in 15 industrial undertakings. The labour courts have given numerous decisions, of which, however, the General Labour Directorate has been informed of only one. There were no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers, which are the most representative organisations of employers and workers.

Cuba. The report gives details of the new legislative provisions, Resolutions Nos. 1258 of 1947 and 1418, 1433 and 1434 of

1948, which establish a shorter working day for train switchmen and limit to the sugar industry the exception provided for by § 66 of the Constitution. The report also mentions Decrees Nos. 1568, 1764 and 2008 of 1948, which apply the 40-hour week to sugar growing and manufacturing during the off-season, and which fix the hours of work in ports and the work schedule in the port of Cárdenas. The report repeats information previously given in regard to the application of the various Articles of the Convention. There were no decisions by courts of law, and no observations from employers' or workers' organisations.

The occupational organisations registered with the Ministry of Labour have access, through their delegates, to all official information.

Czechoslovakia. The report refers to information previously furnished. The only legislative change which occurred during the period under review is the Notification of 18 October 1947, providing for overtime work during the sugar-beet campaign if uninterrupted running of the campaign so requires it. The extent of the overtime is to be limited to a minimum, in agreement with the workers' representatives, and is to be notified without delay to the appropriate labour inspectorate. Work in sugar factories during the time of the sugar-beet season is considered as necessarily continuous under the terms of Article 4 of the Convention. Since the reports of the inspection service are compiled for the preceding calendar year, it was not possible for the Government to append inspection reports for the period 1947-1948. The Ministry of Social Welfare is preparing a concise report on the inspection services for 1946 and 1947. There were no decisions by courts of law and no observations from employers' and workers' organisations.

Copies of the report have been communicated to the Central Council of Trade Unions, and to the Confederation of Czechoslovak Employers' Organisations.

Dominican Republic. Hours of work legislation was replaced during the war by Decree No. 623 of 4 December 1942, which permitted a flexible definition of the working day. Act No. 152 of 15 January 1943, and Regulation No. 2,189 of 29 September 1944 required employers to inform the Department of Labour of any lengthening of hours and to indicate the wages paid for additional hours. Act No. 1075 of 4 December 1946, repealing these provisions, contains the standards fixed by the Convention. Act No. 1655 of 5 March 1948 authorises the executive authority to fix hours of work for all agricultural, industrial, and commercial undertakings. Exceptions may be granted in urgent cases in the public interest; however, the President has not so far exercised this privilege.

The report contains detailed information on the application of the various Articles of the Convention, except as regards Article 5

(agreements between employers' and workers' organisations on the spreading of weekly hours of work over a longer period). No list of continuous processes has been established by administrative regulations; the report contains, however, a list of processes considered as such by the Department of Labour. During the year 1948, the latter has issued 80 permits for additional hours.

The application of the social legislation is supervised by the Department of Labour, which is a subsidiary of the Ministry of Labour and National Economy. Detailed information is given on the organisation of the inspection services, as well as on the functions and duties of inspectors. In 1948, the courts gave 72 decisions concerning breaches of the provisions relating to hours of work. The legislation covers approximately 150,000 workers in industry and commerce, the number of industrial workers being 45,000. There were no observations from employers' or workers' organisations.

Greece. The eight-hour day was applied in the first place by the Act of 1911 respecting industrial hygiene and safety and hours of work; it was supplemented in 1937 by the promulgation of the Royal Decree of 10-29 September. There is no line of division between industry on the one hand and commerce and agriculture on the other. The report repeats information previously given regarding the application of the legislation and the organisation of the inspection service. According to the report of the Athens labour inspection service, the greatest numbers of breaches were noted in small workshops. This service has decided to introduce a single work schedule for the various handicraft undertakings so as to facilitate the task of the supervisory bodies. In 1948, the labour inspection services issued 504 permits for additional hours. These permits, which relate to several undertakings, cover either the whole or part of the staff. They were issued only after a strict control by the labour inspection services and after the need for additional hours had been carefully checked.

Copies of the report have been communicated to the Federation of Greek Industries the most representative organisations of employers, and to the trade union centre, the Greek General Confederation of Labour.

India. The report repeats the information previously furnished; there were no decisions by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Employers' Federation of India, the All-India Organisation of Industrial Employers and the Indian National Trade Unions Congress.

Luxembourg. The report repeats the information previously given; there were no decisions by courts of law. According to the report of the labour inspectorate, 42,622 additional hours were authorised

in 1947 in order to cope with additional demands due to unforeseen circumstances. The written consent of the workers' delegates or of the workers concerned was appended to the applications in question.

Copies of the report have been communicated to the representative organisations of employers and workers.

New Zealand. The Government refers to its previous report and calls attention to various awards concerning passenger road transport and warehouse employees, which have modified the awards given for the period 1946-1947. The hours of work provided for in these two cases are now forty per week. The two Clothing Trade Labour Legislation Suspension Orders mentioned in the previous report have been revoked. The number of workers covered by the legislation in force is 257,885, of which 212,796 are men and 45,089 are women. No breaches have been reported by the labour inspectorate; no decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the New Zealand Employers' Federation and to the New Zealand Federation of Labour.

Pakistan. The legislation is the same as was in force in India at the time of partition, i.e., 15 August 1947. The Act of 1946 prescribes weekly working hours of 48 and 50 in perennial and seasonal factories, respectively. The Amending Act of 1947 provides that a factory engaged in work which, for technical reasons, must be continuous throughout the day, may work for 56 hours in a week. In mines, the working week may not be more than 54 hours and on railways the principle of the 60-hour week is applied.

The exceptions mentioned in Article 2 (a) have been provided for by the Factories Act, 1934, as amended by the Factories (Amendment) Act, 1935, by the Mines Act, 1923, and by the Railway Hours Rules; the provisions of paragraphs (b) and (c) are not applicable to Pakistan.

The limitation of hours of work in factories (Article 3) does not apply to work on urgent repairs; in the case of mines, additional hours may be worked for reasons of safety; as regards railways, the possibility of working additional hours is also provided for in cases of accident, actual or threatened, or when urgent work is required to be done to the railway or rolling stock, or in an emergency which could not be foreseen.

With respect to Article 4, the Factories Act, 1934, as subsequently amended, contains an analogous provision; on railways, certain locomotive "running sheds" are treated as continuous process factories.

Article 5 does not apply to Pakistan.

In regard to Article 6, the Factories Act, 1934, as subsequently amended, provides for permanent or temporary exceptions,

the former being subject to review every three years. Exceptions are also possible in mines and on railways. The factories and railways legislation contains special provisions regarding remuneration for additional hours.

The provisions of Article 8 are applied under the factories, mines and railways legislation.

The application of the Factories Act is supervised by the Provincial Governments through their factory inspectors. These Governments have been empowered to make rules for the purpose of carrying the Act into effect. Every district magistrate is an inspector for his district and local Governments may appoint other public officers as additional inspectors. The application of the Mines Act is administered by the Government of Pakistan through the Chief Inspector of Mines; the District Magistrates may also exercise the powers of inspectors. As regards the railways, the responsible authority is the central Labour Commissioner at Headquarters, who is assisted by four conciliation officers and seven local inspectors. The legislation contains penal provisions for contraventions in the case of factories, mines and railways. No decisions by courts of law have come to the attention of the Government. Statistical data are being compiled. The report contains information on convictions obtained during the year 1947, as well as on holidays observed. No observations have been received from employers' or workers' organisations.

Copies of the report have been forwarded to the following workers' organisations: Eastern Pakistan Trade Union Federation; Pakistan Trade Union Federation; Pakistan Federation of Labour. There are as yet no representative employers' organisations in Pakistan, but copies of the report have been forwarded to the Provincial Governments for transmission to the important chambers of commerce.

Portugal. The report refers to information previously given, and enumerates various occupations which have been added to the list of processes classified as being necessarily continuous. The courts gave two decisions relating to the application of the legislation on hours of work; copies of these decisions are appended to the report. Statistical information is given for the Lisbon district where 7,710 cases of infringement were reported by the labour inspectorate. The total of additional hours authorised in the same district was 9,600,000, of which 6,600,000 were in railway transport. No observations worth mentioning have been received from employers' or workers' organisations.

Copies of the report have been communicated to the following organisations: Association of Employers in the Ceramics Industry; Association of Employers in the Woollen Textile Industry (South); Association of Employers in the Baking Industry

(Lisbon); National Association of Graphical Industries; Federation of Chauffeurs' Trade Unions; Confederation of Trade Unions of the Workers of the Port of Lisbon; National Trade Union of Bank Employees; National Trade Union of Workers in the Metallurgical and Mechanical Industries; and National Trade Union of Railway Workers.

Uruguay. Act No. 5,350 of 15 May 1915 does not provide for any line of division separating industry from commerce; the provisions cover State employees, and therefore go beyond the requirements of Article 1 of the Convention. In October 1931, the 44-hour week was introduced in commercial establishments. Decrees promulgated on 14 September 1945 have reduced hours of work for certain unhealthy occupations (preparation and use of amido-derivatives and prevention of benzene poisoning) to four in the day. Furthermore, Act No. 10,421 of 16 April 1943, limits hours of work for employees of banks. The exceptions provided for by the national legislation are narrower than those permitted by Article 2 of the Convention. Under the Decree of 15 May 1935, the only members of the employer's family exempted from the applications of the hours of work provision are his under-age children, on condition, however, that their employment is not of a permanent and remunerative character. Under Article 2 (a) of the Convention, the report refers to §§ 9, 10 and 11 of the Decree of 15 May 1935. Further, under the Decree of 6 November 1944, raw material processing industries are not considered as rural industries. Workers or employees who are associated in the management of undertakings are not covered by the hours of work provisions when the remuneration they receive in form of salary and/or profit-sharing is 3,000 pesos or more. In Uruguay, only persons holding positions of supervision or management, or persons employed by industrial or commercial undertakings in a confidential capacity, are entitled to receive this remuneration, the rate of which has in fact been increased recently by awards of the Wages Boards. The purpose of § 11 of the Decree of 15 May 1935, relating to civil contracts, is to prevent circumvention of the legislation by means of fictitious contracts. The partnership of employees must in all cases be verified by a contract signed before a notary and giving to the parties certain rights as regards the accounts of the undertaking.

Under Article 2 (b) of the Convention, the report refers to §§ 12, 13 and 14 of the Decree of 15 May 1935. For bus employees, the Decree of 27 February 1945, which establishes special working hours, specifically mentions the Convention. The supervision of hours of work is carried out by means of work books for non-continuous hours which replace the control notices used by undertakings working on a regular schedule. Under Article 2 (c) of the Convention the

report indicates that the national legislation does not permit a working week exceeding 48 hours even in cases of *force majeure*. The average may be determined over a period of six days. In exceptional cases, and with the prior consent of the workers concerned, the hours of work may be increased to 144 calculated over a period of three weeks (Decree of 7 September 1938).

Under Articles 3, 4 and 5 of the Convention the report specifies that Article 3 of Act No. 5,350 of 15 May 1915 allows the average hours of work as calculated in the Convention to be exceeded only on the conditions already mentioned in Article 2 of the Convention.

As regards Article 6 (a) of the Convention, the only exceptions authorised by the legislation are contained in Article 3 of the Decree of 1935: executive personnel, foremen, mechanics and stokers may complete an additional period of work not exceeding 30 minutes (and which must be compensated for in the course of the day) if they are employed in factories where hours of work are not continuous and where the work begins before the machinery is put into operation. The exceptions provided for by Article 6 (b) of the Convention are not covered by the national legislation and undertakings must deal with exceptional cases of pressure of work by increasing the number of their shifts or of their staff. The wage rates for additional hours are increased from 50 to 100 per cent. over and above the normal salary.

Under Article 8 (a), it is stated that the control notices, the work books for non-continuous hours and the work books for persons employed on the public highway, which are issued by the National Institute of Labour and its subsidiary services, are in full conformity with the provisions of this Article. The notices must be signed by the employer; they must indicate the hours of work and the intermittent rest periods of the staff and must be posted at the work places in full view of the staff and of the authorities entrusted with the application of the legislation; they must be held at the constant disposal of the inspectors. The national legislation does not permit the additional hours provided for by Articles 3 and 6 of the Convention and the record mentioned in Article 8 (c) of the latter is therefore not required. Under Article 14 of the Convention, the report indicates that the only suspension of the legislation occurred during the war when it was necessary to speed up construction work at the airport of Carrasco.

The application of the legislation and administrative provisions is entrusted to the National Institute of Labour and to its subsidiary services. The documents mentioned in Article 8 of the Convention constitute an essential element of supervision. In addition the Pensions Fund exercises a control as regards workers paid by the hour or by the day through wage tables communicated by the undertakings. The

Inspection Service comprises at present seven chief inspectors, fifty-eight inspectors and four women inspectors. The report contains details on the various districts and on the organisation of labour inspection. During 1948 a draft reorganisation scheme for the National Institute of Labour was submitted to Parliament. This draft takes into account the new tasks entrusted to the Institute by the legislation recently adopted.

The provisions of Act No. 5,350 of 1915 apply to approximately 103,000 industrial employees and workers. The report contains the following information concerning visits of inspection and their results: 1945: 55,385 visits, 233 breaches, 5,410 pesos in fines; 1946: 59,660 visits, 267 breaches, 7,139 pesos in fines; 1947: 58,473 visits, 183 breaches, 5,445 pesos in fines. No additional hours were worked. There were no decisions by courts of law and no obser-

ventions from employers' or workers' organisations.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

New Zealand

Western Samoa ; Tokelau Islands ; Cook Islands.

It is considered that extension of the Convention presents no particular difficulties since in actual practice the working week in general falls short of 48 hours. The High Commissioner for Western Samoa has been asked to investigate and report on the position.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

2. Convention concerning unemployment

This Convention came into force on 14 July 1921

Countries	Date of registration of ratification	Reports received
Argentina	30. 11. 1933	28. 1. 1949
Austria	12. 6. 1924	7. 12. 1948
Belgium	25. 8. 1930	29. 11. 1948
Burma ¹	14. 7. 1921	
Bulgaria	14. 2. 1922	
Chile	31. 5. 1933	2. 4. 1949
Colombia	26. 6. 1933	
Denmark	13. 10. 1921	10. 11. 1948
Estonia	20. 12. 1922	
Finland	19. 10. 1921	26. 10. 1948
France	25. 8. 1925	1. 12. 1948
Germany	6. 6. 1925	
Greece	19. 11. 1920	30. 3. 1949
Hungary	1. 3. 1928	
India ²	14. 7. 1921	
Ireland	4. 9. 1925	9. 3. 1949
Italy	10. 4. 1923	23. 2. 1949
Japan	23. 11. 1922	
Luxembourg	16. 4. 1928	12. 11. 1948
Netherlands	6. 2. 1932	12. 1. 1948
New Zealand	29. 3. 1938	26. 12. 1948
Nicaragua	12. 4. 1934	
Norway	23. 11. 1921	3. 2. 1949
Pakistan ³	14. 7. 1921	
Poland	21. 6. 1924	13. 12. 1948
Rumania	13. 6. 1921	
Spain	4. 7. 1923	
Sweden	27. 9. 1921	2. 12. 1948
Switzerland	9. 10. 1922	30. 11. 1948
Union of South Africa	20. 2. 1924	13. 12. 1948
United Kingdom	14. 7. 1921	11. 2. 1949
Uruguay	6. 6. 1933	23. 12. 1948
Venezuela	20. 11. 1944	
Yugoslavia	1. 4. 1927	

¹ See footnote 2 to Convention No. 1.

² Ratification denounced 16.4.1938.

³ See footnote 3 to Convention No. 1.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Argentina.

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

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

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

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

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

Decree No. 2,928 of 21 July 1943, to set up the National Employment Service (L.S. 1943, Arg. 1).

Decree No. 1,594 of 17 January 1936, respecting the reorganisation and duties of the Secretariat of Labour and Welfare and to amend the title of the National Employment Exchange Register to "General Employment Exchange Register".

Various Decrees and Resolutions issued in 1944-1945.

Austria.

Federal Act of 1 May 1945 to provide legislative measures covering the transitional period until the new Austrian legislation is enacted.

Federal Act of 15 May 1946 respecting measures in connection with unemployment assistance, as amended by the Federal Acts of 18 June 1947 and 16 June 1948.

Order of the Federal Ministry of Social Administration of 11 April 1947 to issue the compulsory Labour Service Act of 12 December 1946, as supplemented by the Constitutional Act of 26 November 1947.

Federal Act of 25 July 1946 respecting the engagement and employment of disabled persons.

Federal Act of 4 July 1947 respecting assistance to victims of the struggle for a free democratic Austria.

Federal Act of 4 July 1947 respecting the re-engagement of victimised employees.

Belgium.

Legislative Order of 28 December 1944, respecting social security for employees (L.S. 1944, Bel. 2).

Order of the Regent of 26 May 1945, to set up the Provisional Fund for the maintenance of involuntarily unemployed persons (L.S. 1945, Bel. 1), as amended by Ministerial Orders of

- 26 November 1945, 18 November 1946, 3 June 1947, 14 January 1948 and 10 August 1948.
- Order of the Regent of 25 October 1945, to set up, under the Provisional Fund for the maintenance of unemployed persons, specialised sections for the placing and vocational supervising of young workers, as supplemented by Ministerial Orders of 7 January 1946, 18 July 1946 and 6 February 1948.
- Ministerial Order of 20 December 1945, respecting the granting of certain benefits in cash or in kind to unemployed persons undergoing vocational rehabilitation, as amended by Ministerial Orders of 28 October 1946, 12 November 1947, 29 January 1948 and 5 March 1948.
- Order of the Regent of 22 January 1946, concerning the granting of unemployment allowances to seasonal workers.
- Order of the Regent of 12 March 1946, establishing the conditions and procedure required for obtaining unemployment allowances in the event of a strike or lock-out.
- Order of the Regent of 4 June 1947, to authorise allowances, by way of exception, to certain categories of workers of 65 years of age or over the statutory pensionable age, as supplemented by Ministerial Order of 20 June 1947.
- Order of the Regent of 30 December 1947, respecting fee-charging employment agencies, as supplemented by Ministerial Order of 5 January 1948.

Chile.

- Decree No. 113 of 12 March 1926 concerning labour contracts.
- Decree No. 1636 of 3 September 1928 concerning collective placing in agriculture.
- Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L.S. 1931, Chile 1).
- Decree No. 399 of 5 May 1934, concerning the placing of dockers and seamen (L.S. 1934, Chile 3), as amended by Decree No. 481 of 4 April 1935.
- Notices of the General Inspection Service, No. 9095 of 1936 and Nos. 3699, 5211 and 5566 of 1937 concerning the supervision of the collective placing of workers.
- Decree No. 98 of 3 February 1943 to amend Chapter IV of Regulation No. 445 of 4 May 1936 to issue Regulations (under § 346 of the Labour Code) for a registration book which workers in bakeries and similar establishments must possess, amended by Ministry of Labour Decree No. 818 of 15 November 1944, and by Decree No. 346 of 25 April 1945.
- Decree of the General Directorate of Labour, No. 98 of 20 January 1945, to approve the Regulations under § 27 (B) of Act No. 7747 of 24 December 1943 respecting reduction of work and stoppages of undertakings (L.S. 1943, Chile 1 B).

Denmark.

- Act of 14 April 1937 relating to employment exchanges and unemployment insurance (L.S. 1937, Den. 1), amended and supplemented by the Employment Act of 29 July 1942 (L.S. 1942, Den. 2).
- Notification No. 185 of 14 May 1937 (L.S. 1937, Den. 1), to promulgate Act No. 205 of 20 May 1933 (L.S. 1933, Den. 7), relating to employment agencies and unemployment insurance, as amended by the Acts of 31 March 1937 and 14 April 1937, and Regulations No. 191 of 4 May 1938, and the Regulations of 17 March 1945.
- Notification No. 153 of 25 March 1947 respecting the public employment service and unemployment insurance, to replace Notification No. 339 of 29 July 1942.

Finland.

- Act of 23 March 1934, respecting unemployment funds entitled to a State grant (L.S. 1934, Fin. 3).
- Order of 23 March 1934, concerning the application of the above Act.
- Act of 30 December 1936 to amend the Act respecting unemployment funds entitled to a State grant (L.S. 1936, Fin. 3).
- Order of 30 December 1936, to amend the Order of 23 March 1934 concerning the application of the Act of 23 March 1934 respecting unemployment funds entitled to a State grant.
- Act of 23 July 1936 respecting employment exchanges (L.S. 1936, Fin. 2).
- Order of 23 July 1936 concerning the application of the above Act.
- Order of 23 July 1936 concerning placings effected by the Society of Hospital Nurses.
- Order of 2 November 1945 concerning regional and local manpower administration.
- Decision of the Council of Ministers of 2 November 1945, respecting the provisional organisation of the employment service.

France.

- Decree No. 45-1030 of 24 May respecting the placing of employees and the supervision of employment (L.S. 1945, Fr. 7).
- Decree No. 45-1891 of 23 August 1945 issued in pursuance of § 11 of the Order of 24 May 1945 and fixing methods for the supervision of recruitment and the termination of employment contracts.
- Order of 6 October 1945 to determine the undertakings subject to the regulations respecting recruitment and the termination of employment contracts.
- Decree No. 46-1003 of 27 April 1946 to issue public administrative regulations for the reorganisation of the local labour and manpower services (L.S. 1946, Fr. 9).
- Decree of the Minister of Public Works, dated 31 March 1948, to increase the guarantee allowance instituted in favour of professional dockers.
- Decree of the Minister of Labour, dated 20 April 1948, to increase the rate of unemployment benefit and to provide for reduced benefits in respect of unemployed persons who have been in receipt of assistance for more than twelve months.
- Decree No. 48-699 of 20 April 1948 respecting the organisation of departmental manpower services and the advisory bodies of these services (L.S. 1948, Fr. 5).

Greece.

- Decree No. 4819 of 14 July 1930 respecting the organisation of the labour inspectorate of the Ministry of National Economy.
- Act No. 5288 of 31 August 1931 respecting the regulation of the labour market (L.S. 1932, Gr. 7), as amended by the Act of 10 June 1935 (L.S. 1935, Gr. 4).
- Decree of 8 October 1932, respecting employment offices, to consolidate the text of Act No. 5288 of 31 August 1931, as amended by the Act of 10 June 1937.
- Act of 10 June 1935, to amend the consolidated texts of Acts Nos. 4819 and 5288 respecting the regulation of the labour market (L.S. 1935, Gr. 4).
- Decree of 14 November 1935, respecting the establishment of advisory boards relating to public employment offices.
- Act No. 118 of 1945 respecting the unemployment insurance of wage earners in industrial undertakings, as amended by various Ministerial Orders in 1946 and 1947.
- Various legislative measures issued in 1945, 1946 and 1947, respecting restrictions on the right to discharge staff, provisions in favour of certain classes of wage earners, ex-servicemen, etc., and interpretations of different Acts.

Ireland.

Labour Exchanges Act, 1909.
 Unemployment Insurance Acts, 1920-1933 (L.S. 1920, G.B. 3; 1921, G.B. 2; 1922, G.B. 1; 1923, I.F.S. 2; 1924, I.F.S. 1 and 4; 1926, I.F.S. 3; 1930, I.F.S. 1; 1933, I.F.S. 3;), 1941, 1943 and 1945.
 Unemployment Insurance Act, 1946 (Amendment to Part II) Regulations, 1948.
 Emergency Powers Orders Nos. 93 and 104 of 1941 and 174 of 1942.
 Unemployment Assistance Act, 1933.
 Unemployment Assistance (Amendment) Acts, 1935, 1938 and 1940.
 Unemployment Assistance (Employment Periods) Orders, 1945 and 1946.
 Emergency Powers Orders Nos. 103 of 1941 and 236 and 242 of 1942.
 Social Welfare Schemes (Cash Supplements) Order, 1947.
 Social Welfare Act, 1948 (L.S. 1948, I.F.S. 1).
 Social Welfare (Reciprocal Arrangements) Act, 1948.
 Social Welfare Act, 1948 (§ 25 (1) Commencement) Order, 1948.

Italy.

Legislative Decree No. 124 of 17 March 1941 increasing, from 120 to 180, the maximum number of days for which unemployment benefit may be paid.
 Legislative Decree No. 579 of 31 August 1945, establishing higher unemployment benefits.
 Legislative Decree No. 373 of 20 May 1946, to increase the rate of the supplementary unemployment benefit and to provide special allowances for unemployed persons not entitled to the above-named benefit.
 Legislative Decree No. 201 of 23 August 1946, granting special unemployment benefit for the families of emigrants.
 Legislative Decrees No. 50 of 8 February 1946, Nos. 552 of 30 May 1946 and 152 of 23 August 1946, containing certain provisions for industrial workers in Northern Italy (protection from dismissal).
 Legislative Decree No. 27 of 14 February 1946, setting up further provisions concerning the compulsory reinstatement in employment of former members of the armed forces, of deportees, internees and prisoners (*reduci*).
 Legislative Decree No. 81 of 5 March 1946, issuing new provisions concerning the compulsory engagement of former members of the armed forces, of deportees, internees and prisoners (*reduci*) in private enterprises.
 Legislative Decree No. 136 of 26 March 1946, relating to compulsory engagement of former members of the armed forces, of deportees, internees and prisoners (*reduci*) in public services.
 Legislative Decree No. 31 of 1 July 1946, providing for the absorption of unemployed persons in agricultural occupations.
 Legislative Decree No. 61 of 24 February 1947, to increase the minimum period of retention in employment of workers engaged or re-engaged as prescribed in Legislative Decree No. 27 of 14 February 1946.
 Legislative Decree No. 115 of 15 March 1947, issuing new regulations regarding the granting of supplementary benefits to industrial workers.
 Ministerial Decree of 1 April 1947, to increase, up to forty in the week, the number of hours not worked by workers belonging to undertakings in the "Italian paste" industry in the Province of Caserta.
 Ministerial Decree of 1 May 1947, providing for grants in respect of hours not worked, up to forty in the week, to workers belonging to undertakings in the "Italian paste" industry in the Provinces of Napoli, Roma, Reggio Calabria, Bari, Firenze, Apuania, Pistoia, Arezzo, Cagliari, Catania, Enna, Livorno, Messina, Palermo, Pisa, Ragusa, Sassari, Salerno, Siracusa, Terni.

Legislative Decree No. 566 of 24 May 1947, providing for a temporary exception to the provisions of § 56 of Royal Decree No. 2440 of 18 November 1923, regarding the granting of subsidies to combat unemployment and to encourage production in agricultural undertakings.

Legislative Decree No. 636 of 13 June 1947 to prolong to 30 June 1947 the application of the provisions regarding the granting of supplementary benefits to industrial workers.

Legislative Decree No. 752 of 16 July 1947, to extend the period laid down in paragraph 1 of § 1 of Legislative Decree No. 115 of 15 March 1947, issuing new regulations regarding the granting of supplementary benefits to industrial workers.

Ministerial Decree of 19 July 1947, to extend the granting of supplementary benefits and of family allowances to workers belonging to undertakings in the "Italian paste" industry in the Provinces of Napoli, Roma, Reggio Calabria, Bari, Firenze, Apuania, Pistoia, Arezzo, Cagliari, Catania, Enna, Livorno, Messina, Palermo, Pisa, Ragusa, Sassari, Salerno, Siracusa, Terni and Caserta.

Ministerial Decree of 20 July 1947, to provide for the granting of supplementary benefits and family allowances, to workers belonging to the "AVIS" Company of Castellamare di Stabia.

Legislative Decree No. 841 of 29 July 1947, to prolong the term of one year specified in § 1 of Legislative Decree No. 124 of 17 March 1947 regarding entitlement to unemployment benefit.

Legislative Decree No. 869 of 12 August 1947, to issue new provisions regarding supplementary benefits.

Legislative Decree No. 927 of 1 September 1947, issuing provisional rules for the application of the new provisions regarding supplementary benefits to employees.

Legislative Decree No. 929 of 16 September 1947, issuing rules regarding the maximum employment of agricultural workers.

Ministerial Decree of 18 November 1947, respecting the payment of exceptional unemployment benefit to unemployed workers in the bakery industry.

Legislative Decree No. 381 of 15 April 1948, respecting the organisation and functions of Labour Offices (L.S. 1948, It. 3).

Luxembourg.

Act of 5 March 1928 to approve the Conventions adopted by the International Labour Conference in the course of its ten first sessions (1919-1927).

Grand-Ducal Order of 24 May 1945 to lay down rules for employment assistance, as amended by Grand-Ducal Orders of 20 June 1945 and 30 March 1946.

Grand-Ducal Order of 30 June 1945 to provide for the setting up of a National Labour Office and to issue regulations covering all problems connected with the organisation of the employment service, including unemployment.

Netherlands.

Act of 29 November 1930, to regulate employment exchange work (L.S. 1930, Neth. 5).

Validated Order of 24 September 1940, issued by the Secretary-General of the Department of Social Affairs, respecting employment.

Decree of 17 July 1944, to issue rules respecting employment exchange work and vocational training and retraining and industrial rehabilitation (L.S. 1944, Neth. 1).

Decree of 5 October 1945, to issue the Extraordinary (Employment Relations) Decree, 1945 (L.S. 1945, Neth. 1).

New Zealand.

Rules relating to benefits in respect of unemployment, 1938.

Social Security Act, 1938.
Employment Act of 12 November 1945.
Employment (Information) Regulations, 1946.

Norway.

Unemployment Insurance Act of 27 June 1938 (L.S. 1938, Nor. 3), as amended and supplemented by Royal Decrees of 14 July 1939 concerning exemption from compulsory unemployment insurance, Act of 13 December 1946 (L.S. 1946, Nor. 3), and Royal Decrees of 28 March and 18 April 1947 concerning unemployment insurance for seafarers in overseas trade.
Employment Act of 27 June 1947 (L.S. 1947, Nor. 2).
Provisional Act of 11 July 1947 and Royal Decree of the same date, concerning the supply of labour for the building and construction industries.

Poland.

Decree concerning employment offices, dated 2 August 1945.
Order of the Minister of Labour and Social Welfare, dated 24 September 1945, concerning the placing of workers and apprentices.
Decree concerning registration for employment and compulsory labour service, dated 8 January 1946.
Order of the Minister of Labour and Social Welfare, dated 29 April 1946, concerning the organisation of employment offices.
Order of the Minister of Labour and Social Welfare, dated 29 April 1946, concerning the transfer of functions of the employment offices to autonomous local authorities and to the trade unions.
Order of the Minister of Labour and Social Welfare, dated 28 November 1946, concerning the methods of carrying out the registration called for by the Decree of 8 January 1946 regarding registration for employment and compulsory labour service.
Order of the Minister of Labour and Social Welfare, dated 14 March 1947, made in agreement between the Ministers of Public Administration and Recovered Territories, concerning the documents justifying exemption from registration under the Decree of 8 January 1946 concerning registration for employment and compulsory labour service.

Sweden.

Act of 15 June 1934 concerning the public employment exchange service (L.S. 1934, Swe. 3).
Royal Order No. 264 of 15 June 1934 respecting recognised unemployment funds, as amended by Royal Orders of 21 May 1937 (L.S. 1937, Swe. 2) and 21 April 1943 (L.S. 1943, Swe. 1) and in 1947.
Royal Decree of 23 November 1934 concerning the co-ordination of public employment exchanges.
Royal Decree of 23 November 1934 concerning methods of procedure with regard to State subsidies for the public employment exchange service.
Act of 18 April 1935 to issue certain provisions respecting employment agencies (L.S. 1935, Swe. 1).
Instruction No. 326 of 7 May 1940 concerning the State Employment Market Commission.
Notice No. 327 of 7 May 1940 concerning the transfer to the State Employment Market Commission of the functions of the State Unemployment Commission.
Notice No. 328 of 7 May 1940 creating provincial employment councils.
Notice No. 329 of 7 May 1940 subordinating placing activities to central State control.
Decision of the Riksdag of June 1947, approving the Government Bill to establish the State Employment Board and to centralise the employment service on a national basis.

Switzerland.

Federal Order of 29 October 1909 respecting the promotion of employment bureaux by the Federal Government (B.B., Vol. V, 1910, p. 68).
Regulations of 25 June 1923 concerning the use of a uniform procedure in the finding of employment.
Order of the Federal Council of 11 November 1924 respecting public employment exchanges (L.S. 1924, Switz. 5).
Federal Act of 17 October 1924 respecting the payment of subsidies for unemployment insurance (L.S. 1924, Switz. 3).
Orders of 9 April 1925, 20 December 1929, 26 September 1932, 27 February 1934, 27 March 1936 and 19 January 1937 relating to the above Act.
Federal Order of 13 April 1933 granting emergency assistance to the unemployed, extended by Federal Order of 11 December 1935.
Order of 23 October 1933 regulating the distribution of relief funds to the unemployed in various industries, as supplemented by an Order of the Federal Council of 28 May 1937.
Federal Order of 21 December 1934, concerning the campaign against the depression and the creation of openings for employment (L.S. 1934, Switz. 3), as amended and supplemented by Federal Order of 23 December 1936 and Order of 12 February 1937.
Order of 24 May 1935 concerning placing, occupational development, and suitable measures for facilitating the transfer of unemployed workers.
Federal Order of 20 June 1936 concerning assistance for internal settlement and settlement in foreign countries.
Federal Order of 1 April 1938 concerning assistance to emigrants.
Federal Order of 17 May 1940 concerning compulsory labour service, as amended and supplemented by Orders of 28 May 1942, 9 June 1944, 17 August 1945 and 5 October 1945, and amended by Federal Order of 20 September 1946 to repeal the provisions relating to compulsory labour and the allocation of manpower.
Federal Order of 7 October 1941 concerning the funds necessary for the payment of subsidies to mobilised men to compensate wage loss, the creation of employment opportunities, and assistance to the unemployed.
Federal Order of 14 July 1942 concerning assistance to the unemployed during the emergency resulting from the war, as amended and supplemented by Executive Provisions of 11 January 1944 and by Order No. 3 of the Federal Department of Public Economy of 24 August 1945.
Federal Order of 29 July 1942 concerning the creation of employment opportunities during the emergency resulting from the war.
Various Federal Orders and Resolutions of 1945 relating to assistance to the unemployed and to employment.
Various Federal Orders and Resolutions of 1946 and 1947 to encourage the supply of voluntary helpers in agriculture.
Order of the Federal Council of 4 April 1946 (§ 34 *ter* (e) (f)) to revise those Articles of the Federal Constitution which relate to employment exchanges, unemployment insurance and assistance to the unemployed.

Union of South Africa.

Native Labour Regulations Act, No. 15 of 1911.
Native (Urban Areas) Act, No. 21 of 1923, as amended by Acts Nos. 25 of 1930, 46 of 1937, 36 of 1944 and 43 of 1945.
Industrial Conciliation Act, No. 36 of 1937.
Soldiers and War Workers Employment Act, No. 40 of 1944 (to replace War Measure No. 38 of 1941 and amendments thereto).

Registration for Employment Act, No. 34 of 1945.

Regulations (provision and control of labour) under § 2 of the Housing (Emergency Powers) Act, No. 45 of 1945.

Unemployment Insurance Act, No. 53 of 1946.

United Kingdom.

National Insurance Act, 1946 (L.S. 1946, U.K. 3).

Employment and Training Act, 1948 (L.S. 1948, U.K. 4).

Various Orders and Regulations relating to unemployment insurance and assistance.

Both the legislation on unemployment and the method of applying it in *Northern Ireland* continue to correspond in all essential respects with those in force in *Great Britain*.

Uruguay.

Legislative Decree No. 32 of 23 February 1934 to issue regulations for the allocation of a sum to combat unemployment throughout the Republic.

Decree of 23 February 1943 issuing regulations in application of the above Decree.

Act No. 9196 of 11 January 1934 to readjust the pension system based on the Pension Fund for industry, commerce and the public services, Chapter IV (Employment Exchanges) (L.S. 1934, Ur. 1).

Decree of 2 April 1934 issuing administrative regulations in pursuance of Act No. 9196 of 11 January 1934.

Decrees of 11 May, 20 June, 21 August, 25 December 1934 and 3 January 1935.

Legislative Decree No. 10,200 of 24 July 1942, § 18 of which regulates the organisation of the employment exchange in the National Office for Trade in Livestock.

Decree of 25 September 1945 in pursuance of § 18 of Legislative Decree No. 10,200 of 24 July 1942.

Act No. 10,459 of 14 November 1943, to lay down rules for the allocation of work on public works in the case of unskilled workers.

Decree of 16 August 1946 issuing regulations in pursuance of Act No. 10,459 of 14 November 1943.

Act No. 10,562 of 12 December 1944, establishing an Unemployment Compensation Fund for the meatpacking industry and organising an employment office for persons covered by the Fund, as amended.

Decree of 27 July 1945, issuing regulations concerning employment offices, in pursuance of Act No. 10,562 of 12 December 1944.

Act No. 10,958 of 25 October 1947 incorporating persons engaged in transport and unloading of cattle in the National Office for Trade in Livestock with respect to the receipt of benefits under the compensation system established by Act No. 10,562 of 12 December 1944.

Act No. 10,966 of 19 November 1947, extending unemployment insurance.

Various Acts and Decrees relating to the employment of workers in the port of Montevideo and to other specified categories of workers.

SUMMARY OF OTHER INFORMATION

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*

Argentina. Reference is made to previous reports. The problem of unemployment does not exist ; on the contrary, there is a shortage of manpower in several industries.

Austria. Information as required under Article 1 of the Convention is communicated regularly to the International Labour Office every three months.

Belgium. Statistical data on unemployment are sent regularly to the International Labour Office by the fund for the maintenance of the unemployed. The fund is responsible for the application of the relevant statutory provisions. The Ministry of Labour and Social Welfare is responsible for the supervision of the application of these measures. It examines, from the legal point of view, all decisions given by unemployment claims boards and lodges an appeal against any such decision before the National Appeal Board in the case of a breach of an Act, Order or Regulation. Finally, the Minister has power to give general interpretations of the relevant provisions and to propose or issue, according to the case, new rules in the form of Acts, Orders or Regulations.

Chile. The report contains statistical information regarding unemployment and the national employment service for the period October 1947-July 1948.

Denmark. The Government refers to its report for the period 1946-1947, in which it stated that a publication on unemployment statistics is transmitted to the International Labour Office once a year ; in addition, the Government is resuming the transmission of the annual report made by the Director of Labour on the employment service and unemployment insurance. It is proposed to keep the International Labour Office fully informed concerning all measures taken to combat unemployment.

Finland. Quarterly reports on unemployment are forwarded to the International Labour Office. In addition, the Ministry of Social Affairs publishes in the Social Review, which it forwards each month to the Office, monthly, quarterly and annual surveys of placing operations and unemployment, and an annual report on the activities of unemployment funds subsidised by the State.

France. The report contains detailed information respecting the evolution of the employment situation during the period under review.

On 1 October 1948, the number of unemployed persons who received assistance and the number of applicants for work rose to 19,500 and 76,000 respectively, as compared with 5,700 and 45,600 in October 1947. Payments of unemployment benefit were suspended in respect of unemployed young persons and unmarried persons capable of filling posts as manual workers in industry in regions other than those in which they had their place of residence.

Greece. Monthly statistics are prepared by the employment and unemployment service of the Ministry of Labour, and forwarded regularly to the International Labour Office, showing the number of employed persons registered with the employment offices and the number of placings effected, classified according to occupation. These figures cannot be taken as an exact indication of the unemployment situation but serve to show the general tendency of the labour market. With a view to ascertaining the actual number of persons employed in the various branches of the national economy, a census has been undertaken covering the different sections of the national economy and the various regions of the country. This census is compiled by the competent department of the Ministry of Labour, assisted by the unemployment funds. Definitive statistics will be compiled on the basis of information supplied in a questionnaire addressed to industrial, handicraft and commercial undertakings.

During the year 1948, there was considerable activity in the employment market, with a corresponding increase in the number of persons employed on public work projects. The Government was obliged to take measures to place demobilised persons in employment. This placing was effected by boards on which State officials and representatives of employers and trade unions are represented. In virtue of Act No. 118 of 1945, a comprehensive system of employment insurance and unemployment funds is gradually being created throughout the country. Unemployment funds are now operating in over 20 towns. During the year 1948, 7,000 million drachmae were paid in unemployment benefits by the various funds, and the number of unemployed persons receiving allowances was 7,878.

Ireland. Statistical information relating to unemployment insurance and the working of the official Government offices is forwarded at quarterly intervals to the International Labour Office, together with reports on the measures taken to combat unemployment.

Italy. The report contains statistical information relating to unemployment for each month of the period October 1947 to June 1948. The publication of information relating to employment was suspended from July to September 1948 in order to effect a revision of the methods for the census of unemployed persons, who were obliged to re-register or else be excluded from the lists of unemployed. From October 1947 to May 1948, the number of unemployed persons increased from 1,854,844 to 2,421,973; in June 1948, the number fell to 2,283,650 (342,120 in agriculture; 1,281,624 in industry; 131,347 in commerce and 528,559 covering workers in transport, communications, credit and insurance, and unclassified manual workers).

During October 1948, 1,887,025 applica-

tions were registered, 1,481,596 of which were from men and 405,429 from women. This figure, however, does not include applications from workers in receipt of pensions or seeking other employment, or women employed in household work. According to an approximate estimate, the percentages of unemployed persons in various occupational categories are as follows: agriculture, 12; industry, 60; commerce, 3; other occupations and unclassified manual labour, 25.

Luxembourg. The National Labour Office transmits at regular intervals to the Statistical Section of the International Labour Office reports on the activities of the employment, unemployment and vocational guidance service. It will transmit also, henceforward, at quarterly intervals or more frequently, if the occasion should arise, reports on the state of unemployment.

Netherlands. Statistical data relating to unemployment and the monthly reports of the Director-General of the National Labour Office are communicated each month to the International Labour Office.

New Zealand. The following publications, which contain statistics relating to employment and unemployment, are transmitted to the International Labour Office: *Abstract of Statistics* (monthly); *Monthly Review of Employment* (National Employment Service); *Half-yearly Employment Information Review* (National Employment Service); *New Zealand Statistical Reports* (annually); *New Zealand Year Book* (annually); *Annual Report of the Department of Labour and Employment*.

Norway. The publications of the Employment Directorate are sent regularly to the International Labour Office.

Although there was a manpower shortage during the period under review, the National Budget for 1948 contained provisions to ensure the maintenance of stable employment in the event of a period of depression. The measures to be taken in such an event include an increased demand from the State for services and goods and adjustments of taxes and credit policies. Local authorities are being encouraged to prepare public work projects which can be put into operation at short notice. Under the direction of the Employment Directorate, enquiries have been started into the economic resources of the country and their efficient utilisation. It is anticipated that this work will result in greater possibilities for meeting periods of depression and in providing a reserve for suitable investments in the case of unemployment.

Poland. During the period under review, there was no marked increase in unemployment, but, at the same time, certain measures were considered necessary, either to eliminate minor centres of unemployment or to meet with local requests for manpower. For this purpose, special campaigns were

organised for recruiting and transferring workers in over-populated regions. As a result of the transfers made, approximately 60,516 agricultural workers were placed in employment, 33,516 of whom were placed in agriculture and 27,000 in industry. In order to eliminate regional centres of unemployment, in particular among the urban population, various types of works were organised in 67 regions and provided employment for 16,000 workers.

With a view to remedying unemployment among women workers, which was a feature of the post-war period, various measures were adopted, such as the vocational rehabilitation and training of the persons concerned and the organisation of labour co-operatives. During the period under review, 8,711 women received occupational rehabilitation and were provided with employment.

Sweden. The Government forwards to the International Labour Office information published each month in *Sociale Meddelanden*.

Switzerland. The Government continues to forward regularly to the International Labour Office detailed information on the measures taken to combat unemployment.

Union of South Africa. The *Monthly Bulletin of Statistics*, which is forwarded regularly to the International Labour Office, contains the statistical information required under Article 1 of the Convention. Special measures taken by the Government to combat unemployment include the provision of work on State schemes (afforestation, railway works, etc.), financial assistance to local authorities and public bodies to facilitate the engagement of registered unemployed persons, the payment of a wage subsidy in the case of physically handicapped or elderly unemployed persons and the provision of travelling facilities (free or repayable) to unemployed persons proceeding to employment or to employment interviews. There has been no mass unemployment among Natives as a result of economic pressure; an influx of Natives to the large towns has, however, given rise to difficulties owing to the insufficiency of housing accommodation. A "Farm Labour Scheme", initiated after consultation with the Governments of Nyasaland and the Rhodesias, aims at the direction of foreign Native work-seekers arriving from those countries to employment on farms and in rural industries and in the mines, where the demand for unskilled labour is most pressing. Unemployment is at present of a casual and seasonal nature and few workers are unemployed for lengthy periods. During 1947, benefits were paid to 50,774 workers, the average period of unemployment being 33 days; the total amount paid in benefits was £528,000.

United Kingdom. All the available statistical and other information on unemployment is published each month in the *Ministry*

of Labour Gazette which is forwarded to the International Labour Office. The *Gazette* also contains reports on measures taken or contemplated to combat unemployment.

Uruguay. For various reasons, it has been impossible to establish a statistical system for the collection of information relating to involuntary unemployment: the number of totally or partially unemployed persons is unknown and it is impossible to classify them according to sex, occupation or category. The registers kept by the municipalities only refer, as a rule, to day labourers and therefore the statistical information available refers mainly to this category of worker, which does not represent a very considerable proportion of the total population. The report adds, however, that the employment situation is very favourable and there is hardly any involuntary unemployment at the moment.

(b) *Public Employment Service*

Argentina. The National Employment Board, under the Secretariat of Labour and Welfare, continues to be the authority responsible for the application of the relevant provisions. Outside the Federal District, the powers in question lie with the provincial offices of the Secretariat. Statistical tables showing employers' requests for workers (classified by occupation), workers seeking employment and placements effected are appended to the report.

Copies of the report are being sent to the General Confederation of Labour and to the Argentine Association of Production, Industry and Commerce.

Austria. There is a system of Government employment offices; in each of the federated provinces there is a provincial employment office with the requisite number of local offices (9 provincial and 102 local offices in all). A joint committee has been set up at each provincial and local office, composed of employers and workers appointed by the Federal Ministry of Social Administration on the basis of proposals from the employers' and workers' organisations concerned. These committees play an important part in carrying out the duties entrusted to the provincial and local offices and an Act respecting the organisation of provincial and local employment offices, which is now under consideration, will give them more comprehensive functions and provide a new statutory basis for their work.

The application of the placing, vocational guidance and unemployment assistance schemes is entrusted to the provincial and local employment offices, which are Government agencies under the direction and supervision of the Federal Ministry of Social Administration, so that appropriate enforcement of the relevant legislative provisions appears to be ensured.

In order to ensure uniformity in administrative practice, the provincial offices and

the Federal Ministry of Social Administration control in detail the activities of the employment offices. The practical application of the provisions regarding placing, vocational guidance and unemployment insurance and the co-operation of the joint committees of employers and workers with the competent authorities have been satisfactory.

In addition to the public employment offices, there are a few employment exchanges operated by occupational organisations for their own members, in particular, exchanges for musicians, artistes, staffs of theatres and cinemas, nursing and pharmaceutical personnel. Fee-charging employment agencies only exist for placing musicians and artistes. Agencies of this kind require a special authorisation from the Federal Ministry of Social Administration and are under the supervision of the competent provincial labour office.

During the period under review, the average monthly number of persons seeking employment registered by the provincial employment offices was 72,255; the number of fresh vacancies registered was 60,490 and the monthly average number of placings effected through the employment offices was 51,490.

The legislative measures now in force will probably cease to have effect in the near future as they are of a transitional nature (Acts of 1 May 1945 and 15 May 1946 and Order of 11 May 1947) or affect placement only in so far as they provide for preferential treatment for certain specified groups of persons (Federal Acts of 25 July 1946 and 4 July 1947).

The Federal Act of 15 May 1946 respecting unemployment insurance (as amended on 16 June 1948) provides the groundwork for the operation of the unemployment insurance scheme. The Act is intended as a transitional measure only, to apply until the coming into force of the Unemployment Insurance Act (which is now before Parliament and deals with the subject in a definitive way).

Under the Act of 1 May 1945 respecting legislative measures to be applied during the transitional period until the new Austrian legislation is enacted, the provisions regarding placing and vocational guidance, introduced after the occupation of Austria in 1938, are still in force. Two Austrian Acts, one respecting placing and vocational guidance and the other respecting the organisation of provincial and local employment offices, are now before Parliament.

The report has been communicated to the Federal Chamber of Industry; the Austrian Chamber of Labour; the Austrian Federation of Trade Unions; and the Conference of Presidents of the Austrian Chambers of Agriculture.

Belgium. The Government repeats the detailed information supplied in its report for 1946-1947 regarding the functions of the employment service as organised under

the Order of 26 May 1945. The advisory committees attached to each regional centre of the Fund are now made up of five members nominated by the most representative employers' organisations in the district and five nominated by the most representative workers' organisations. There are at present 25 regional offices of the Fund and 21 approved private free employment agencies. The activities both of the regional offices of the Fund and of the private agencies are recorded regularly in the statistical reports of the Fund.

The question of the establishment of a system of international co-ordination of employment exchanges has not yet been studied. This problem is difficult to solve because of the policy (adopted at present in most countries as a result of the manpower shortage) of protecting the labour force.

The report has been submitted to the Federation of Belgian Industries; the General Federation of Labour of Belgium; the Confederation of Christian Trade Unions; and the General Association of Liberal Trade Unions.

Chile. Figures are given showing the average number of persons (wage earners, salaried employees and domestic servants) placed in employment by the national employment service at Santiago in each month for the period October 1947-July 1948. Figures are also given showing the monthly average number of registered unemployed workers during the same period.

The report has been communicated to the Confederation of Production and Commerce and the Chilean Confederation of Workers.

Denmark. The Government refers to its report for 1946-1947 and adds that a total number of 1,649,275 persons were reported to the public employment offices as unemployed in the period 1946-1947, and that, of these, 285,535 were placed in employment by those offices.

Finland. The Government repeats the detailed information given in preceding reports.

The report has been communicated to the Confederation of Finnish Employers' Organisations and the Confederation of Finnish Trade Unions.

France. The departmental manpower services, which were reorganised under Decree No. 48-699 of 20 April 1948, are placed under the authority of departmental directors of employment and manpower and are entrusted with the centralisation of all duties relating to reclassification, selection, vocational training, placing, clearing, assistance to unemployed workers, the supervision of employment, documentation and statistics relating to employment. Each departmental service may be composed of specialised occupational sections (disabled persons, handicapped persons, young persons, women) and of other special technical sections (foreign manpower, vocational training).

At the local level, the same duties are performed by a local manpower office corresponding, within the jurisdiction of the respective department, to the departmental service, and by advisory placing bodies or local correspondents attached to the technical services. There are at present 250 local manpower sections. From January to September 1948, 724,224 placings were effected.

A departmental manpower committee, presided over by the prefect or, in his absence, the departmental director of employment and manpower, and including members representing the public administration and members of the representative organisations of employers and workers is attached to each departmental service. The departmental manpower committee meets at least once every three months or at any time that the president shall judge necessary. The committee may be consulted on questions relating to the utilisation and distribution of manpower; it may make proposals concerning the improvement of the functioning of placing services and the acceleration of vocational training; it also co-ordinates the activities of joint committees, composed of three employers and three wage earners, which may be set up under the occupational and specialist subsections of the departmental manpower service, in order to supervise their activities and assist them in their operations. The public employment service also carries out the task of co-ordinating the operations of existing private placing offices.

Greece. Two public employment offices were first established in Athens and in the Piraeus; 24 new offices have been established at different places. These employment offices are under the control of the Ministry of Labour (Directorate of Employment and Unemployment). Advisory committees are set up in large employment offices, presided over by the labour inspector or the assistant labour inspector, and composed of employers' and workers' representatives varying in number according to the district. The advisory committees are appointed by the Minister of Labour on the basis of a list drawn up by the most representative employers' and workers' organisations.

The only private fee-charging employment agencies which functioned were those for domestic servants and certain other categories of non-industrial workers.

The report has been communicated to the Federation of Greek Industries and to the Greek General Confederation of Labour.

Ireland. The administration of the National Employment Service, described in previous reports, was transferred in January 1947 to the Department of Social Welfare. Employers must notify particulars of employment opportunities to the exchanges, the first duty of which is to offer suitable employment to registered unemployed persons. In order to facilitate the placing of registered unemployed workers in a particular

locality, a system is in operation by which vacancies which cannot be filled locally are circulated nationally from a central clearing house. This system is known as the National Clearing System. On 25 December 1947, 49,218 persons were on the live registers of the employment exchanges and branch employment offices and on 25 September 1948, the corresponding figure was 44,316. During the four weeks ended 25 September 1948, 2,171 vacancies were notified to the exchanges and 2,025 placings were effected.

Italy. The Ministerial Decree of 5 April 1948 defines the functions of labour and maximum employment offices. These offices are responsible, in particular, for collecting the information necessary for examining questions relating to unemployment, the placing of workers, dealing with requests for emigration and assisting emigrants and their families.

On 30 September 1948, the employment service was constituted as follows: out of a total of 7,749 communes, there were 639 headquarters of separate sections or of offices under the provincial offices of labour and maximum employment; 729 offices staffed by persons entrusted with placing, in virtue of the Decree of 15 April 1948; 1,984 staffed by specially recruited and remunerated officials attached to communal administrations and 148 staffed by trade unions (in particular, for agriculture). In 348 communes, there is no placing service and 2,053 communes were under sections detached from provincial offices for the purposes of placing.

There are no legislative provisions of a general character concerning the establishment of joint advisory committees and the appointment of their members, but committees of the type envisaged under Article 2 of the Convention have been set up in the majority of provincial labour offices. The setting up of these committees is determined, in the majority of cases, by orders of the provincial administrative authority. A Bill, which has been approved by Parliament, respecting the revision of all provisions relating to the employment service, fully defines the public nature of the service and lays down concrete rules for its organisation. As a preliminary measure to the adoption of this Bill, the committees referred to above are called upon to take decisions concerning occupational classification and the transfer of workers from one occupation to another, disputes regarding applications from workers and appeals regarding registration in the lists of placing and employment.

There are no private employment agencies, as Decree No. 1924 of 21 December 1938 prohibits the setting up of such agencies.

Copies of the report have been communicated to the workers' organisations concerned.

Luxembourg. A National Labour Office was instituted in pursuance of the Grand-Ducal Order of 30 June 1945. There exist two regional offices directly dependent on the central office, while communal sickness

funds and communal administrations in general also act as branch offices. The expenses of the Office are borne by the State and its services are free of charge.

The Commissioner of the National Labour Office is assisted by a joint administrative board comprising a senior official of the inspection service, an official of the Ministry of Labour and three representatives each of employers' and workers' organisations. For the time being, the functions of this Board are exercised by the Joint Labour Market Board, which includes similar representation of employers' and workers' organisations.

There are only two free private employment agencies. Their operations are regulated under § 29 of the above-mentioned Order.

During the period under review, the employment service registered 24,347 applicants for employment; 25,436 vacancies were notified and 23,738 placings effected. The co-ordination of the different national systems can best be achieved through international co-operation among the employment services.

The report has been communicated to the representative organisations of employers and workers.

Netherlands. The National Labour Office, at the head of which is a Director-General under the Minister of Social Affairs, is composed of 159 employment offices responsible for the free placing of workers in employment. Placing activities are organised according to the sex and occupation of the workers; there are special sections for the placing of young workers and disabled persons. In addition to their placing activities, the employment offices are responsible for vocational guidance and maintain close contact with the State workshops for the occupational rehabilitation of adults.

The employment offices are assisted by advisory committees, made up of an equal number of employers and workers, with an independent chairman. The chairman and the members of these committees are appointed by the Minister of Social Affairs on the proposal of the Director-General of the National Labour Office, after consultation with the director of the employment office concerned.

There exist several private free employment offices, the majority of which were set up by associations for the reclassification of persons having served a term of imprisonment and by women's associations. These offices have little effect on the labour market and are obliged to submit periodical information on their placing activities to the employment offices by which they are controlled and with which they have regular consultation regarding the placing of persons who have been reclassified or of domestic servants.

During the period under review, the employment offices registered 580,941 persons seeking work and 473,546 vacancies;

382,731 persons were placed in employment.

The report adds that the Labour Foundation receives statistics and monthly reports of the National Employment Office.

New Zealand. The Government refers to its report for 1946-1947, in which it stated that the National Employment Service is now part of the combined Department of Labour and Employment and has 26 local offices throughout New Zealand. During the July-September quarter of 1948, 3,480 men and 734 women were placed in employment by the National Employment Service. On 30 September 1948, 10,972 vacancies for men and 10,344 vacancies for women were notified in industry; 90 men and 4 women were registered as unemployed. The number of fee-charging employment agencies was further reduced to 16 by 31 March 1948. In an appendix to the report, full information is provided regarding the employment advisory committees, set up in accordance with the provisions of the Employment Act and operating in July 1948. Such committees, composed of equal numbers of employers' and workers' representatives (except in Dunedin where the engineering advisory committee includes two workers' and one employers' representative) were in action for 12 industries. In some cases, national committees had not been appointed, but in each case district committees had been set up for one or more areas (usually Auckland, Wellington, Christchurch and Dunedin), although more committees have been set up for the building industry. A second appendix contains a model constitution to be used as the basis for the approved rules governing the establishment, functions and procedure of the employment committees.

The report has been communicated to the New Zealand Employers' Federation and to the New Zealand Federation of Labour.

Norway. The Government refers to its report for 1946-1947 in which it supplied information regarding the organisation of the employment service. Under the Act of 1947, private employment agencies are prohibited and those holding licences must terminate their activities within five years from the coming into operation of the Act. Special regulations, issued on 3 September 1948 by the Ministry of Social Affairs, stipulate that private agencies which are still in operation shall report regularly to the public employment service on their activities and shall co-operate with this service.

During the period 1947-1948, 294,179 applications for employment were registered with the public employment service, 295,492 vacancies were notified and 156,518 placings were effected.

Poland. With a view to enforcing the standards already established by law to combat unemployment and, in accordance with the provisions of the Convention,

employment offices and branch offices in different regions (sections and auxiliary institutions organised during previous years) have intensified their activities by establishing closer contact with the social problems put forward by advisory social committees.

On 30 September 1948 there existed 14 provincial (*Voivode*) employment offices, 50 regional sections (three of which deal specifically with placing workers in ports) and 20 auxiliary institutions. In addition, five delegates of the Minister of Labour and Social Welfare were entrusted with questions relating to the employment of repatriated persons.

During the period under review, 1,361,392 vacancies and 1,126,835 applications for employment were registered; 1,077,392 placings were effected.

The Government collaborates closely with workers' and occupational organisations (trade unions), to which it communicates the provisions of all Conventions ratified by Poland.

Sweden. As from 1 January 1948, the Public Employment Service has been placed definitely under a central State authority — the General Directorate of Labour. On the local level, the administration is entrusted to 25 provincial boards. The Public Employment Service is at present made up of 25 principal employment offices and 245 branch offices. In addition, there are approximately 1,110 employment agencies, 449 of which have, in principle, the same duties as the branch offices, while the others work under the direction either of a branch office or of a local agent. Special employment offices for seamen are attached to four of the principal employment offices (Stockholm, Göteborg, Malmö and Hälsingborg). During the period under review, 1,647,493 applications for work were registered and 1,278,740 vacancies were notified, 1,128,296 of which were filled.

The organisation of specialised placing services (juvenile employment service with vocational guidance and specialised arrangements for placing disabled persons, salaried employees and musicians and stage artistes) has continued to develop during the period under review.

Specialists have been appointed at 20 of the provincial labour boards to assist with the efficient placing of women.

The employment service authorities in Denmark, Finland and Norway have agreed upon a scheme for the exchange of young persons employed in agriculture; under this scheme, exchanges were made during the summer of 1948. Special agreements have also been concluded with France and Switzerland for the annual exchange of a specified number of apprentices.

The report has been communicated to the Swedish Employers' Association, the Swedish Confederation of Trade Unions and the Central Organisation of Salaried Employees.

Switzerland. The favourable development of the labour market continues to

facilitate the work of the public employment services. In spite of the fact that the total number of vacancies registered during the last period has been considerably lower than in the previous year and although the supply of foreign manpower has tended to reduce the number of vacancies, the latter figure still remains fairly high as compared with the number of applications during the period under review.

During the period 1947-1948, Switzerland was again obliged to admit a number of foreign workers. During the last quarter of 1947, 30,991 foreign workers were granted permits to enter and reside in Switzerland; during the first six months of 1948, 78,264 foreign workers were granted permits. As in the past, the greatest proportion of foreign workers is employed in household work, building, agriculture and the hotel industry.

In comparison with the previous period, there has been a marked decrease in the number of applications. This decrease was particularly noticeable during the winter months and was largely due to the excellent weather conditions which, during a considerable period of the cold season, made it possible to carry out building work.

During the period under review, the public employment offices registered 109,237 vacancies and 82,497 applications. The number of placings effected was 47,514. During the same period, the joint placing offices, subsidised by the Confederation, registered 7,036 vacancies and 10,991 applications. The number of placings effected was 5,459, including 1,360 musicians employed by 285 orchestras.

While the position of the labour market has continued to remain at a very satisfactory level, it would appear that the highest peak of the economic activity of the country has already been passed. The fact that there have been slack periods of work for certain occupational categories has had no marked repercussions on employment in general, as workers who have been dismissed have soon found employment in other branches of economic activity.

The report has been communicated to the following organisations: Central Union of Swiss Employers' Associations; Swiss Federation of Commerce and Industry; Swiss Federation of Arts and Crafts; Swiss Federation of Trade Unions; Federation of Swiss Associations of Salaried Employees; Swiss Federation of Christian-National Trade Unions; Swiss Association of Protestant Workers and Salaried Employees; Swiss Federation of Independent Trade Unions.

Union of South Africa. Free public employment exchanges, which are under the control of the Minister of Labour, have been established throughout the country. The functions of employment agencies for certain declared urban areas are defined under the Registration for Employment Act, 1945, and registration for employment in these areas is compulsory; for the rest

of the Union it is voluntary. The Department of Labour conducts at the present time 22 free public employment agencies (one agency in each of the eight divisional labour inspectorates and one in each of the fourteen larger rural centres of population). There are 328 additional agencies, conducted on behalf of the Department of Labour by magistrates and justices of the peace, and also 20 free agencies dealing specifically with juvenile work-seekers. The Central Employment Office, in the Head Office of the Department of Labour, acts as a clearing house and also co-ordinates, through its travelling inspection staff, the work of the district exchanges.

While no general advisory committees to the employment service have been appointed, there exist several committees which deal with special aspects of employment and unemployment, *i.e.*, apprenticeship committees, soldiers' and war workers' employment committees, immigration and employment committees and the Unemployment Insurance Board and local unemployment insurance committees. In addition, each agency is advised by a juvenile affairs board, comprising equal numbers of persons representing the interests of employers, workers and educational and social organisations. The members of these boards are appointed by the Minister, with due regard to the recommendations of local employers' and workers' organisations.

Public employment agencies catering for Native work-seekers are developing in conjunction with the operation of the Unemployment Insurance Act. These agencies are operated in some centres by municipal authorities and in others by Native commissioners; all are under the general supervision of the Department of Native Affairs.

Free private employment agencies are conducted by most associations of workers. These agencies are principally confined to the large industrial centres and function in close collaboration with the public employment exchanges. They are required by law to furnish certain specified information to the Department of Labour.

There was a substantial increase (chiefly due to the operation of the Registration for Employment Act, 1945, and of the Unemployment Insurance Act, 1946) in the number of applications for employment received from civilians in the period under review. Figures for the first and last months in the period are as follows:

	Applicants for work		Placings effected	
	Adults	Juveniles	Adults	Juveniles
October 1947. .	18,938	1,975	5,063	718
September 1948	16,782	1,203	5,102	651

The process of rehabilitation of ex-servicemen in civilian life, with which employment officers of the Department of Labour have been actively associated, is now nearing completion.

The national law of the Union cannot be said to be in full harmony with the

Convention (compliance therewith being obtained by means of administrative action on the part of the Government). The ratification of the Convention has not had any actual legal effect, nor has it modified existing legislation to any degree. So far as Europeans, Coloureds (Eurafricans) and Asiatics are concerned, free employment agencies throughout the Union are conducted by the Government, whilst in certain declared urban areas such registration is compulsory for certain classes of work-seekers in terms of the Registration for Employment Act, 1945; compliance with the terms of the Convention so far as Europeans and Eurafricans are concerned is thus ensured.

The Registration for Employment Act No. 34 of 1945 has not yet been put into effect so far as Native work-seekers are concerned, but the Unemployment Insurance Act No. 53 of 1946, which came into operation on 1 January 1947, does in fact take the place of the registration for employment legislation in that those officials who are appointed claims officers under the former enactment function as employment officers, for the reason that before accepting claims for unemployment insurance benefits they make every effort to find a suitable employment for the Native applicants.

In some of the larger towns, the Unemployment Insurance Act is administered by the local municipal authorities, but in their case as well efforts are made to find employment for Native applicants.

The report has been communicated to the South African Employers' Committee on International Labour Affairs; the South African Trades and Labour Council; the Western Province Federation of Labour Unions; the Federal Consultative Committee of South African Railways and Harbours Staff Associations; and the Co-ordinating Council of South African Trade Unions.

United Kingdom. The report contains detailed information regarding the organisation of the employment exchange service. This service is now a decentralised organisation under the Ministry of Labour and National Service. The central headquarters of the Ministry controls a network of offices covering Great Britain, but not Northern Ireland (which has a department of its own) or the Isle of Man. The country is divided into eleven regions and within these areas there are varying sizes of free public employment agencies. A special Youth Employment Service has been developed in order to advise and place young persons under 18 years of age in employment. The central control of this service is entrusted to a Central Youth Employment Executive staffed by officers of the Ministry of Education, the Scottish Education Department and the Ministry of Labour, and responsible to the Minister of Labour. The service is administered locally under a dual system; in some areas the employment exchanges cater for young persons,

in others the local authorities run youth employment offices. In addition, there are thirteen appointments offices located in London and in the main provincial centres. Special provision is made for facilitating the training and resettlement of disabled persons by including on the staff of every employment exchange a disablement rehabilitation officer responsible for this duty and for applying the provisions of the Disabled Persons (Employment) Act, 1944.

The general function of the employment exchange service is to secure a more efficient organisation of the labour market in the national interest by so assisting in the direction of the various movements of labour resulting from developments and changes in the industry that workers seeking employment may be placed in touch with employers requiring their services, and that hardship caused by unemployment may be prevented as far as possible. The service includes a system which links the exchanges together and therefore assists the movement of labour from one district to another so as to meet changes in the location of industry, variations in industrial demand for certain types of workpeople and heavy seasonal demands for labour in certain trades. Other duties of the employment service include collecting data on employment conditions, surveys of labour supply and demand, reinstating service personnel in civilian employment, applying existing controls of employment, providing occupational advice and guidance to work-seekers and generally promoting the employment policy of the Government in all fields including welfare and training.

The scope of the service was extended by the Employment Training Act of 1948, which repealed the Labour Exchanges Act of 1909 and the miscellaneous provisions of the Unemployment Insurance Acts relating to employment and training and re-enacted them with modifications.

At the present time, there are 1,610 free employment agencies of one kind and another (11 regional offices, 1,040 employment exchanges, 126 branch employment offices, 163 local agencies, 197 youth employment bureaux, 60 district offices and 13 appointment offices). During the year under review, 4,637,506 persons were placed in employment by the employment exchange service.

Local employment committees are responsible for securing for the Ministry the full benefit of local knowledge and for bringing the employment exchanges into close contact with the employers and workpeople in their respective areas. Each committee is composed of representatives of employers, workers and other interested organisations in the area and is attached to an employment exchange or a group of employment exchanges. At the end of September 1948, there were 378 committees and 318 women's subcommittees. The Employment and Training Act, 1948, which came into opera-

tion on 13 July 1948, provided that any regulations made under the 1909 Act, if in force immediately before the commencement of the 1948 Act, should continue in force and have effect as if the regulations had been made under the 1948 Act. An Instrument reappointing local employment committees, their subcommittees and members was signed on 14 July 1948.

Co-operation is maintained between the public employment agencies and private free employment agencies run by trade unions for the benefit of their members, associations catering for ex-service men and women, and also between the special appointments branch of the public employment exchanges dealing with higher posts, and private agencies such as the University Appointments Board.

So far as international co-ordination of the operations of the various national systems is concerned, the Government states that the provisions on this subject which are contained in the Employment Service Recommendation (No. 83), 1948, have its support.

The report has been communicated to the British Employers' Confederation and the Trades Union Congress.

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

The number of free employment agencies on 30 September 1948 was 63. The average number of applicants registered for employment during the year ended 30 September 1948 was 27,533; the number of vacancies filled during the same year was 31,217.

Uruguay. A public employment service responsible for co-ordinating labour supply and demand throughout the country was provided for by Act No. 9,196 of 11 January 1934 and by Legislative Decree of 2 April 1934 in pursuance thereof. Circumstances have, however, rendered it impossible to bring the system of employment offices into force, although subsequent legislation, cited in the list of legislation and regulations given above, has made provision for employment offices in certain occupations (trade in livestock and meat-packing).

Under a Bill which has been submitted to Parliament, the employment service will be placed under the National Institute of Labour and Related Services of the Ministry of Industry and Labour.

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

Argentina. No change has taken place in the situation described in previous reports.

Austria. No reciprocal agreements have been made in regard to unemployment insurance. In virtue of the provisions now in force, foreign workers enjoy the

same treatment as regards unemployment insurance as that accorded to nationals and are paid unemployment allowances under the same conditions as nationals. Periods of employment spent in another country, both by foreigners and nationals, are not taken into account in the calculations with regard to the right to benefits.

Belgium. Foreign workers who are duly authorised to work in Belgium and who therefore contribute to the social security system are admitted automatically to unemployment assistance in case of involuntary unemployment, under the same conditions as nationals. Foreign workers belonging to categories not covered by social security (frontier workers living in Belgium and employed in France or the Netherlands), and those who, as a result of unemployment, have not had an opportunity of contributing to social security since 1 January 1945, are only admitted to unemployment assistance if a reciprocity agreement has been concluded for this purpose between Belgium and their country of origin. Such agreements have been concluded with France, the Netherlands and Luxembourg.

Greece. Foreign workers in Greece are entitled to the same unemployment insurance benefits as those accorded to Greek workers. The Government has concluded no agreements with other Members in this connection.

Denmark. The Government refers to its report for 1946-1947, which furnished information concerning the right of the unemployment benefit funds to conclude agreements with foreign associations providing for reciprocal payment of benefits to members.

Finland. The Government repeats the information given in preceding reports.

France. The provisions of the special compulsory insurance schemes instituted for workers in building and public works, as well as professional dockers, are applicable to all workers irrespective of their nationality. Moreover, all foreign nationals are accorded unemployment benefits provided they are in possession of a valid identity card. Equality of treatment is guaranteed by eight bilateral treaties, five of which have been ratified.

A treaty respecting the application of social security legislation to nationals of each of the contracting parties was concluded between France and Italy on 31 March 1948 and ratified by an Act of 22 September 1948. In virtue of the provisions of the general protocol of this treaty, the nationals of both countries are placed on the same footing as the nationals of the home country as regards the application of the legislation relating to assistance for unemployed workers.

Ireland. Negotiations are in progress with the Governments of Great Britain and Northern Ireland for the purpose of ensuring

that seafarers resident in one country and employed on board ships or vessels owned by the other country will be insured against unemployment.

Italy. Legislative Decree No. 1827 of 4 October 1935, respecting unemployment insurance, establishes the principle of equality of treatment between national and foreign workers. Bilateral agreements concluded with France on 21 March 1948 and with Belgium on 30 April 1948 provide that the principle of full equality of treatment shall be extended to nationals of both contracting parties.

Luxembourg. There is no system of unemployment insurance, but there are regulations governing the granting of unemployment assistance. Up to the present no arrangements have been made with other Members of the International Labour Organisation, but *de facto* reciprocity exists in many cases.

Netherlands. As a general rule, a foreigner residing in the Netherlands is granted the same unemployment allowance as that paid to nationals, provided he did not belong to a former enemy country, that prior to the war he had been a wage earner in the Netherlands, or that, after the war, he had been employed for at least thirteen weeks in the country. In other cases, where a foreigner becomes unemployed, the Minister of Social Affairs decides whether or not he is entitled to assistance from the Government. No agreement has been concluded between the Netherlands and any other country.

New Zealand. The nationality of a worker does not affect his eligibility to receive unemployment benefit.

Norway. The Government refers to previous reports in which it is stated that the Unemployment Insurance Act of 27 June 1938 extends to foreign workers the same rights in respect of unemployment insurance as those extended to Norwegian citizens.

Sweden. The report repeats the information given in the previous year.

Switzerland. Under existing legislation for employment insurance, the Federal authorities continue to apply the principle of equality of treatment to national and foreign workers.

Union of South Africa. No arrangements have been made with other Members regarding the admission of foreign workers to the same rates of benefit as nationals, nor are such arrangements considered necessary, inasmuch as the law relating to unemployment insurance does not differentiate between nationals and foreign workers. Workers who are dissatisfied with any decision in regard to the payment of benefits have the right of appeal to committees and ultimately to a central board; both the committees and the board consist of representatives of employers and workers and are independent bodies not subject to

official or ministerial control. Persons who enter the Union for the express purpose of carrying out a contract of service are not required to pay contributions to the unemployment insurance fund if such contract provides that, upon its termination, the employer is required to repatriate them.

United Kingdom. Neither in relation to unemployment benefit nor unemployment (now national) assistance is there any discrimination in the United Kingdom against persons on grounds of nationality.

In order to avoid duplication of benefits, a person who is normally resident outside Great Britain and whose employer is not ordinarily resident in or whose principal place of business is outside the United Kingdom, and is covered by an insurance scheme providing benefits similar to those under the Act, does not become insured until twelve months have elapsed.

Uruguay. No distinction is made between national and foreign workers in respect of benefit rates in the compensation funds which have been set up. There is no general system of unemployment insurance.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Netherlands

Indonesia.

The Convention has been applied with modifications. Although, generally speaking, there was a shortage of labour, especially of skilled workers, during the period covered by the report, there was still some unemployment. This was due to the fact that, owing to lack of housing, the high cost of transportation and the prevailing insecurity in several regions, the transfer of labour from the densely populated centres to the workplaces was impeded. It is pointed out, however, that most of the labourers are peasant farmers who enter employment as seasonal workers, to supplement their normal resources. A public employment service has been set up, which supervises the work of the public employment offices and agencies. Owing to the fact that a fully developed trade union movement does not exist, advisory committees have not been set up. A few private employment agencies are operating, mostly established by Chinese associations. A system of insurance against unemployment does not exist.

Netherland West Indies.

Official Gazette Nos. 109/127 and 132 of 1946.

There is no unemployment. A public employment exchange was set up in August 1946. During the period under review, 103 persons applied for employment. There are no private employment exchanges.

Surinam.

The Convention has not been published or promulgated. During the period under review, between 1,207 and 2,983 unemployed were registered with the employment service; 30 per cent. of these were placed. Since July 1947, the number of unemployed has decreased. The establishment of a committee as required in Article 2 of the Convention is, under the circumstances, considered inappropriate.

New Zealand

Western Samoa; Tokelau Islands; Cook Islands.

Although there is comparatively no unemployment in these territories, the High Commissioner is being consulted as to the possibility of extension of the Convention.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

Union of South Africa

South West Africa.

In a letter dated 23 November 1948, the Government of the Union of South Africa informed the International Labour Office that "in consequence of the coming into operation of the Revised Constitution, it has been necessary, in terms of Article 35, to submit to the Administration of the Mandated Territory of South West Africa, all the Conventions ratified by the Union, for re-examination as to whether they can be applied wholly or in part in that territory: the Conventions have in the past been submitted to the Administration, but only with a request for information regarding the position in the territory in connection with the various provisions, for incorporation in the Union's annual reports.

"This re-examination will of necessity take some considerable time, and it is accordingly regretted that it will not be possible to furnish you with the reports concerning South West Africa for the year 1947-1948 by the due date, namely 30 November 1948, nor is it anticipated that they will be available in time to be considered by the Committee of Experts prior to the 1949 Session of the Conference. Every effort will, however, be made to ensure that they are submitted next year, covering the period 1 October 1948 to 30 September 1949."

United Kingdom

Aden.

No legislation has been enacted to give effect to the Convention, and under present circumstances the Convention is redundant. Unemployment among Aden-born persons does not present any problem at the present time. Furthermore, the fact that a great part of the employed persons are non-residential immigrants presents difficulties which

cannot be solved without expensive administrative machinery, which does not exist. The general administration of the Convention is delegated to the District Commissioner, who is responsible for the general supervision of all labour matters pending the recruitment of a welfare officer. No system of insurance against unemployment exists, and in view of conditions in the colony, it is quite impracticable to introduce real legislation at this stage in its development. There are no representative organisations of employers or workers in the colony.

Barbados.

This Convention has not been applied.

Basutoland.

This Convention has not been applied. It is based on conditions in highly organised industrial communities, and is not applicable to conditions in this territory, where the vast majority of the population are peasants relying for their subsistence on the cultivation of their own land. There is a constant demand for active labour in the Union of South Africa for the gold mines, diamond mines, coal mines and other industries. The Basuto have no difficulty in finding employment when they wish to do so. The few Europeans in Basutoland may only reside in the territory if they are engaged in an occupation approved by the administration; immediately they relinquish that occupation, they must leave the territory. The question of the unemployed European does not therefore arise.

Bechuanaland.

No legislation or administrative regulations are in force, as there is no unemployment in the territory. No free public employment agencies, in accordance with Article 2, have been established. As regards the application of Article 3, it has not been necessary to establish systems of unemployment insurance. There have been no court decisions. There are no organisations of employers or workers.

Bermuda.

No legislation or administrative regulations are in force. There is in general an acute shortage of labour in Bermuda, and there is no involuntary unemployment. There are no workers in theatrical undertakings.

British Guiana.

Employment Exchanges Ordinance No. 21 of 1944.

The report contains information on the application of the various Articles of this Convention. No legislative action is necessary to give effect to Article 1. All available information concerning unemployment will in future be communicated to the International Labour Office in accordance with the

requirements of this Article. There are at present two employment exchanges and one employment office under the control and general superintendence of a Commissioner of Labour. Unemployed persons both male and female, 16 years of age and over, are registered on application at one of the employment exchanges or branch offices. When vacancies are notified to an exchange, suitable registrants are chosen by the clerk in charge and submitted, with introduction cards, to the employer, who makes the final selection. During the period covered by the report, 2,668 males and 627 females were registered; 2,364 vacancies for males were notified, of which 2,159 were filled, and 253 vacancies for females, of which 95 were filled. A committee was appointed by Government to advise and assist the Commissioner of Labour on matters relating to the employment exchange services, consisting of the Commissioner of Labour as chairman, a member of the Legislative Council, three representatives of employers' associations, two other employers, three trade unionists, a representative of the ex-service men's association and the Principal of the Carnegie Trade Centre for women. The employers' representatives are either members of employers' associations or officials of firms employing large numbers of workers. The workers' representatives are officials in trade unions recognised by employers generally. There are no private free employment agencies in the colony. All the measures of the Convention have been adopted in the colony, except that there is no unemployment insurance. Periodic reports on the working of the employment exchange service are submitted to Government. No special steps have been taken to find employment for workers in theatrical undertakings. Such workers are, in any case, few in number. No decisions have been given by any court regarding the application of the Convention and no observations have been received from organisations of employers and workers.

British Honduras.

In January 1939, a Labour Department was set up, to be responsible, among its other duties, for distributing work to the unemployed. No legislative provision exists, but the establishment of this Department applies the principles of the Convention. No special statistics have been published, but the annual reports of the Labour and other Departments deal regularly with the subject. In 1945, a labour advisory board, including representatives of employers and workers, was formed. Its members are appointed by Government, nominations from workers' organisations being received. There are no private employment agencies. The Government states, under Article 3, that it is considered impractical to introduce into British Honduras in its present undeveloped state any system of unemployment or other social insurance. In the absence

of legislation, no specific measures have been taken for supervision or inspection. There have been no court decisions. Unemployment which existed on a comparatively large scale in 1939 and 1940 disappeared during the war on the migration of workers to the United Kingdom, the Isthmus of Panama and the United States of America. It has again become a problem through the return of such workers and the demobilisation of persons who served in the Armed Forces. Certain plans are under consideration for agricultural and industrial development and should provide full employment.

Brunei.

The Convention is inapplicable, as unemployment as envisaged by it does not exist. Apart from the British Malayan Petroleum Company and four rubber estates, where there is full employment and shortage of labour, the majority of the population are engaged in peasant agriculture and only seek outside employment as a seasonal occupation to supplement the means of livelihood obtainable from their small-holdings. A post-war labour shortage owing to the expansion of the oil industry has made the prospect of unemployment more remote.

Cyprus.

No legislation has been enacted to give effect to this Convention. Its provisions have been partly applied by administrative action in establishing two labour exchanges under the supervision of the Department of Labour, and additional exchanges are under consideration. During the year under review these two exchanges dealt with 23,384 applications and filled 18,216 vacancies. Reliable statistics for the whole island are not available. The appointment of advisory committees is being reconsidered as a result of representations received from the trade unions. Private free employment agencies do not exist although the trade unions act as such for their members. No system of insurance against unemployment has been established. No court decisions have been given.

Dominica.

There are no administrative regulations or legislation which apply the provisions of this Convention. A Labour Department was established in April 1946. Steps are being taken to increase the staff to enable the office to function as a public employment agency. As soon as staff is available, it is proposed to appoint a committee of representatives of employers and workers. There is no system of unemployment insurance. When legislation has been enacted, it is proposed to entrust the application of the Convention to the Labour Department. No observations have been received from organisations of employers or workers.

Falkland Islands.

This Convention is inapplicable.

Fiji.

The provisions of the Convention have not been put into effect as they are not applicable to the conditions in the colony. Unemployment is practically unknown, and the proportion of wage earners to the total population is much smaller than in more highly organised industrial communities. For the last few years there has been a slight shortage of manpower.

Gambia.

The Convention has for many years past been considered inapplicable to this colony for various reasons, including geographical difficulties, the large volume of immigrant labour, and the casual nature of employment available for a large portion of the local labour force.

Gilbert and Ellice Islands.

The Convention has not been applied. Unemployment does not exist as understood in highly organised communities. Native workers are all landowners who can and do resume their agricultural pursuits when their term of industrial and other employment terminates. Non-Native workers, of whom there are very few, remain in the colony only so long as their contract of service continues, and on its termination they are repatriated by their employers.

Gibraltar.

A draft Ordinance providing for the establishment of employment exchanges and the registration for employment of persons thereat, has recently been published and is expected to be enacted in the near future. One free public employment exchange was established by administrative action in 1946 and now forms part of the Department of Labour and Welfare established on 1 January 1948. No formal committee has been constituted, but it is intended to establish a labour advisory board in the near future, a subcommittee of which will advise on matters concerning the employment exchange. There are no private fee-charging or free employment agencies. There is no system of unemployment insurance, but one of the objects of the draft Ordinance is to assist in providing statistics relating to unemployment on which to base unemployment insurance legislation. Unemployment has been maintained at a low level during the year under review. No observations have been received from organisations of employers or workers.

Gold Coast.

The Convention has not been applied. The voluntary registration of labour began

in 1948 as an initial step intended to facilitate the provision of the information required under Article 1 of the Convention and the establishment of free public employment agencies as envisaged in Article 2.

Grenada.

The Convention has not been applied. There are no employment agencies, but the Labour Department assists in placing applicants who are in search of employment.

Hong Kong.

The Convention has not been applied. A system of free public employment agencies does not exist. Ninety-five per cent. of the inhabitants do not regard themselves as permanent residents. The majority of undertakings are of a family character. European employers are in favour of setting up an employment office; the attitude of the Chinese employers is not very clear but it is thought that they are unwilling to break away from established tradition. The establishment of a seamen's employment office is under consideration.

Jamaica.

There is no legislation or administrative regulation which applies the provisions of the Convention. There is a free public employment agency, the Kingston Employment Bureau, which was established in 1940 as a branch of the Labour Department. Unemployed persons in the parishes of Kingston and St. Andrew are invited to register and notifications of vacancies are voluntarily given by employers. A Committee of Ladies representing employers and workers advises the Bureau on matters relating to the registration and placement of female domestic servants. During the year ended 30 September 1948, the Bureau registered 7,409 persons, received notifications of 2,588 vacancies, and placed 4,414 persons in employment. The Kingston and St. Andrew Corporation, the authority responsible for the administration of local government in Kingston and St. Andrew, registers unemployed persons seeking employment on the Corporation's programme of development. The Labour Department has given the Corporation advice on the methods of registration. There is no system of unemployment insurance. There is no provision for the compilation of reliable statistics on unemployment in the colony, but it is known from general observation that the incidence of unemployment is high.

The Government, through the Labour Department, encourages and assists the recruitment of contract workers for employment in other territories in the Caribbean area and in the United States of America. An extract from the annual report on the work of the Labour Department in 1947, attached to the Government's report, gives

details of relief work provided to relieve unemployment. There have been no court decisions.

Copies of the report have been sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica, and the Jamaica Manufacturers' Association.

Kenya.

The Employment Ordinance 1938, as amended by Ordinance No. 56 of 1948, § 45.

The Ordinance empowers the authorities to make rules for the establishment and administration of labour exchanges, but so far no such rules have been made. At the time of ratification of the Convention, the colony was scarcely developed and it was not until 1945, in connection with demobilisation schemes, that any labour exchanges were established. Until regulations are made under the Ordinance, the provisions of the Convention are enforceable only by administrative direction.

As regards the application of Article 1 of the Convention, the Labour Department annual report for 1947 gives the following information: "The labour exchange system is comparatively young in the colony and as yet there is still insufficient support from employers. The African, however, continued to make good use of the facilities available and out of 9,115 applications, there were 3,802 who were successful in obtaining suitable employment." In the circumstances, quarterly reports are not furnished.

As regards application of Article 2 of the Convention, eleven free public employment exchanges have been established since 1 November 1945, six in urban areas and five in the native land units. Where no exchange exists, District Commissioners' Offices act as special exchanges. These exchanges operate in conjunction with the African Central Employment Bureau. They are designed primarily to put prospective skilled and semi-skilled applicants into touch with employers seeking workers, though they can and do cater for the unskilled. There is little or no involuntary unemployment in Kenya. Free labour exchanges for Europeans and Asians have been established at Nairobi (for Europeans and Asians) and at Mombasa and Kisumu (Asians only). These were established primarily in conjunction with the demobilisation and resettlement scheme. Now that demobilisation is completed, these labour exchanges will continue for civilians, but not necessarily on a free basis. Consideration is being given to the imposition of a small registration fee in the case of non-African applicants. In view of the infancy of the system in Kenya, no special committees have been appointed to advise on matters concerning the carrying on of these agencies, but they

come within the competence of the labour advisory board which has employer and worker representatives. There are no private free employment agencies. Free public employment agencies operate as a branch of the Labour Department. Card indexes are maintained regarding registrations both of vacancies and of applications for employment. The branch exchanges keep the central exchange periodically informed and lists are regularly circulated from the central exchange. It should be noted that the colony has in force a system of identification whereby, until the end of 1947, every adult male African, and since the beginning of 1948 every adult male person, in Kenya, is required to be registered. Furthermore, employers of workers earning less than a prescribed minimum monthly wage are obliged by law to advise the Labour Department of the engagement, discharge, desertion or death of such workers. This enables accurate records to be kept and is an important contribution to the effective operation of the labour exchange system. The Kenya Government considers that in the African territories co-ordination of the operations of the various national systems could best be achieved through the development of inter-territorial liaison on the lines of a recent conference of Anglo-Belgian-French Labour Commissioners held in Nigeria in February 1948.

As regards the application of Article 3 of the Convention, no system of unemployment schemes exists in Kenya.

The operation of the labour exchange system is vested in the Labour Commissioner. Regular inspections of all labour exchanges are carried out by a specially appointed officer, who is responsible to the Labour Commissioner. Another officer carries out routine inspections of the European and Asian exchanges. There have been no court decisions. No observations have been received from organisations of employers or workers.

Copies of the reports on the application of the Convention are communicated to members of the labour advisory board, and are available for perusal by Chambers of Commerce and registered trade unions.

Leeward Islands.

There are no public employment agencies. The question of opening an employment bureau was discussed at a meeting of the labour advisory board held on 15 August 1947 in Antigua.

Federation of Malaya.

No legislation or administrative regulations have been drafted to give effect to the Convention. The Federal Labour Department estimates that during the period under review there was an over-all shortage of approximately 25,000 workers. For the time being the Government is unable to release funds for the establishment of an

unemployment exchange service. No system of unemployment insurance has been established.

Malta.

There is no legislation concerning unemployment. However, central offices have been set up in Valetta for the registration of unemployed. The Civil Government and Service Departments indent for their requirements to the Director of Labour and private employers are encouraged to do likewise. A juvenile advisory committee advises the Government on the youths' employment office and kindred matters. There are no private employment agencies worthy of note. No form of employment insurance has yet been introduced.

Mauritius.

The Employment Exchanges Ordinance, No. 67 of 1947.

The Convention is applied by the legislation in force although no agencies have yet been established. Statistics are published in the annual report of the Labour Department which supervises administration of the Ordinance through Labour and Factory Inspectors. There is no system of unemployment insurance.

Nigeria.

Labour Code Ordinance, No. 54 of 1945, Chapter XIV.

Industrial Workers (Registration and Employment) Rules, 1948 (Public Notice No. 29 of 1948).

The employment exchange system was introduced with the main object of checking the migratory movements of labour leaving the rural areas for the larger towns in search of paid employment. Such movements tend to have the effect of crippling the economic system of the country and of intensifying the social problem. The system operates as follows: when registration of industrial workers within any prescribed area is ordered, men already employed and the unemployed are registered separately, but while the former are registered automatically, the latter have to show that they are normally resident within the area. As soon as registration is completed, Restriction on Engagement Orders are made prohibiting the employment of an unregistered worker. By this means, the work in the area is reserved to the actual industrial workers normally resident therein. Those for whom work is not available form the unemployed, and it is from this class that wastage from the labour ranks is filled through the medium of the employment exchange.

The law makes no provision in regard to the appointment of committees to advise on matters concerning the employment exchanges. There is in Lagos, however, a voluntary organisation known as the Lagos Advisory Committee for Juvenile Employment and After-care, which consists of

representatives of employers and workers who are nominated by various interests concerned. There are four adult employment exchanges which during the period under review received 16,723 applications for employment and placed 8,749 workers in employment. There were also four juvenile employment exchanges to register and control juvenile labour generally, to advise school leavers on occupational problems and to place them in employment, and one school leavers' registry to register school leavers for employment. These exchanges, which are at present in their infancy, received 3,762 applications for employment and placed 1,797 juvenile workers in employment. They cater exclusively for purely local needs and are not yet of such a standard that their operations can usefully be co-ordinated on a country-wide basis. There is no system of unemployment insurance.

The application of the legislation is entrusted to the Commissioner of Labour. The Convention cannot generally be applied to Nigeria, where the majority of the population are peasants engaged in agricultural pursuits on their own or tribal lands and where, in many cases, wage-earning employment is largely supplemented by such occupations, but provision for exchanges has been made where necessary in urban areas such as Lagos and in rural areas where large wage-earning populations have congregated.

North Borneo.

No legislation has been enacted to give effect to the provisions of the Convention, since unemployment as envisaged by the Convention does not exist. The majority of the population are engaged in peasant agriculture, which in any case may always be used to supplement wage earnings. There has been a post-war shortage of labour in the territory.

Northern Rhodesia.

There is no local legislation concerning this subject. No action has been taken to apply Article 1 of the Convention, as there is no unemployment in Northern Rhodesia. There are six labour exchanges for African labour under the direction and control of the Labour Department. These have been created on a purely voluntary and experimental basis. Owing to the shortage of labour, little use is made of them. It is estimated that 2,500 persons have found employment through these agencies during the period under review, but the number of vacancies notified is greatly in excess of the number of requests for employment. There are no private employment agencies. The Government does not consider that there is any need at the present time to co-ordinate the various national systems. There is no system of unemployment insurance.

Nyasaland.

It does not seem possible to apply the Convention in tropical countries where the majority of the population are peasants engaged in agricultural pursuits or where wage-earning employment is largely supplemented by such occupations.

St. Helena.

No legislation has been introduced, but unemployment is met by special measures of relief. During the year, the number of unemployed has averaged 125 out of a total population of 5,000, and measures taken to combat unemployment have included the institution of relief work on projects of social improvement for which no funds are provided; the encouragement of fishing on a commercial scale to increase local employment; and the exploration of channels for future emigration such as farming and enlistment in the armed forces. An employment agency would be superfluous, as the territory is so small that the existence of a vacancy rapidly becomes common knowledge. A small private fee-charging agency places domestic servants in employment overseas, chiefly in South Africa. There is no system of unemployment insurance. Applications for relief are dealt with by the Employment Officer, under the general supervision of the Secretary to the Government. There are no organisations of employers or workers.

St. Lucia.

It has been found impracticable to apply this Convention in the present stage of the colony's development. However, the Labour Department functions to a great extent as an employment bureau in that a register of applicants is kept and assistance is given in finding employment. Employers generally consult the department for their requirements when necessary.

St. Vincent.

The Convention has not been applied to the colony, which is an agricultural community. There are, however, sixteen unemployment registration centres situated in the most important districts and maintained by the Department of Labour, where persons in search of employment register their names and steps are then taken to place them. Employers have been requested to obtain their labour requirements from these centres, and workers are also recruited for employment overseas through this medium.

Sarawak.

No legislation has been enacted to give effect to the Convention, and it is not considered possible to apply its provisions to the majority of the population, who live in small communal groups. Agriculture and the collection of jungle produce occupy

part of their time and wage earning does not constitute their only means of obtaining a livelihood. Employment on estates is in many cases merely a means of obtaining cash, in addition to the products of labour in pursuits such as those mentioned. There is no indentured imported labour, and immigration is strictly controlled. The number of unemployed immigrants is maintained at a low level by emigration, repatriation and squatting, and is relieved by pauper camps, relief work and the philanthropic activities of the clan-guilds in the case of the Chinese. The Secretary for Native Affairs is concerned with the question of unemployment among the Natives, and he takes suitable steps for dealing with the situation.

Seychelles.

Ordinance No. 3 of 1948.

Labour in the Seychelles, with the exception of a small stevedore force in Port Victoria, is exclusively agricultural, and at present demand exceeds supply. Articles 1 and 3 have, therefore, not been applied. The provisions of Article 2 of the Convention have been incorporated into the Ordinance, which concerns the establishment of employment exchanges only. Administrative measures are taken to enforce the provisions of this Article as applied in the Ordinance and penalties are provided for contravention of any of these provisions. At present no employment agencies have actually been established because of the lack of unemployment. Supervision of the application of the above-mentioned legislation has hitherto been hampered by the absence of a qualified labour officer. A labour officer has been appointed and has been undergoing a course of instruction in all branches of labour organisation in the United Kingdom; he will be returning to the colony by the end of the current year. The organisation and working of inspection will be in his hands. There are no organisations of employers or workers.

Sierra Leone.

Registration of Employees Ordinance No. 8 of 1947.

Employment of Ex-Servicemen Ordinance (Cap. 71 of the Laws of Sierra Leone, 1946).

The national law is not yet fully in harmony with the provisions of the Convention, but steps are being taken to make it so as soon as possible. Regular reports on unemployment will commence shortly. Four employment exchanges have been established. Placing work is undertaken at all four offices, and registration of workers at three of them. Arrangements for trade testing are at present undertaken only by the Freetown exchange, but all offices will be responsible for this item of work eventually. Other duties undertaken include the witnessing of payments of arrears of wages following wages inspection. During

the year, there were 19,781 applications, 10,438 vacancies were notified and placings totalled 9,889. There are no private free employment agencies. No system of insurance against unemployment has been established.

It is thought that, at the present stage of the territory's industrial development, the number of public employment exchanges already set up is sufficient for the needs of workers and employers, but the Government is prepared to open new offices as and when necessary. The value of the service of placing workers in employment is becoming increasingly recognised by employers. During the past year a scheme for the organised engagement of labourers for coastwise port work (each crew being engaged for approximately two months) was successfully launched with the co-operation of shipping companies and trade unions. It is hoped to add to the efficiency of the Freetown exchange by the setting up of an advisory committee in the near future. Supervision of the law and the exchanges is carried out by the Labour Department. There are no professional theatrical undertakings. No court decisions have been given. No observations have been received from organisations of employers and workers.

Singapore.

There is a free public employment exchange, set up in 1945. A Seamen's Registration Bureau was set up in March 1948, with the object of replacing recruiting agents for the supply of crews to shipping companies. Legislation to establish this Bureau is now before the Legislative Council. An advisory committee of equal numbers of representatives of employers' and seamen's unions will supervise the operation of the Bureau.

Solomon Islands.

The protectorate has no legislation concerning unemployment, and in the present stage of development no such measures are required, as the indigenous population is not under any economic necessity to seek employment.

Swaziland.

There is neither legislation nor administrative regulation in the territory. There is no unemployment; the population is mainly pastoral and agricultural, but those who wish to leave these occupations are readily absorbed in other types of employment in which the demand for labour constantly exceeds the supply. There is no employment agency either public or private, and no system of insurance against unemployment. There is no representative organisation either of employers or workers.

Tanganyika.

The Convention has not been applied and there is no legislation, since no general

employment problem has arisen or is likely to arise. The great majority of the population consists of African peasants engaged in agricultural pursuits on their own lands. A central employment bureau and nineteen labour exchanges have been established to enable skilled and semi-skilled and some unskilled workers, both ex-service men and civilians, to be put in touch with prospective employers. The central employment bureau also assists Europeans and Asians to find employment.

Trinidad and Tobago.

Labour Bureau Ordinance No. 2, Ch. 22.
Labour Bureau Regulations, 1944.

The legislation is not fully in harmony with the provisions of the Convention in that no specific provision has been made for the appointment of advisory committees. The observance of this provision can however be enforced by administrative action. No action has been taken to give effect to Article 1, as experience has shown that the numbers on the registers of employment exchanges do not reflect the unemployment position to any degree of accuracy. Paragraph 1 of Article 2 is applied by § 3 of the Labour Bureau Ordinance and Regulation 2, 3 and 9 of the Labour Bureau Regulations. There are no private employment agencies. Twelve labour exchanges have been established in the more populous areas of the colony under the administrative control of the Labour Department. At each exchange a register of unemployed classified as to occupation and degree of skill is maintained. Employers are invited to notify the nearest exchange of their labour requirements, and on receipt of such notifications a selected number of registered unemployed are contacted and introduced to the prospective employer. Applicants for employment are required to renew their registration weekly. During the period under review, 4,216 applications for employment were received, 1,526 vacancies notified, and 701 persons placed in employment.

There is no standing advisory committee, but from time to time *ad hoc* committees, to which representatives of employers and workpeople are appointed on the nomination of their respective organisations, have considered and made recommendations on the system of employment exchanges. The recommendations of one such committee are now under consideration by the Government. There is no system of unemployment insurance. Except in the capital city, very little use is made of the employment exchanges either by employers or workers. This is in the main due to the fact that the colony has an agricultural economy. The rural population as a whole does not depend exclusively on wage-earning employments,

large numbers being engaged in peasant farming either on a whole-time basis or as a means of supplementing seasonal wage-earning employment. The application of the legislation is entrusted to the Labour Department. No court decisions have been given.

Uganda.

There is a system of free public employment agencies within the framework of the Labour Department, but this system will not be in operation until 1949. No special legislation is required to give effect to this. Owing to the economic background of peasant cultivation, unemployment as understood in European countries does not exist. No public or private free employment agencies were in operation during the year except for an *ad hoc* agency for securing employment for demobilised ex-soldiers. This agency was operated by the Government as part of the civil reabsorption organisation. Until such time as the proposed free public employment service is operating, it is not possible to state any views on the co-ordination of such services through the International Labour Office. There is no system of unemployment insurance. There have been no court decisions and no observations have been received from organisations of employers or workers. There are in this territory at present one employers' organisation and one registered trade union. Neither of these bodies can be considered as representing all the workers or employers.

Zanzibar.

The Convention has not been applied in Zanzibar. There is little unemployment in the sense in which the term is understood in Europe, since conditions of life make casual employment more acceptable to most of the population, and a livelihood is more easily found than in a more highly industrialised country. The Government conducts a small employment bureau to assist, free of charge, persons unable to find work on their own initiative. During the period covered by this report, 1,036 applications for employment were received, 107 vacancies were notified (for the six months beginning 1 April), and 258 persons were placed in employment. It is probable that the majority of the 778 persons not placed by the bureau found employment by their own efforts.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

Uruguay.

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

SUMMARY OF OTHER INFORMATION

Argentina. The authority responsible for supervising the application of Act No. 11,933 continues to be the National Institute of Social Welfare and its regional delegations; the Secretariat of Labour and Welfare and its regional delegations collaborate in this work.

No decisions were given by courts of law or other courts. Statistical tables prepared by the National Institute of Social Welfare are appended to the report. These tables show that, during the period under review, the number of members of the Maternity Fund was 4,962 employers and 53,716 women workers; a sum of 4,913,890 pesos was paid by the Fund in maternity benefits for 14,799 cases.

The report is being communicated to the General Confederation of Labour and to the Argentine Association of Production, Industry and Commerce.

Chile. Decree No. 123 of 21 January 1947 provides for penalties for breaches of the regulations relating to protection for working mothers.

It has so far been impossible to undertake the general revision of the Labour Code, referred to in the report of the Committee of Experts on the Application of Conventions in 1948, owing, *inter alia*, to the difficulties encountered in this connection in the National Congress. However, although under the legislation only part of the maternity benefit is provided out of social insurance funds, in practice no difficulties have arisen in connection with the payment of this benefit. In any case, the Government is endeavouring to obtain approval for the necessary amendment to the legislation in order to ensure complete harmony with the provisions of the Convention.

The General Directorate of Labour has no knowledge of any decisions by courts of law. The labour inspection service, which includes women specially appointed to supervise the application of the relevant legislation, pays daily visits to undertakings in order to ensure compliance with the provisions of the legislation. The reports of the labour inspection service show that, in industrial and commercial undertakings, the granting of maternity leave and the payment of maternity benefits have been carried out in a satisfactory manner. During the period under review, only two breaches of the legislative provisions were noted. In 1947, the compulsory insurance fund paid, to supplement the benefits paid by employers, maternity benefits to the value of 3,605,244 pesos in respect of 16,082 workers. No other statistical information is available with regard to the cost of the benefits

prescribed under Article 3 of the Convention. The report contains statistics in respect of women gainfully employed in various occupations. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and the Chilean Confederation of Workers.

Cuba. The inspection services attached to the Central Board for Health and Maternity and its provincial offices have not supplied to the Ministry of Labour any information regarding the methods of control, in spite of repeated requests. No decisions were given by courts of law. The Central Board and its provincial offices have failed to supply any statistical information to the Ministry. No observations were received from employers' or workers' organisations, who have merely insisted that maternity legislation should be extended to agriculture.

The representative organisations of employers and workers, through their delegates registered with the Ministry of Labour, have access to all information in the possession of the department dealing with questions relating to the International Labour Organisation.

Greece. Under Article 3 of the Convention, the Government states that the amount of daily benefit paid to a woman is determined by Order of the Minister of Labour, on a proposal made by the Governing Body of the Social Insurance Institution, as this amount is provided out of social insurance funds and not out of public funds. Ministerial Orders Nos. 4887 and 4231 of 1948 fix the amounts of maternity benefits. In addition to maternity benefit, a daily sickness benefit is granted for a period of 180 days, which is longer than that provided for in the Convention.

No decisions were given by courts of law or other courts; any disputes which arise are settled by means of administrative procedure.

The Social Insurance Institution compiles monthly statistics showing the number of women covered by the legislation and the amount paid in benefits and allowances by the regional and local offices of the Institution. There are at present only a few small provincial districts which are not covered by insurance in virtue of Act No. 6298 of 24 September 1934.

Copies of the report have been communicated to the Federation of Greek Industries and the Greek General Confederation of Labour.

Luxembourg. The Convention has been strictly applied and no breaches of its provisions have been reported. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

A copy of the report has been communi-

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	Reports received
Argentina	30.11.1933	28. 1.1949
Brazil	26. 4.1934	
Bulgaria	14. 2.1922	
Chile	15. 9.1925	2. 4.1949
Colombia	20. 6.1933	
Cuba	6. 8.1928	30. 3.1949
Germany	31.10.1927	
Greece	19.11.1920	30. 3.1949
Hungary	19. 4.1928	
Latvia	3. 6.1926	
Luxembourg	16. 4.1928	19.11.1948
Nicaragua	12. 4.1934	
Rumania	13. 6.1921	
Spain	4. 7.1923	
Uruguay	6. 6.1933	23.12.1948
Venezuela	20.11.1944	
Yugoslavia	1. 4.1927	

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Argentina.

Act No. 11,317 of 30 September 1924 to regulate the employment of women and young persons (L.S. 1924, Arg. 1) as amended by Act No. 11,933 of 15 October 1934 (L.S. 1934, Arg. 1 B).

Act No. 11,933 of 15 October 1934 respecting the employment of women before and after childbirth (L.S. 1934, Arg. 1 B), as amended and supplemented by Decrees Nos. 80,229 of 15 April 1936 (L.S. 1936, Arg. 1 A) and 93,186 of 28 October 1936 (L.S. 1936 Arg. 1 B), Act No. 12,339 of 29 December 1936 (L.S. 1936, Arg. 1 C), and Decrees Nos. 109,667 of 15 July 1937, 124,925 of 18 July 1942 (L.S. 1942, Arg. 1), and 24,335 and 24,336 of 11 September 1944.

Decree No. 23,210 of 27 September 1945, to authorise the General Directorate of Taxes on Revenue to supervise the execution of the Act No. 11,933 in matters concerning registration and payment of contributions to the Fund concerned.

Chile.

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

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

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

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

Decree No. 123 of 21 January 1947 to supplement Decrees Nos. 969 of 18 December 1933 and 349 of 19 April 1934 (penalties for breaches of the provisions of the regulations issued in administration of the Labour Code).

Cuba.

Political Constitution of 1940, § 68 (L.S. 1940, Cuba 1).

Legislative Decree No. 781 of 28 December 1934 (concerning the employment of women before and after childbirth) (L.S. 1934, Cuba 5), amended by Legislative Decrees No. 114 of 23 April 1935 and No. 147 of 14 August 1935 (L.S. 1935, Cuba 9).

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

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

Act of 15 December 1937 respecting sickness and maternity insurance (L.S. 1937, Cuba 1).

Decrees Nos. 1300 of 15 April 1942, 3553 of 6 December 1943 and 1316 of 12 May 1944 issued in application of the Act of 15 December 1937.

Greece.

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

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

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

Act No. 6298 of 24 September 1934 concerning social insurance (L.S. 1934, Gr. 7).

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

Ministerial Decree of 28 May 1938 to approve the Sickness Regulations of the Social Insurance Institution.

Ministerial Decree No. 4887 of 1948 to determine the amount of maternity benefits paid to insured persons by the Social Insurance Institution.

Ministerial Decree No. 4231 of 31 January 1948 to determine the daily amount of sickness benefit paid to insured persons by the Social Insurance Institution.

Luxembourg.

Act of 17 December 1925 (§§ 12 and 13) respecting the Social Insurance Code (L.S. 1925, Lux. 2 A), amended by the Act of 6 September 1933 (L.S. 1933, Lux. 3).

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

Grand-Ducal Order of 30 March 1932 respecting the application of certain Conventions adopted by the International Labour Conference during its first ten sessions (L.S. 1931, Lux. 1).

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

Order of 26 March 1945 respecting the reorganisation of the Labour and Mines Inspection Service.

cated to the most representative organisations of employers and workers.

Uruguay. Although the national legislation only provides for a maternity grant of 50 per cent. of the woman's wages, whereas according to the Convention this benefit should be "sufficient for the full and healthy maintenance" of the woman and her child, the legislation on this point can be considered to be in harmony with the Convention in view of the important increase in wages which took place between 1944 and 1948.

The 1937 Bill for amending the Children's

Code, submitted by the National Institute of Labour, which will bring the national legislation into complete harmony with the provisions of the Convention, is still under consideration. No decisions were given by the courts of law or other courts and no publications or statistics exist regarding the application of the Convention.

NON-METROPOLITAN TERRITORIES, 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	Reports received
Afghanistan	12. 6. 1939	
Albania	17. 3. 1932	
Argentina	30. 11. 1933	28. 1. 1949
Austria	12. 6. 1924	7. 12. 1948
Belgium ¹	12. 7. 1924	
Brazil ¹	26. 4. 1934	
Bulgaria	14. 2. 1922	
Burma ²	14. 7. 1921	
Chile	8. 10. 1931	2. 4. 1949
Colombia	20. 6. 1933	
Cuba	6. 8. 1928	30. 3. 1949
Czechoslovakia	24. 8. 1921	26. 12. 1948
Estonia ¹	20. 12. 1922	
France ³	14. 5. 1925	9. 12. 1948
Greece ¹	19. 11. 1920	
Hungary ¹	19. 4. 1928	
India ³	14. 7. 1921	29. 11. 1948
Ireland ¹	4. 9. 1925	
Italy	10. 4. 1923	28. 1. 1949
Lithuania	19. 6. 1931	
Luxembourg	16. 4. 1928	19. 11. 1948
Netherlands ¹	4. 9. 1922	
Nicaragua	12. 4. 1934	
Pakistan ⁴	14. 7. 1921	11. 1. 1949
Peru	8. 11. 1945	
Portugal	10. 5. 1932	10. 12. 1948
Rumania	13. 6. 1921	
Spain	29. 9. 1932	
Switzerland ¹	9. 10. 1922	
Union of South Africa ¹	1. 11. 1921	
United Kingdom ¹	14. 7. 1921	
Uruguay	6. 6. 1933	23. 12. 1948
Venezuela	7. 3. 1933	
Yugoslavia	1. 4. 1927	

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

² See footnote 2 to Convention No. 1.

³ Has ratified Convention No. 41 but has not denounced this Convention.

⁴ See footnote 3 to Convention No. 1.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Argentina.

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

Austria.

Order (German) of 30 April 1938 to remodel the Regulations relating to hours of work (L.S. 1938, Ger. 6).

Order for the application of the Regulations relating to hours of work, dated 12 December 1938.

Chile.

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

Cuba.

Legislative Decree No. 598 of 16 October 1934 concerning the employment of women in industry (L.S. 1934, Cuba 10).

Decree No. 1024 of 27 March 1937 concerning the application of the above Decree.

Czechoslovakia.

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

Order of 11 January 1919 in pursuance of the Act of 19 December 1918 respecting the eight-hour day (L.S. 1919, Cz. 2).

Circular of the Ministry of Social Welfare of 21 March 1919, respecting the interpretation of the provisions relating to the eight-hour day (L.S. 1919, Cz. 3).

Notification No. 1092/1947 of the Minister of Social Welfare of 18 October 1947, respecting hours of work in sugar factories during the sugar processing season.

Notification No. 1191/1947 of the Minister of Industry and the Minister of Social Welfare, dated 21 November 1947, respecting certain measures to ensure a smooth electricity supply.

Act No. 177 of 13 September 1946, to regulate hours of work in bakeries (L.S. 1946, Cz. 2).

France.

Labour Code, Book II, Chapter 3, § 2, as amended by the Act of 24 January 1925 (L.S. 1925, Fr. 1) and by the Decree of 21 April 1939 (L.S. 1939, Fr. 5A).

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

India.

Factories Act No. XXV of 20 August 1934 (L.S. 1934, Ind. 2), as consolidated and amended by the Factories (Consolidation) Act of 1946 (L.S. 1946, Ind. 1).

Italy.

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

Luxembourg.

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

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

Grand-Ducal Order of 6 January 1933 amending the Order of 30 March 1932 (L.S. 1933, Lux. 1).
Order of 26 March 1945 respecting the reorganisation of the Labour Inspection Service and the Mines Board.

Pakistan.

Indian Factories Act No. XXV of 20 August 1934 (L.S. 1934, Ind. 2), as subsequently amended by the Factories (Consolidation) Act of 1946 (L.S. 1946, Ind. 1).

Portugal.

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

Orders of the Under-Secretary of State for Corporations and Social Welfare dated 10 November 1944 and 24 September 1945 to define night work.

Legislative Decree No. 36173 of 6 March 1947 to regulate and standardise the form of collective agreements.

Uruguay.

See under summary of other information.

SUMMARY OF OTHER INFORMATION

Argentina. During the period under review, no changes have taken place, with the exception of two Decisions issued by the Secretariat of Labour and Welfare to authorise the employment of women over 18 years of age between 6 a.m. and 9 p.m. in weaving mills until 31 December 1948 (Decision No. 61/48), and in silk weaving mills until 31 May 1949 (Decision No. 283/48). The Directorate of Labour Police, under the Secretariat of Labour and Welfare, is responsible for ensuring compliance with the legislative provisions. Several court decisions of interest were issued during the period under review. See under Convention No. 1 for statistical data.

Copies of the report are being communicated to the General Confederation of Labour and the Argentine Association of Production, Industry and Commerce.

Austria. The German Hours of Work Order of 1938, containing certain provisions not in conformity with the Convention, is still in force but the new legislation on hours of work now in course of preparation will give full effect to the provisions of the Convention. Meanwhile the Federal Government has endeavoured, since the

liberation of the country, to apply the provisions of the Convention by means of administrative regulations and instructions given to the labour inspection services.

No decisions were given by courts of law or other courts and no observations were made by employers' or workers' organisations.

Statistical information and reports are not yet available from the inspection services, as the system of reporting and establishing statistics of these services must first be thoroughly reorganised.

The report has been communicated to the Federal Chamber of Industry, the Austrian Chamber of Labour and the Austrian Federation of Trade Unions.

Chile. The report refers to information previously supplied. With regard to the observations made by the Committee of Experts on the Application of Conventions on the report for the period 1946-1947, the Government states that the first steps have been undertaken with a view to the ratification of Convention No. 41 and the denunciation of Convention No. 4. The International Labour Office will be kept informed of the progress made in this connection.

Relatively few decisions were given by courts of law; the Government has no knowledge of the findings of the courts during the past year. Labour inspectors ensure compliance with the provisions regarding the prohibition of the night work of women. The number of persons covered by the relevant legislation was approximately 217,000. Only one breach of the legislation was reported by the labour inspectors. The reports of the labour inspectorate which relate to the employment of women, young persons and home work show that the provisions of the legislation applying the Convention are satisfactorily applied. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and the Chilean Confederation of Workers.

Cuba. The Government refers to its last report and adds that no use has been made of the exceptions provided for in Articles 4, 6 and 7 of the Convention. No statistical information has been compiled regarding the visits of inspection made to undertakings employing women. No decisions were given by courts of law. *Ad hoc* inspection visits are made from time to time by officials of the Ministry of Labour and its various departments to all industrial undertakings or whenever an information is laid. As the Statistical Section is in process of reorganisation, it is not possible to supply adequate data. No observations were received from employers' or workers' organisations.

Employers' and workers' organisations registered with the Ministry of Labour, through their permanent delegates or direc-

tors, have access to the Government's report for the period under review and to all other reports previously supplied.

Czechoslovakia. Under § 16 of Notification No. 1191 of 21 November 1947, women over 18 years of age may be employed temporarily at night as long as this is necessary, by reason of the shifting of the regular working time, in order to ensure a smooth electricity supply. With regard to Article 4 of the Convention, the report states that § 1, paragraph 1, of Notification No. 1092 of 18 October 1947 authorised, as an exception, the employment of women between 10 p.m. and 5 a.m. during the sugar processing season only to the extent necessary for the maintenance of operations and only in relatively light occupations. This authorisation does not apply to pregnant women from the third month of pregnancy and also nursing mothers.

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. See under Convention No. 1 for information respecting the reports of the inspection service and statistics.

The report has been communicated to the Central Council of Trade Unions and the Federation of Czechoslovak Employers' Organisations.

France. No decisions by courts of law were recorded in the case-books for the period under review and no observations were received from employers' or workers' organisations. As the services of the General Inspectorate of Labour have not yet resumed the compilation of complete documentation relating to the application of labour legislation in France, it is not possible at present to supply information regarding the application of the legislation relating to the night work of women.

The report has been communicated to the French National Employers' Council, the General Confederation of Labour, the Labour Force (C.G.T.-F.O.) and the French Confederation of Christian Workers.

India. No decisions given by courts of law or other courts have been brought to the notice of the Government. No notes on the working of the Factories Act during 1945 and 1946 have so far been published in the *Indian Labour Gazette*; during 1946, special articles on employment in factories were published in the *Gazette*. No observations have been received from employers' or workers' organisations.

Copies of the report have been communicated to the Employers' Federation of India, the All-India Organisation of Industrial Employers and the Indian National Trade Union Congress.

Italy. Under Article 4 (a) of the Convention, the report states that no cases have been reported of women having been employed at night for reasons of *force majeure*. Authorisations to apply the exception provided under Article 4 (b) are granted

or refused by the Ministry of Labour and Social Welfare, after consultation with the industrial organisations concerned. If allowed, these authorisations are made subject to specified conditions of restriction and control. No use has been made of the exceptions provided under Articles 6 and 7.

No decisions were given by courts of law or other courts. The Convention has been applied as strictly as is possible under present circumstances. The greatest obstacle to enforcement has been the shortage of electric power, which interrupts production, leads to periods of peak intensity in respect of which the time lost must be made up, and necessitates employment of women and children on night work, particularly in the textile industry. The Government is giving close attention to this matter and is aided in this respect by the industrial organisations, which are generally in agreement regarding individual applications for exceptions granted by the Ministry, only after thorough investigation into each case.

In general, the Convention is applied; exceptions are authorised only when this is indispensable and in a very few cases. The competent Ministry endeavours to eliminate all exceptions by substituting, wherever possible, adult male workers for women. Exceptions are frequently found to be necessary because of the inadequate technical equipment in workplaces.

Luxembourg. During the period under review, the Convention has been strictly applied and no breaches of its provisions have been reported. The application of the relevant legislation and administrative regulations is entrusted to the Labour and Mines Inspection Service, the methods, organisation and functions of which are set forth in the Grand-Ducal Order of 26 March 1945. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

The report has been communicated to the representative organisations of employers and workers.

Pakistan. The Labour Code of Pakistan is the same as was in force at the time of the partition of India on 15 August 1947, subject to the formal modifications effected by the Pakistan (Adaptation of Existing Pakistan Laws) Order, 1947.

With regard to Article 1 of the Convention, the report indicates that, in accordance with Article 5, the sphere of application of the night work prohibition for women is limited in Pakistan to factories as defined in the Factories Act.

Articles 2 and 3 are applied by § 45 of the Factories Act, which stipulates that no woman is allowed to work in a factory except between 6 a.m. and 7 p.m. Provincial Governments are competent, in respect of any class or classes of factories and for the whole year or any part of it, to vary these limits to any span of 13 hours between 5 a.m. and 7.30 p.m.

The Factories Act does not allow any exemption under Article 4 (a) of the Convention. As regards Article 4 (b), § 45 (a) of the Factories Act lays down that the Provincial Governments may make rules authorising the exemption from the night work restriction of women working in fish-curing and fish-canning factories where the employment of women beyond the hours prescribed is necessary to prevent damage to or deterioration of raw material. No use has been made in Pakistan of the provisions of Articles 6 and 7.

The Factories Act is administered by the Provincial Governments through their factory inspectors. Provincial Governments have been empowered to make rules for carrying into effect the provisions of the Act (§§ 32, 33, 43, 59, etc.). Every district magistrate is an inspector for his district (§ 10 (4)), and Provincial Governments may appoint other public officers as additional inspectors (§ 10 (5)). The Act contains penal provisions for contraventions.

No decisions by courts of law or other courts have come to the notice of the Government of Pakistan, and no observations have been received from employers' or workers' organisations. The particulars regarding the manner in which the Convention is applied are still under compilation.

Copies of the report have been communicated to the following workers' organisations : Eastern Pakistan Trade Union Federation ; Pakistan Trade Union Federa-

tion ; Pakistan Federation of Labour. There are as yet no representative employers' organisations in Pakistan, but copies of the report have been forwarded to the Provincial Governments for transmission to the important chambers of commerce.

Portugal. No noteworthy decisions were given by courts of law. The number of women employed in industrial establishments remained practically the same as indicated in previous reports. No observations of importance were received from employers' or workers' organisations. For information relating to reports of the inspection services, see under Convention No. 1.

Uruguay. The Government refers to its reports for 1946-1947 in which it stated that the national legislation is not in conformity with the Convention. The Bill for the application of the Convention, adopted by the Chamber of Deputies and forwarded to the Senate in 1938, has not yet been discussed by the latter. The Government recently submitted to Parliament a new Bill for the application of Convention No. 41, which the Government intends to ratify.

NON-METROPOLITAN TERRITORIES, ETC. (ARTICLE 35 OF THE CONSTITUTION)

No information.

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	Reports received
Albania	17. 3.1932	
Argentina	30.11.1933	28. 1.1949
Austria	26. 2.1936	7.12.1948
Belgium	12. 7.1924	29.11.1948
Brazil	26. 4.1934	
Bulgaria	14. 2.1922	
Chile	15. 9.1925	2. 4.1949
Colombia	20. 6.1933	
Cuba	6. 8.1928	30. 3.1949
Czechoslovakia	24. 8.1921	26.12.1948
Denmark	4. 1.1923	20.11.1948
Dominican Republic	4. 2.1933	23.10.1948
Estonia	20.12.1922	
France	29. 4.1939	9.12.1948
Greece	19.11.1920	30. 3.1949
Ireland	4. 9.1925	9. 3.1949
Japan	7. 8.1926	
Latvia	3. 6.1926	
Luxembourg	16. 4.1928	19.11.1948
Netherlands	21. 7.1928	27.12.1948
Nicaragua	12. 4.1934	
Norway	7. 7.1937	3. 2.1949
Poland	21. 6.1924	13.12.1948
Rumania	13. 6.1921	
Spain	29. 9.1932	
Switzerland	9.10.1922	30.11.1948
United Kingdom	14. 7.1921	11. 2.1949
Uruguay	6. 6.1933	23.12.1948
Venezuela	20.11.1944	
Yugoslavia	1. 4.1927	

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Argentina.

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

Decree No. 14,538 of 3 June 1944 respecting the organisation of industrial apprenticeship and the regulation of the employment of young persons (L.S. 1944, Arg. 1) as amended by Decree No. 6,648 of 1945 (L.S. 1945, Arg. 2).

Austria.

Federal Act of 1 July 1948 respecting the employment of children and young persons (L.S. 1948, Aus. 3).

Belgium.

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

Chile.

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

Decree of 7 May 1932 to approve the Regulations concerning registers for young persons under 16 years of age.

Cuba.

§ 66 of the Constitution. Political Constitution (L.S. 1940, Cuba 1).
Legislative Decree No. 647 of 21 October 1934 respecting the night work of young persons employed in industry and the minimum age for admission of children to industrial employment (L.S. 1934, Cuba 11).

Czechoslovakia.

Act of 19 December 1918 respecting the eight-hour day (L.S. 1919, Cz. 1).
Act of 17 July 1919 respecting child labour (L.S. 1920, Cz. 2).

Denmark.

Act No. 145 of 18 April 1925 respecting the employment of children and young persons (L.S. 1925, Den. 1).

Dominican Republic.

Act No. 637 of 16 June 1944 respecting contracts of employment (L.S. 1944, Dom. 1).
Act No. 1075 of 4 January 1946 respecting hours of work (L.S. 1946, Dom. 2).

France.

Labour Code, Book II, §§ 2-3, as amended by the Acts of 11 August 1936 (L.S. 1936, Fr. 10 B), 26 August 1942 and 23 September 1948 (L.S. 1948, Fr. 6).

Greece.

Act No. 2271 of 1 July 1920 to ratify the Convention (O.B., Vol. II, No. 1, p. 20).
Act No. 4029 of 24 January/6 February 1912 concerning the work of women and minors (B.B. 1912, Vol. VII, p. 285), as supplemented by Act No. 4819 of 1930.
Royal Decree of 14/27 August 1913, issued in pursuance of Act No. 4029 (B.B. 1914, Vol. IX, p. 219).
Act No. 199 of 29 September 1936 amending certain Labour Acts (L.S. 1936, Gr. 9).
Act No. 547 of 15 March 1937 amending and supplementing certain Labour Acts (L.S. 1937, Gr. 2).
Legislative Decree of 30 April 1946, respecting the organisation of the Ministry of Labour.

Ireland.

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

Luxembourg.

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference in the course of its first ten sessions (1919-1927).
Grand-Ducal Order of 30 March 1932 respecting the application of certain Conventions adopted by the International Labour Conference in the course of its first ten sessions (L.S. 1932, Lux. 1).
Grand-Ducal Order of 6 January 1933 amending the Order of 30 March 1932 (L.S. 1933, Lux. 1).
Grand-Ducal Order of 26 March 1945 respecting the reorganisation of the Labour Inspection Service and the Mines Board.

Netherlands.

Labour Act, 1919, as amended by the Act of 14 June 1930 (the text of which was promulgated by the Decree of 14 September 1930) (L.S. 1930, Neth. 2).
Stonemasons Act, 1921 (L.S. 1921 (Part II), Neth. 3).
Stevedores Act, 1914, as amended by the Act of 27 July 1931 (the text of which was promulgated by the Decree of 9 October 1931) (L.S. 1931, Neth. 3).
Mining Regulations, 1906 (B.B. 1906, Vol. I, p. 505), as amended by Royal Order of 7 October 1922 (L.S. 1922, Neth. 4).

Norway.

Workers' Protection Act, 1936 (L.S. 1936, Nor. 1).

Poland.

Act of 2 July 1924 relating to the employment of women and young persons (L.S. 1924, Pol. 2), as amended and completed by Act of 7 November 1931 (L.S. 1931, Pol. 2 A).
Order of the Council of Ministers of 17 November 1924 respecting the bringing into operation of the Act of 2 July 1924 relating to the employment of women and young persons (L.S. 1924, Pol. 9 A).
Order of the Minister of Labour and Social Welfare of 24 December 1931 respecting registers and lists of young persons (L.S. 1931, Pol. 2 C), superseding the Decree of 14 December 1924.
Order of the President of the Republic, dated 7 June 1927, concerning industrial law (L.S. 1927, Pol. 4), as amended by the Act of 10 March 1934 (L.S. 1934, Pol. 1).
Order of the President of the Republic, dated 14 July 1927, concerning the labour inspectorate (L.S. 1927, Pol. 8).
Decree of 6 February 1945, to institute works councils (L.S. 1945, Pol. 2 A).

Switzerland.

Federal Act of 24 June 1938 respecting the minimum age for employment (L.S. 1938, Switz. 1).
Order of the Federal Council of 24 February 1940 to issue rules for the application of the above-named Act.
Order of the Federal Department of Public Economy of 9 June 1943 respecting the employment of young persons in peat undertakings.
Order of the Federal Council of 15 January 1946 respecting the organisation of the Federal Office of Industry, Arts and Crafts and Labour.

United Kingdom.

Factory and Workshop Act, 1901, superseded by the Factories Act, 1937 (L.S. 1937, G.B. 2), which came into operation on 1 July 1938, and by the Factories Act (Northern Ireland), 1938.
Coal Mines Acts, 1911 (Extracts, B.B. 1914, Vol. IX, p. 9).
Employment of Women, Young Persons and Children Act, 1920 (L.S. 1920, G.B. 9).
Education Act, 1944 (Extracts, L.S. 1944, G.B. 5).
Education (Scotland) Act, 1946.

Uruguay.

Act of 6 April 1934 to approve with amendments a draft Children's Code (§§ 223-252) (L.S. 1934, Ur. 4).

SUMMARY OF OTHER INFORMATION

Argentina. The Directorate of Labour Police and the National Apprenticeship and Vocational Guidance Board are entrusted with supervision of the application of the Convention. No noteworthy decisions were given by courts of law. See under Convention No. 1 for statistical data.

The report is being communicated to the General Confederation of Labour and the Argentine Association of Production, Industry and Commerce.

Austria. The Federal Act of 1 July 1948, respecting the employment of children and young persons, which came into force during the period under review, fully applies the Convention and supersedes the German Youth Protection Act of 1938 and the Regulations of 12 December 1938, which had been applied hitherto in Austria under the Transitional Act of 1 May 1945.

In view of the fact that the terms "industry", "commerce" and "agriculture" are explicitly defined in Austrian legislation, no special regulations have been found necessary to define the line of division separating industry from commerce and agriculture. At the same time, the term "industrial establishments" which is contained in the Convention does not correspond entirely to the same term in Austrian legislation; in fact, this latter term covers commerce and the hiring of services and excludes mines.

The provisions of the Federal Act of 1948 apply not only to all the activities covered by Article 1 of the Convention, including mines, but are even much wider in scope than this Article. As regards Article 2, the Federal Act prohibits, without exception, the employment of children under 14 years of age in industrial undertakings. The admission of children under 14 years of age to technical schools, as provided by Article 3, is not possible under Austrian legislation. As regards Article 4, the Federal Act requires the head of any undertaking employing more than five young persons under the age of 18 years to keep a register of all such young persons, giving their dates of birth and other specified details. The register must be kept up to date and must be available for inspection by the representatives of the personnel. The provisions regarding the authorities entrusted with the application of the legislation and the organisation and working of inspection remain unchanged. No decisions were given by courts of law or other courts and no observations were received from employers' or workers' organisations. See under Convention No. 4 for information regarding statistics and reports supplied by the inspection services.

The report has been communicated to the Federal Chamber of Industry, the Austrian Chamber of Labour and the Austrian Federation of Trade Unions.

Belgium. There is nothing further to add to previous reports on the application of the Convention. During the period under review, any legal decisions which have been given have merely confirmed administrative precedents. The inspection services, with the assistance of the communal authorities responsible for issuing work books, have ensured compliance with the provisions of the relevant legislation. No observations have been received from employers' or workers' organisations.

Copies of the report have been communicated to the Federation of Belgian Industries, the Belgian General Federation of Labour, the Confederation of Christian Trade Unions and the General Confederation of Liberal Trade Unions.

Chile. The report refers to information supplied previously and adds that no decisions by courts of law have come to the notice of the General Directorate of Labour. The reports of the inspection services show that the provisions regarding the prohibition of the employment of minors under 14 years of age in industry and the registration of persons under 16 years of age are complied with satisfactorily. During the period under review, few breaches of the provisions of the Convention were noted. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and the Chilean Confederation of Workers.

Cuba. The report repeats information previously supplied and adds, under Article 4 of the Convention, that the employment of children between 14 and 18 years of age is exceptional. In spite of repeated requests, no information has been supplied regarding the inspection visits made by the competent service of the National Labour Office for Women and Children. The National Labour Office has stated verbally that periodical inspection visits are made, but that no breaches of the legislation of any kind have been detected.

No observations were received from employers' or workers' organisations.

All employers' and workers' organisations registered with the Ministry of Labour have access, through their permanent delegates, to the annual reports supplied by the Government on the application of the Convention.

Czechoslovakia. The Government refers to previous reports. No observations have been received from employers' or workers' organisations. See under Convention No. 1 for information regarding the reports of the inspection services and statistics.

The report has been communicated to the Central Council of Trade Unions and the Federation of Czechoslovak Employers' Organisations.

Denmark. The Government refers to previous reports and adds that proceedings

were instituted in three cases in respect of breaches of the legislative provisions relating to the minimum age.

Dominican Republic. As regards Article 1 of the Convention, the report states that the Secretary of State for Labour or the courts, as the case may be, are responsible for determining whether a given activity is of an industrial or commercial character. See under Convention No. 1 for information regarding the practical application of the Convention.

Congress is now examining a draft Labour Code, of which Chapter II, Part I, of the Fourth Book relates to the employment of children.

France. Children of either sex may not be employed or admitted to establishments until they have entirely completed compulsory school attendance (*i.e.*, under the legislative texts now in force, not until they have attained the age of 14 years).

No decisions by courts of law have been recorded in the case-books covering the period under review. As the services of the General Inspectorate of Labour have not yet resumed the compilation of documents relating to the application of labour legislation in France, it has not been possible to supply information relating to the application of this legislation. No observations were received from employers' or workers' organisations.

The report has been communicated to the French National Council of Employers, the General Confederation of Labour, the Labour Force (C.G.T.-F.O.) and the French Confederation of Christian Workers.

Greece. The Convention is strictly applied. The registers kept by industrial undertakings in conformity with Article 4 of the Convention are provided by the labour inspectorate and posted in conspicuous places.

The application of the provisions of the Convention and the relevant legislation is, in general, entrusted to the labour inspection corps set up under Act No. 4029, as subsequently amended, in particular, by Act No. 4819 of 1930. This Act contains all the main provisions of the Recommendation (No. 20) concerning labour inspection. In virtue of § 2 of the Legislative Decree of 30 April 1946, there are now three divisional labour inspectorates — in Northern Greece, Southern Greece, and the Piraeus and the Islands, with headquarters in Salonica, Athens and the Piraeus, and under a technical divisional inspector. There are 22 local inspection offices with 63 assistant labour inspectors and four women assistant labour inspectors. A technical labour inspection service was set up under the same Decree and includes five technical inspectors. The strength of the labour inspection service has been considered insufficient, but owing to financial difficulties it has not been possible to increase it. Local labour inspection offices under the three divisional labour inspectorates are now

functioning in 22 different towns. According to information supplied by these inspectorates, 600 work books were issued to young persons of both sexes during the year 1948. The medical examination of children and young persons is becoming more and more satisfactory. Doctors are obliged to fill in a form after examining any young person requesting a work book.

The report has been communicated to the Greek Federation of Industries and the Greek General Confederation of Labour.

Ireland. The report repeats the detailed information supplied in previous reports and adds, under Article 1 of the Convention, that § 3 of the Conditions of Employment Act, 1936, defines "agricultural work" and "commercial work" and excludes work of both kinds from the application of the Act. The Act of 1936 also repealed the whole of the Employment of Women, Young Persons and Children Act, 1920, in so far as it related to any form of industrial work within the meaning of the latter Act. Under Article 4, the report states that the Factory and Workshops Acts provide that particulars of young persons between 14 and 18 years of age (name, address, date of birth) must be entered in the prescribed general register required to be kept in all factories and workshops (excepting men's workshops).

A young person under the age of 16 years may not be employed in any factory and in certain classes of workshops for more than 7 days (or, in certain conditions, 13 days) unless such young person has been certified medically fit for employment by the certifying surgeon. Medical certificates are entered in the general register. No decisions were given by courts of law or other courts and no breaches were reported during the period under review. No observations were received from employers' or workers' organisations.

The report has been communicated to the Congress of Irish Unions, the Irish Trade Union Congress and the Federated Union of Employers.

Luxembourg. The Convention has been strictly applied and no breaches of its provisions have been reported. The application of the relevant laws and administrative regulations is entrusted to the Labour and Mines Inspection Service, the methods, organisation and functions of which are set forth in the Grand-Ducal Order of 26 March 1945. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

The report has been communicated to the representative organisations of employers and workers.

Netherlands. It has been constantly necessary to supervise the application of § 9 of the Labour Act of 1919 prohibiting the employment of children under 14 years of age or children still subject to compulsory education. During the German

occupation, the occupying power extended the compulsory school-leaving age up to 15 years, thus making the above-mentioned section of the Labour Act applicable to children between 14 and 15 years of age. Considerable difficulty was created by the fact that often the accommodation, teaching staff and educational material necessitated by this prolongation of compulsory education were lacking. This measure, however, remained in force until the coming into effect of the Act of 4 August 1947, modifying the Act on compulsory education. Although this Act also provides for compulsory education up to the age of 15 years, it has been provisionally suspended until 1 January 1950, and meanwhile the previous legislation fixing the school-leaving age at 14 years still remains in force.

The number of proceedings instituted during 1947 for infringements of the provisions relating to the prohibition of the employment of children was 586 (112 in connection with work in factories and workshops, 257 in connection with distribution of work and 117 in connection with "other work" performed in some cases by very young children, *e.g.*, in public entertainment undertakings). Of these cases, 484 dealt with children still subject to compulsory education, *i.e.*, in the majority of cases, children of over 14 years of age covered by the ban relating to the employment of children during the period when compulsory education up to 15 years of age was in force. Therefore, the Convention, which only prohibits the employment of children under 14 years of age, does not apply to the great majority of these infringements. The amounts imposed in fines varied from 1 to 160 florins. A total of 258 warnings was issued to parents or guardians of children working in contravention of the legal provisions.

Norway. See under Convention No. 59.

Poland. Owing to the serious paper shortage, the provisions of the Act prescribing the keeping by the employer of a register of young persons between 15 and 18 years of age employed by him have not been enforced by the labour inspectorate during the period following the war. In 1948, however, the labour inspectorate again required the keeping of control books, which are being progressively reintroduced by industrial establishments. No decisions by courts of law were brought to the notice of the Government.

The report has been communicated to the Central Commission of Polish Trade Unions.

Switzerland. The Federal Court has had to pronounce a decision in one instance only in connection with the Federal Factories Act; the case was dismissed.

As a result of favourable conditions during the period under review, the number of factories subject to the Factories Act increased from 11,003 on 1 September 1947

to 11,376 on 30 September 1948, and there has been a considerable rise in the number of handicraft undertakings. The scope of the Act relating to the minimum age of employment has thus been extended. Neither the federal nor the cantonal authorities have been called upon to pronounce decisions in disputes arising out of the provisions of this Act.

With regard to the enforcement of legislation, the Government states that, under an Order of 15 January 1946, the Federal Office of Industry, Arts and Crafts and Labour has been divided into five sections, each of which has closely defined functions. One of these sections deals with the protection of workers and labour law. Cantonal administration remains unchanged; it should be noted that the tendency evident in certain cantons, to introduce a ninth year of school attendance, is resulting in keeping children at school until they reach the age of 15 years.

The reports of the federal factory inspectors on their activities during 1947 and 1948 will be submitted in 1949. In the spring of 1948, the cantons were called upon to submit reports on the application of the Acts on minimum age of employment and on the employment of young persons and women in arts and crafts during 1946 and 1947. These reports show that the relevant legal provisions have in the main been observed. During the period under review, 27 convictions were recorded for employment of persons under the age of 15 years; penalties were imposed in eight cases.

The federal authority has received no suggestions, complaints or observations from employers' or workers' organisations. The Convention continues to be fully applied in Switzerland. In spite of the continued shortage of manpower, there has been a marked decrease in the number of infringements of the legislation and in the number of fines imposed. Most of the infringements were of minor importance and in each case the penalty consisted of a fine. A copy of the report of the Federal Council to the Chambers on its administration in 1947, which is appended to the Government's report, contains a general account of the application of the provisions under which the Convention is applied.

The report has been communicated to the Central Union of Swiss Employers' Organisations, the Swiss Union of Commerce and Industry, the Swiss Union of Arts and Crafts, the Swiss Federation of Trade Unions, the Federation of Swiss Associations of Salaried Employees, the Swiss Federation of National Christian Trade Unions, the Swiss Association of Protestant Workers and Employees, and the Swiss Union of Independent Trade Unions.

United Kingdom. No decisions defining the line which separates industry from commerce and agriculture have so far been given by the competent authority, which

in the United Kingdom would be the courts of law. No decisions were given by courts of law or other courts. A high standard of enforcement is secured and the reports of inspectors show that, except in isolated instances, the terms of the Convention are fully and carefully observed. During the period under review, there were no cases in which it was necessary to prosecute an employer for an offence involving a breach of the Convention. No observations were received from employers' or workers' organisations.

The report has been communicated to the British Employers' Confederation and to the Trades Union Congress.

In *Northern Ireland* there were no prosecutions for breaches of the Convention.

Uruguay. The information supplied for the period 1946-1947 relates also to the period 1947-1948. § 225 of the Children's Code authorises the competent authority appointed under the Code to allow the employment of children over 12 and under 14 years of age who hold a certificate showing that they have passed a course of elementary education, if their employment is necessary in order to provide for their living or for that of their father and mother or brothers and sisters. No decisions were given by courts of law or other courts. For various reasons, the Bill prepared in 1937 by the National Institute of Labour in order to bring the provisions of the Code into harmony with the Convention has not yet become law.

NON-METROPOLITAN TERRITORIES, ETC. (ARTICLE 35 OF THE CONSTITUTION)

Netherlands

Indonesia.

Ordinance No. 647 of 1925.

The Convention has been applied as far as local conditions permit. Children under 12 years of age are not allowed to do any work except in family undertakings or agricultural work of a light character. Children under 14 years of age are not allowed to work in an industrial undertaking other than a family undertaking. The reduction of the age limit from 14 to 12 years was a practical necessity owing to the fact that, in Indonesia, the whole family is engaged in earning the family living. As the Indonesian child matures at an early age a limit of 12 years was considered reasonable; this age limit does not apply to technical schools and prisons. At present there is no obligation for employers to maintain a register as required in Article 4 of the Convention. Although birth registers do not exist in Indonesia, the Government is prepared to study the matter with a view to finding a means of registering young workers in industry. The labour and safety inspection services, together

with the police officials, supervise observance of the legislation.

As a result of the lack of adult workers, and because family earnings have to be increased and food is provided for workers, some persons have been employed who were not fully adult. So long as the labour which was required from these persons was not of a heavy character, the inspecting officials raised no objections.

Netherland West Indies.

Ordinance No. 138 of 1939.

The employment of children under 13 years of age is prohibited. No contraventions were notified during the period under review.

Surinam.

The Convention has not been published or promulgated. Data on the employment of young persons is to be collected. As the compulsory school-leaving age in Surinam is 12 years, no young persons are employed in the undertakings mentioned in Article 1 of the Convention.

United Kingdom

Aden.

Ordinance No. 20 of 1938.

The Ordinance in force is in conformity with Convention No. 59 and therefore differs from Convention No. 5 in detail; it prescribes that no children under 15 years of age (instead of 14 years) shall be employed in industrial undertakings. The District Commissioner is responsible for the application of the Convention but, owing to his many duties in other directions, he is not expected to carry out more than sporadic inspections. When a welfare officer is appointed, it is proposed to transfer the task of inspection to him. In practice, the Convention is observed with goodwill by employers, since there is adequate immigrant labour to man industrial undertakings. No contraventions were reported, and no decisions were given by courts of law. There are no representative organisations of workers or employers in Aden Colony.

Barbados.

Employment of Women, Young Persons and Children Act, 1938-8.

Articles 1 to 4 of the Convention are applied. A copy of a circular issued to employers, prescribing the form of register required under Article 4, is enclosed with the report. Articles 5 and 6 do not apply. The Labour Commissioner is entrusted with the administration of the Act. No decisions were given by courts of law. There were few cases of employment of children in industrial undertakings. Where these were discovered, there was ready

response on the part of employers to discontinue the practice. No observations were received from organisations of employers or workers. There is no single organisation of workers which can be said to represent all workers' organisations in Barbados. The same applies to employers.

Basutoland.

Proclamation No. 71 of 1937.

§ 1 of Proclamation No. 71 reproduces the definition of "industrial undertaking" which appears in Article 1 of the Convention, except that the words "shipbuilding, harbour, dock, pier, quays, and wharves" are excluded, as they are inapplicable to an inland territory. With regard to the application of paragraph 2 of Article 1 of the Convention the report adds that no contraventions of Proclamation No. 71 were reported, and the question of defining the line of division which separates industry from commerce and agriculture has therefore not yet arisen. If an apparent contravention of the law was reported and the offender prosecuted, the judicial officer by whom the case was tried was responsible for deciding whether the activity in question was an industrial or commercial undertaking. Article 2 of the Convention is applied by subsection 2 (1) of the Proclamation, with the modification that a young person between the ages of 12 and 14 years may be employed in an industrial undertaking if such employment is authorised by the Resident Commissioner; this authority has, however, never been given. Article 3 of the Convention is applied by subsection 2 (2) of the Proclamation, and Article 4 is applied by § 7. As no children are employed in industrial undertakings, no specific form of register has been prescribed. The application of the legislation is ensured by administrative officers and European members of the Basutoland mounted police of or above the rank of superintendent. There were no court decisions. The very few industrial undertakings which exist consist of public works undertaken by the Government Public Works Department, *i.e.*, the construction and maintenance of roads and buildings; the electric power plants supplying Maseru with electricity; a limited number of mills attached to trading stores where maize is ground for sale locally; and bus services for the transport of passengers and goods (these are mostly owned and operated by the Basuto). It will be appreciated, therefore, that the officers to whom the application of the legislation is entrusted have no difficulty in keeping check on the extremely small number of industrial undertakings which they have to supervise. No observations have been received from organisations of employers and workers as there are no such organisations.

Bechuanaland.

Bechuanaland Protectorate Native Labour Proclamation No. 56 of 1941.

Bechuanaland Protectorate Native Labourers (Protection) Proclamation No. 14 of 1936.
Bechuanaland Protectorate Underground Work (Women and Boys) Proclamation No. 74 of 1936.
Bechuanaland Protectorate Proclamation No. 33 of 1932.

As regards the application of Article 1 of the Convention, the report states that local legislation provides that a non-adult person shall not be able to enter into a contract of employment. "Non-adult person" means a person under the apparent age of 18 years. The Resident Commissioner may, however, permit a non-adult to enter into a contract, with the consent of his parents, for employment upon light work, subject to adequate safeguards for his welfare. Local legislation also provides that no employment of a Native labourer shall give the employer a right to the services of any child of the labourer without the consent of (a) the father or other lawful guardian in the case of a child under the age of 16 years, or (b) the child himself, if aged 16 years or more. This provision also applies to any relation of the Native labourer. As regards the application of paragraph 2 of Article 1, the report adds that the line of division which separates industry from commerce and agriculture has not been defined by the legislative authority otherwise than by the provisions of the above legislation, each proclamation referring to specific types of labour. Local legislation provides for the keeping of registers in accordance with Article 4, and prescribes the information to be recorded therein, but does not prescribe any form of register. The application of the legislation is entrusted to the District Commissioners under Proclamations No. 56 of 1941 and No. 14 of 1936. The application of Proclamation No. 74 of 1936 is entrusted to District Commissioners and Native authorities, and that of Proclamation No. 33 of 1932 to the Chief Mining Commissioner. There were no court decisions. No contraventions of the provisions of the above-mentioned proclamations have been brought to the notice of the administration. No observations were received from organisations of employers or workers as there are no such organisations.

Bermuda.

No legislation or administrative regulations are in force. Children under 14 years of age are in practice never employed in any industrial undertaking.

British Guiana.

Employment of Women, Young Persons and Children Ordinance No. 14 of 1933, as amended by Ordinances Nos. 6 of 1934 and 7 of 1940. Education Ordinance, § 14 of Cap. 196, as amended by Ordinances Nos. 12 of 1932, 8 of 1940 and 19 of 1947.

The report contains information on the application of the various Articles of the Convention. The term "industrial under-

taking" has the meaning assigned to it in the Convention. The Governor in Council may make regulations defining the line of division which separates industry from commerce, but no such regulations have been made. Children under the age of 14 years may not be employed in industrial undertakings. Under Ordinance No. 14 of 1933, industrial undertakings in which only members of the same family are employed are exempted from this prohibition, but the Education Ordinance, as amended in 1947, prohibits the employment of any child under the age of 14 years; attendance at primary schools is compulsory up to this age. A register of young persons (over 14 but under 16 years of age) employed in any industrial undertaking must be kept, with the date of their birth and the dates on which they enter and leave the service of their employer. Young persons are usually required by employers to produce their birth certificates. A member of the police force is empowered under the Employment of Women, Young Persons and Children Ordinance to prosecute any person who contravenes any of the provisions of the Ordinance. The application of the Ordinance is supervised by the labour inspectors during routine inspections of industrial undertakings. The Director of Education is entrusted with the application of the Education Ordinance and the school attendance officers are actively engaged in seeing that the law is carried out. No decisions were given by any court. During the period under review, no instances of contraventions of the Ordinances were found as far as industrial employment was concerned. No observations were received from organisations of employers or workers.

British Honduras.

Employment of Women, Young Persons and Children Ordinance No. 12 of 1933.

Articles 1 to 4 of the Convention are reproduced without any modification in the Ordinance. It has not been necessary to establish the line of division which separates industry from agriculture owing to the rare instances of the employment of children in industry. For the same reason it has not been necessary to prescribe the form of register required by Article 4. Supervision is ensured by the Labour Department, whose officers inspect workplaces. There were no court decisions. Owing to the limited number of industrial establishments, there have been few occasions for the application of the Convention.

Brunei.

No legislation has been enacted to give effect to the provisions of the Convention. Relevant labour legislation is being drafted and the requirements of the Convention will be borne in mind.

Cyprus.

The Employment of Children and Young Persons Laws, Nos. 16 of 1932, 3 of 1942 and 47 of 1944.

The Convention is applied by the legislation in force. A child may, however, be employed as an apprentice by a person licensed by the Commissioner of Labour. Compliance with the legislation is supervised by the Department of Labour, assisted by labour inspectors. During 1947, 237 prosecutions were instituted and 228 convictions obtained. No court decisions can be quoted.

Dominica.

Employment of Women, Young Persons and Children Act, 1938.
(Leeward Islands Act No. 5 of 1938 which was adapted to this Colony by the Adaptation of Laws Ordinance, 1939.)

The Convention is applied by the legislation in force, and no difficulty has been encountered in its enforcement, which is entrusted to the officers of the Labour Department and the police force. No decisions were given by courts of law. The representative organisations of employers and workers are the registered trade unions; there is one organisation of employers and one of workers.

Falkland Islands.

Ordinance No. 4 of 1939.

The minimum age is 14 years. The legislation is supervised by the Colonial Administration. The Convention is adequately applied. There are no industrial undertakings but for the Public Works Department the age limit is 16 years for the labouring gang.

The report has been communicated to the Labour Federation (a general workers' union) but no observations have been received.

Fiji.

Labour Ordinance No. 23 of 1947.

Articles 1 to 4 of the Convention are applied. The age limit is 15 years. Industrial employers must keep a register of young persons under 18 years, with their names, dates of birth and the dates when their employment begins and ends. In cases of doubt, a birth certificate must be produced. Supervision of the application of the legislation is entrusted to the Commissioner of Labour and officials of the Labour Department.

The report has been communicated to the following unions: Sugar Workers, Fiji Mine Workers, Fijian Commercial Employees, Aircraft and Allied Workers, and Fiji Stevedores.

Gambia.

The Labour Ordinance No. 21 of 1944.

The legislation in force gives full effect to Articles 1, 2, 3 and 4 of the Convention.

The labour officer is vested with authority for the enforcement of the legislation, and visits are paid to workshops, factories and other workplaces. These inspection visits have revealed that no infringement of the terms of the Convention has occurred. There are no persons under the age of 16 years in industrial undertakings, and therefore the question of the registration of such persons does not arise.

Gibraltar.

Employment of Women, Young Persons and Children Ordinance No. 16 of 1932.

The Convention is applied by the legislation. There is little or no illegal employment of children, as all children under 14 years of age are known to the school authorities and are required to attend school until attaining this age. The more important industrial employers keep card indexes of persons employed, including young persons; no specific form of register has been prescribed. The legislation is administered by the Director of the Labour and Welfare Department established on 1 January 1948. Measures for the organisation of systematic inspection will be instituted. No observations were received from organisations of employers or workers.

Gilbert and Ellice Islands.

Ordinance No. 5 of 1931.

The Convention has been applied in full. The district administration is responsible for the application of the legislation. There were no contraventions during the period under review. Owing to the limited amount of industrial employment, the Convention is not generally applicable.

Gold Coast.

The Labour Ordinance, 1948.

The report contains information on the application of the different Articles of the Convention. Industrial undertakings are defined in accordance with Article 1. A child is defined as a person under the apparent age of 15 years. Children above the age of 12 years, however, may be admitted to apprenticeship. This provision was made at the express wish of African members of the Legislative Council. No provision is made for the application of Article 3. Employers must keep a register of all persons under the age of 18 years. The application of the legislation is entrusted to the Commissioner of Labour and supervision is ensured by inspection. There were no court decisions, no contraventions and no observations from organisations of employers or workers.

Grenada.

Employment of Women, Young Persons and Children Ordinance as amended by Ordinance No. 20 of 1939 and No. 9 of 1945.

The Convention is applied by the legislation in force. The Labour Officer, while inspecting places of employment, makes investigations to ensure that the legislation is observed.

Hong Kong.

Factories and Workshops Ordinance, No. 18 of 1937, as amended by Ordinances Nos. 31 of 1940, 24 of 1946 and 44 of 1947 and Regulations made thereunder.

The term "industrial undertaking" includes factories and workshops, as well as the undertakings mentioned in paragraphs (a), (b), (c) and (d) of Article 1 of the Convention. It has not been considered necessary to take any specific action to define the line of division separating industry from commerce and agriculture. "Child" means a person under the age of 14 years; no person shall employ a child under that age. Three schools provide technical training. A register must be kept by the proprietor of every industrial undertaking. The application of the legislation is entrusted to the Labour Office, the staff of which includes one European female officer and three Chinese female officers. No decisions were given by courts of law. As the majority of workers do not have birth certificates, the only practical means of assessing their age is by very careful questioning in all doubtful cases. During the year under review, there were two prosecutions in connection with employment of children in industrial undertakings. No observations were received from employers' or workers' organisations.

Jamaica.

Children and Young Persons Law (Chapter 386 of Revised Laws).
Children and Young Persons (Amendment) Law, 1941.
Prevention of Accidents at Sugar Mills Law (Chapter 301).

The definition of "industrial undertaking" in the Children and Young Persons (Amendment) Law, 1941, expressly excludes agricultural undertakings. A more exact line of division has not been defined, but is observed in the administration of the law, e.g., the loading and hauling of sugar cane is regarded as an industrial undertaking. The legislation defines "child" as a person under the age of 12 years, and "young person" as a person under the age of 15 years. No child may be employed in night work or in an industrial undertaking, but may be employed by its parents or guardians in light domestic, agricultural or horticultural work, or in any occupation prescribed by regulations made by the Governor in Executive Council on the advice of the Labour Adviser (no such regulations have been made). No young person may be employed in any industrial undertaking, or in any ship other than one where only members of his family are employed, or on night work. The Prevention

of Accidents at Sugar Mills Law (Chapter 301) prohibits the employment of a juvenile under 16 years of age in a sugar mill. The provisions of the law do not apply to the exercise of manual labour by a child in a reformatory or industrial school or receiving instruction in manual labour in any school. The law does not require employers to keep registers, but the onus of proving that a child or young person is not under the age at which employment is permitted lies on an employer who is charged with employing a child or young person. Full-time inspectors on the staff of the Labour Department, or constables authorised by warrant from a justice of the peace, are empowered to carry out inspections and enquiries to ensure the observance of the law. There were no court decisions, and no contraventions were reported. As a result of the high incidence of unemployment, there is little inducement to employ juvenile workers, except in certain operations on sugar plantations where children sometimes assist their parents. In view of the short time available for preparation of the report, observations have not been obtained from organisations of employers or workers.

Copies of the report have been sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica and the Jamaica Manufacturers' Association.

Kenya.

Ordinance No. 70 of 1948. (This Ordinance replaces No. 14 of 1933.)

As regards the application of Article 1 of the Convention § 2 of Ordinance No. 70 of 1948 defines the term "industrial undertaking" in the same way as the Convention. There are, however, no industrial undertakings as understood by the Convention in the territory. As regards the application of Article 2 of the Convention, the report states that the minimum age for employment of children in Kenya is 15 years. No registers as prescribed under Article 4 are required in the case of young persons under the age of 18 years. A method of registration is used, the form of which is not prescribed by law. Articles 5 and 6 are not applicable in Kenya. The application of the above-mentioned legislation is entrusted to the Labour Commissioner. Officers of the Labour Department carry out regular inspections. There were no court decisions. A few contraventions were reported. No observations were received from organisations of employers or workers.

Copies of the reports on the application of the Convention are communicated to members of the Labour Advisory Board and are available for perusal by chambers of commerce and registered trade unions.

Leeward Islands.

Employment of Women, Young Persons and Children Act, No. 5 of 1938.

The legislation defines a child as a person under the age of 14 years.

Federation of Malaya.

Ordinance No. 33 of 1947 (Children and Young Persons).

Rule 20 of the Mining Rules 1934, made under Cap. 147 (Mining).

Electricity Enactment, Cap. 201, § 35.

Machinery Enactment, Cap. 202, § 16.

The legislation is not in complete harmony with the Convention. However, new measures are being prepared which will bring Federal legislation into complete conformity. The line of division which separates industry from commerce and agriculture has not been defined. No boy under the age of 16 years and no woman or girl shall be employed in any underground work. No child under the age of 8 years shall be employed in any form of labour. No child under the age of 12 years shall be employed in any employment except agricultural work or work carried on by the family or work of a domestic character. The legislation defines a "child" as a person under the age of 14 years. No child shall be employed in any factory or workshop or on any small craft which is or should be licensed under the Ports Enactment. The Governor in Council may prohibit the employment of young persons in certain kinds of work. Employment of children or young persons which is in contravention of the above-mentioned provisions makes the employer liable to a fine. The application of the legislation is entrusted to the Commissioner of Labour and the Chief Social Welfare Officer. No decisions were given by courts of law. No observations were received from workers' or employers' organisations.

In future, reports on the application of the Convention will be communicated to the Federal Labour Advisory Board, which is a tripartite body.

Malta.

Employment of Children (Regulation) Ordinance, No. VI of 1944.

Motor Car Regulations, 1948, Regulation 56.

The Ordinance provides that no child under the age of 12 years shall be employed. Children between 12 and 14 years shall not be employed during school hours, not more than two hours on school days, Sundays or feast days, and not before 6 a.m. or after 8 p.m. No young person under 16 years may be employed on night work, *i.e.*, between 8 p.m. and 6 a.m., and no young person may be employed in any of the trades or industries specially scheduled as dangerous occupations or on any heavy work likely to cause injury. Special steps were taken during 1947 to enforce the provisions of the Ordinance. During 1948 the minimum age of bus conductors was raised to 19 years.

Mauritius.

Ordinance No. 37 of 1934, as amended by Ordinance No. 43 of 1945.

(Ordinance No. 16 of 1935 (§ 12 of Ordinance No. 47 of 1938, as amended by Ordinance No. 44 of 1945).)

The Convention is applied by the legislation in force. "Printing trade" has been defined as an industrial undertaking. Supervision is under the direction of the Labour Department. No court decisions were given. No observations were received from organisations of employers and workers.

The report has been communicated to the Sugar Producers' Association and Mauritius Engineering and Technical Workers' Union.

Nigeria.

Labour Code Ordinance No. 54 of 1945, Chapter X.

The Convention has been applied to the extent provided in Chapter X of the Labour Code Ordinance, and it is the responsibility of the Labour Department to ensure the observance of the law. For this purpose, labour offices have been established in various parts of the country, and the labour officers in charge are in constant touch with the employers who are, whenever necessary, advised as to the requirements of the law. No prosecutions for breaches of the law were made during the period under review, and there were no court decisions.

North Borneo.

Labour Ordinance, 1936, § 7.

Article 4 of the Convention has not been applied so far. The Department of Immigration and Labour (in co-operation with district officers who are appointed as Assistant Protectors of Labour) administers and supervises the observance of the legislation. No decisions were given by the courts. There is very little industrial employment in the colony.

Northern Rhodesia.

Employment of Women, Young Persons and Children Ordinance (Chapter 191 of the revised edition of Laws).

Article 1 of the Convention has been applied by § 3 of Chapter 191 of the revised edition of the laws of the territory. There is a clear line of division between industry and agriculture and commerce on account of the simple lines of the existing economic structure. Article 2 of the Convention has been applied by §§ 4 (1) and 8 of Chapter 191 of the revised edition of laws of the territory, Article 3 by § 4 (2) and Article 4 by § 5. There is no statutory provision for the form of register because, in the first place, the African is completely ignorant as to the date of his birth and, in the second place, industries do not employ young persons under the age of 16 years, partly owing to compulsory education. The Labour

Department applies the legislation through regular inspections of industries by labour officers, mines inspectors and factories inspectors. There were no decisions by courts of law or other courts. Industry is very undeveloped, apart from mining and railways, in which young persons are not engaged. In other industries the employment of young persons and children is very rare and is closely supervised by the Labour Department. No observations were received from employers' or workers' organisations.

No reports have been submitted regarding the application of the Convention, as this question comes within the scope of the African Labour Advisory Board, on which representatives of employers and workers serve.

Nyasaland.

Employment of Women, Young Persons and Children Ordinance, No. 22 of 1939, as amended by Ordinance No. 29 of 1940 and No. 9 of 1942.

Government Notice No. 5 of 1943 as amended by Government Notice No. 23 of 1943.

Article 1 of the Convention has been applied by § 1 of Ordinance No. 22 of 1939. The term "industrial undertaking" is defined in the same terms in the two texts. The line of division, however, which separates industry from commerce and agriculture has not yet been defined. Article 2 of the Convention is applied by subsection (1) of § 3 of Ordinance No. 22, as amended by Ordinance No. 9 of 1942. No child under the age of 12 years may be employed in any public or private industrial undertaking. Article 3 of the Convention is applied by subsection (2) of § 3 of Ordinance No. 22 of 1939. Article 4 is applied by § 6 of Ordinance No. 22. It is considered impossible to provide for the keeping of a register of dates of birth, which is impracticable in local conditions. The Governor in Council may make regulations for carrying the Ordinance into effect. The application of the above-mentioned legislation is entrusted to the officers of the provincial and district administration, the police and the Labour Department. Regular inspections are at present hampered by lack of staff in the Labour Department. No decisions were given by courts of law. Only one report with regard to contravention of the Ordinance was received; this was in respect of the employment of small children on brickmaking. No observations were received from organisations of employers or workers.

St. Helena.

Education Ordinance No. 10 of 1941.
Interpretation and General Law Ordinance, 1895 (§ 24 applies the relevant legislation of the United Kingdom to the Colony).

§ 13 of the Education Ordinance prohibits any employment of children under 13 years and the employment during school hours of children under 14 years. There is no

employment of children under 14 years in industrial undertakings out of school hours. Registers are not kept at present, but are being introduced. The employment officer regularly inspects industrial undertakings. No contraventions were reported during the year under review. With the exception of Article 4, the Convention is strictly applied. Attendance at school is compulsory until the age of 15 years.

St. Lucia.

Employment of Women, Young Persons and Children Ordinance No. 22 of 1934, as amended by Ordinance No. 9 of 1939.

Employment of Women, Young Persons and Children Ordinance-Operation (Statutory Rules and Orders No. 49 of 1937).

Employment of Children Restriction Ordinance No. 28 of 1939.

The supervision of the legislation applying the Convention is entrusted to the Labour Commissioner. Regular inspections are made at the places of employment.

St. Vincent.

Employment of Women, Young Persons and Children Ordinance No. 20 of 1935, as amended by Ordinance No. 14 of 1939.

The application of the legislation applying the Convention is entrusted to the Labour Commissioner. Visits of inspection are paid periodically, with or without notice, to the various places of employment, so as to ensure the due enforcement of the provisions of the legislation.

Sarawak.

Labour Conventions Ordinance.

The Convention is applied by the legislation in force. The definition of "industrial undertaking" as given in the Convention is included in its entirety. The line of division which separates industry from commerce and agriculture has not been defined. Technical schools do not exist. No form of register for persons under the age of 16 years is in use, although provision for a register is made in the Ordinance. There are very few industrial undertakings. Supervision is entrusted to the Protector of Labour. No decisions were given by courts of law. There are no organisations of employers and workers.

Seychelles.

Ordinance No. 12 of 1932.

Ordinance No. 25 of 1945, § 19.

Ordinance No. 26 of 1945, § 11.

Articles 1, 2, 3, and 4 of the Convention have been applied by the legislation in force and administrative measures are taken to enforce its provisions. Penalties are provided for contravention of any of these provisions. § 19 of Ordinance 25 of 1945 and § 11 of Ordinance 26 of 1945 further prohibit the employment of juveniles under the age of 13 years. Supervision of the

application of the legislation has hitherto been hampered by the absence of a qualified labour officer. An officer has been appointed and has been undergoing a course of instruction in all branches of labour organisation in the United Kingdom; he will be returning to the colony by the end of the current year and will be responsible for the organisation and working of inspection. The Convention has been generally accepted by employers, workers and the general public. There are no organisations of employers or workers.

Sierra Leone.

Employers and Employed Ordinance No. 30 of 1934, amended by Ordinances Nos. 15 of 1936 and 32 of 1947.

Registration of Employees Ordinance No. 8 of 1947.

The national law is not yet fully in harmony with the provisions of the Convention. Steps are being taken to revise the existing Ordinance No. 30 of 1934, and as many as possible of the provisions of the Convention will be incorporated. The minimum age for employment under Article 2 was raised from 14 years to 15 years by the amending Ordinance No. 32 of 1947. No provision has been made, as yet, for the keeping of registers of persons under 16 years but, under Ordinance No. 8 of 1947, dates of birth are obtained when possible and included on the registration certificate. Very few workers of this age are in fact employed. It is not customary for children under 14 years of age to be employed in any capacity. The application of the legislation is entrusted to the Labour Department, and enforcement is combined with wages inspections. No court decisions were given. No observations were received from organisations of employers and workers.

Singapore.

Children Ordinance 1927, and Rules made thereunder.

The minimum age is 12 years. A new Labour Ordinance is in preparation, which, if passed, will make 14 years the minimum age for the employment of children in industry.

Solomon Islands.

King's Regulation No. 5 of 1947.

Young persons under the age of 16 years may not be employed underground, and young persons under the age of 15 years may not be employed in any industrial undertaking except under special supervision specifically approved by the Resident Commissioner. Every employer in industrial undertakings must keep a register of employees under the age of 18 years, and such persons may perform only such work as is approved by the Resident Commissioner. No such persons are in fact employed. At present, the gainful industry of the protectorate is confined to copra production.

Supervision is exercised by the right of Labour Officers and District Commissioners, as well as other authorised officers, to enter any premises for the inspection of conditions of employment. The protectorate has so recently embarked upon a reconstruction programme and so few persons are in gainful employment that no true picture can be formed as yet of the effect of application of the Convention. There were no contraventions.

Swaziland.

Swaziland Employment of Women, Young Persons and Children Proclamation, No. 73 of 1937.

No decision has been taken in regard to paragraph 2 of Article 1 of the Convention. As regards the application of Articles 2 and 3 of the Convention, §§ 2 and 3 of Proclamation No. 73 of 1937 define "child" as a person under the age of 12 years. Local legislation prescribes no register as provided in Article 4. The application of the legislation is entrusted to district and police officers, but they have had no recourse to it. There were no court decisions. There are no representative organisations of employers or workers.

Tanganyika.

Employment of Women and Young Persons Ordinance No. 5 of 1940, as amended by Ordinances Nos. 4 of 1943 and 10 of 1946.

As regards Article 2 of the Convention, the report states that, in virtue of the local legislation, the term "child" means a child under 15 years of age. § 11 of Ordinance No. 5 of 1940, which applies Article 4 of the Convention, applies to young persons under 18 years of age. The law requires the age or apparent ages of the young workers to be recorded, but the form of the register has not as yet been prescribed. The application of the legislation is entrusted to the Government Labour Department. Supervision is exercised by regular inspection. There were no court decisions concerning the application of the Convention, which is applied satisfactorily, subject to the reservation that the accurate determination of the ages of African children will be impracticable until the enactment of legislation to require the compulsory registration of births. Two contraventions of the legislation were reported in the year 1947. Particulars in respect of the period under review are not readily available. No observations were received from organisations of employers or workers.

Trinidad and Tobago.

Factories Ordinance No. 44 of 1946.
Children's Ordinance No. 21, Ch. 4.

Paragraph 1 of Article 1 is applied by § 89 of the Children's Ordinance and § 2 of the Factories Ordinance, and paragraph 2 is applied by § 90 of the Children's Ordinance.

There has been no definition of the line of division which separates industry from commerce and agriculture. Article 2 is applied by § 92 (1) of the Children's Ordinance and §§ 3 (1) and 43 of the Factories Ordinance. Article 3 is applied by § 92 (2) of the Children's Ordinance, and Article 4 by § 93 of the Children's Ordinance and §§ 3 (1), 33 (1) and 54 (1) (a) of the Factories Ordinance. No register has been prescribed. The application of the provisions of the Factories Ordinance is entrusted to officials of the factory inspectorate attached to the Labour Department, who have the full powers necessary for carrying the Ordinance into effect. The enforcement of the provisions of the Children's Ordinance, which applies to employment in industrial undertakings other than factories, is entrusted to the police. There were no court decisions. The terms of the Convention and the legislation applying it are well observed. The colony is not highly industrialised and there is no tendency to develop the practice of employing children in industrial undertakings. No observations were received from organisations of employers or workers.

Uganda.

Employment of Children Ordinance No. 18 of 1938, as amended by Ordinance No. 27 of 1946.

The Ordinance contains the definitions given in Article 1 of the Convention except that given in paragraph (d), as children are not employed in the services mentioned in this paragraph. Ordinance No. 27 of 1946 provides that the minimum age for industrial employment shall be 16 years. The application of the Convention is ensured by the Labour Commissioner, and inspection is undertaken by European and African officers of the Labour Department. There were no court decisions, and no observations were received from organisations of employers or workers. It is known that contraventions take place, but the inspecting staff has hitherto been insufficient to obtain accurate records. There are at present in this territory only one employers' organisation and one registered trade union. Neither of these bodies can be considered to represent all the workers or employers.

Zanzibar.

Employment of Women, Children and Young Persons (Restriction) Decree (Chapter 132 of the Revised Laws of Zanzibar, 1934).

Article 1 of the Convention has been applied by § 2 of the Decree. Local legislation does not define the line of division covered by paragraph 2 of Article 1. As regards the application of Article 4, no form of register has been prescribed in local legislation. The application of the legislation is entrusted to police officers of or above the rank of inspector. In the course of their duties these officers are liable to

visit the factories and to report any instance of contravention of the law. There were no court decisions. The employment of children under 14 years of age in private or public undertakings is uncommon, and no cases have recently come to the notice of authority. The supervision of all factories is a duty of the Factories Board, established under the Factories (Supervision and Safety) Decree, 1943. There were no obser-

vations from organisations of employers or workers.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

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	Reports received
Albania	17. 3.1932	
Argentina	30.11.1933	28. 1.1949
Austria	12. 6.1924	7.12.1948
Belgium	12. 7.1924	29.11.1948
Brazil	26. 4.1934	
Bulgaria	14. 2.1922	
Burma ¹	14. 7.1921	
Chile	15. 9.1925	2. 4.1949
Cuba	6. 8.1928	30. 3.1949
Denmark	4. 1.1923	20.11.1948
Estonia	20.12.1922	
France	25. 8.1925	9.12.1948
Greece	19.11.1920	30. 3.1949
Hungary	19. 4.1928	
India	14. 7.1921	29.11.1948
Ireland	4. 9.1925	9. 3.1949
Italy	10. 4.1923	28. 1.1949
Latvia	3. 6.1926	
Lithuania	19. 6.1931	
Luxembourg	16. 4.1928	19.11.1948
Mexico	20. 5.1937	
Netherlands	17. 3.1924	27.12.1948
Nicaragua	12. 4.1934	
Pakistan ²	14. 7.1921	11. 1.1949
Poland	21. 6.1924	13.12.1948
Portugal	10. 5.1932	10.12.1948
Rumania	13. 6.1921	
Spain	29. 9.1932	
Switzerland	9.10.1922	30.11.1948
United Kingdom ³	14. 7.1921	10. 2.1948
Uruguay	6. 6.1933	23.12.1948
Venezuela	7. 3.1933	
Yugoslavia	1. 4.1927	

¹ See footnote 2 to Convention No. 1.

² See footnote 3 to Convention No. 1.

³ Has denounced this Convention.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Argentina.

Act No. 1137 of 30 September 1924 to regulate the employment of women and young persons (L.S. 1924, Arg. 1).

Austria.

Act of 3 April 1919 respecting the regulation of work in bakeries (Bakeries Act) (L.S. 1919, Aus. 6), as subsequently amended.

Federal Act of 1 July 1948 respecting the employment of children and young persons (L.S. 1948, Aus. 3).

Belgium.

Act of 28 February 1919 concerning the employment of women and children (L.S. 1919, Bel. 2), amended by the Act of 14 June 1921 concerning the eight-hour day (L.S. 1921, Bel. 1).

Royal Order of 22 January 1924 in pursuance of § 10 of the Act concerning the employment of women and children, authorising heads of enamelling and paper works to employ boys over sixteen years of age after 10 p.m. and before 5 a.m. on work which, by reason of the nature of the process, cannot be interrupted (L.S. 1924, Bel. 7 A).

Royal Order of 2 December 1924 authorising the employment of young persons between sixteen and eighteen years of age after 10 p.m. and before 5 a.m. on work which, by reason of the nature of the process, cannot be interrupted, in the iron and steel industries, in zinc, lead and silver smelting works, in zinc rolling mills and in works in which iron or steel tubes are manufactured (L.S. 1924, Bel. 7 B).

Royal Order of 18 February 1926 in pursuance of § 10 of the Act concerning the employment of women and children, authorising heads of glass and plate-glass works to employ boys over sixteen years of age after 10 p.m. and before 5 a.m. on work which, by reason of the nature of the process, cannot be interrupted (L.S. 1926, Bel. 6 A).

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

Chile.

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

Decree No. 655 of 25 November 1940, to approve the Regulations respecting industrial hygiene and safety (supersedes Decree No. 217 of 30 April 1926).

Cuba.

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

Act No. 53 of 29 March 1935, respecting the employment of young persons in commercial and agricultural establishments (L.S. 1935, Cuba 2).

Denmark.

Act No. 145 of 18 April 1925 respecting the employment of children and young persons (L.S. 1925, Den. 1).

Act of 7 May 1937 respecting apprenticeship. Circular of the Labour and Factory Inspection Directorate of 30 March 1938.

France.

Labour Code, Book II, Part I, Chapter III, as amended by the Acts of 24 January 1925 (L.S. 1925, Fr. 1) and 30 January 1928 (L.S. 1928, Fr. 13) and by the Decree of 5 May 1928 defining the allowances and exceptions provided for in §§ 17, 24, 25 and 26 of Book II of the Labour Code (L.S. 1928, Fr. 10).

Greece.

Act No. 2272 of 1 July 1920 to ratify the Convention (O.B., Vol. II, No. 1, p. 20).
 Act No. 4029 of 24 January/6 February 1912 concerning the work of women and minors (B.B., 1912, Vol. VII, p. 285).
 Royal Decree of 14/27 August 1913, issued in pursuance of Act No. 4029 (B.B., 1914, Vol. IX, p. 219).
 Circulars No. 31 of 17 September 1913 and No. 23 of 16 July 1920, of the Ministry of National Economy.

India.

Factories Act No. XXV of 20 August 1934 (L.S. 1934, Ind. 2), as amended by the Factories (Consolidation) Act of 1946 (L.S. 1946, Ind. 1).

Ireland.

Employment of Women, Young Persons and Children Act, 1920 (L.S. 1920, G.B. 9).
 Conditions of Employment Act, 1936 (L.S. 1936, I.F.S. 1).
 Conditions of Employment (Sugar Beet Factories) (Employment of Young Persons at Night) Order, 1936, made under § 47 (2) of the conditions of Employment Act, 1936.
 Conditions of Employment (Glass-Bottle Works) (Employment of Young Persons at Night) Order of 1936, made under § 47 (2) of the Conditions of Employment Act, 1936.
 Conditions of Employment (Manufacture of Paper) (Employment of Young Persons at Night) Regulations, 1938, made under § 47 (2) of the Conditions of Employment Act, 1936.
 Conditions of Employment (Manufacture of Paper) (Proportion of Young Persons to other Workers) Regulations, 1938, made under § 15 (1) of the Conditions of Employment Act, 1936.

Luxembourg.

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference in the course of its first ten sessions (1919-1927).
 Grand-Ducal Order of 30 March 1932 respecting the application of certain Conventions adopted by the International Labour Conference during its first ten sessions (L.S. 1932, Lux. 1).
 Grand-Ducal Order of 6 January 1933 to amend the Order of 30 March 1932 (L.S. 1933, Lux. 1).
 Grand-Ducal Order of 26 March 1945 respecting the reorganisation of the Labour Inspection Service and the Mines Board.

Netherlands.

Labour Act, 1919, as amended by the Act of 14 June 1930 (text promulgated by the Decree of 17 September 1930) (L.S. 1930, Neth. 2).
 Mining Regulation No. 248, 1906 (B.B., Vol. I, 1906, p. 505), as amended by Decree of 7 October 1922 (L.S. 1922, Neth. 4).
 Decree of 15 May 1933 to issue general service regulations for railways (L.S. 1933, Neth. 3 A).
 Tramway Regulations of 24 February 1920, as amended by Royal Decrees of 4 November 1922 (L.S. 1922, Neth. 5 H), and 23 November 1931 (L.S. 1931, Neth. 5 B).

Pakistan.

Indian Factories Act No. XXV of 20 August 1934 (L.S. 1934, Ind. 2), as amended by the Factories (Consolidation) Act of 1946 (L.S. 1946, Ind. 1).

Poland.

Act of 18 December 1919 relating to hours of work in industry and commerce (L.S. 1920, Pol. 1), consolidated text as promulgated by Notification of the Minister of Social Welfare of 25 October 1933 (L.S. 1933, Pol. 1 C).
 Act of 2 July 1924 respecting the employment of women and young persons (L.S. 1924, Pol. 2), as amended and supplemented by the Act of 7 November 1931 (L.S. 1931, Pol. 2 A).
 Order of the Council of Ministers of 17 November 1924, respecting the bringing into operation of the Act of 2 July 1924 respecting the employment of women and young persons (L.S. 1924, Pol. 9 A).
 Order of the President of the Republic of 7 June 1927 concerning industrial law (L.S. 1927, Pol. 4), as amended by the Act of 10 March 1934 (L.S. 1934, Pol. 1).
 Order of the President of the Republic of 14 July 1927 concerning the labour inspectorate (L.S. 1927, Pol. 8).
 Order of 7 April 1945 relating to the setting up of works councils (L.S. 1945, Pol. 2).

Portugal.

Legislative Decree No. 24402 of 24 August 1934 to regulate hours of work in commercial and industrial undertakings (L.S. 1934, Port. 5).
 Legislative Decree No. 26917 of 24 August 1936 to amend and supplement Legislative Decree No. 24402 (L.S. 1936, Port. 3).
 Order of the Under-Secretary of State for Corporations and Social Welfare, dated 10 November 1944, to define night work.
 Legislative Decree No. 36173 of 6 March 1947 to regulate and standardise the form of collective agreements.

Switzerland.

Federal Act of 18 June 1914/27 June 1919 relating to work in factories (B.B. 1914, Vol. IX, p. 269, and L.S. 1919, Switz. 3).
 Federal Act of 31 March 1922 relating to the employment of young persons and women in industry (L.S. 1922, Switz. 2).
 Administrative Orders of 3 October 1919/7 September 1923/30 June 1927/11 June 1928/9 July 1932 under the Factory Act (L.S. 1919, Switz. 4, and 1923, Switz. 3).
 Administrative Orders of 15 June 1923/11 June 1928 respecting the application of the Federal Act relating to the employment of young persons and women in industry (L.S. 1923, Switz. 1 A).
 Order of 5 July 1923 relating to the employment of young persons in transport undertakings (L.S. 1923, Switz. 1 B).
 Order of 9 October 1936 regulating work in the watch and clock-making industry not performed in factories (L.S. 1936, Switz. 1), extended by the Order of 21 December 1945.
 Order of 24 September 1943 of the Wartime Office for Industry and Labour concerning hours of work and economy in fuel in private undertakings and public undertakings.
 Order of the Federal Council, dated 15 January 1946, respecting the organisation of the Federal Office of Industry, Arts and Crafts and Labour.

United Kingdom.

Factory and Workshop Act 1901, superseded by the Factories Act, 1937 (L.S. 1937, G.B. 2), which came into operation on 1 July 1938, and by the Factories Act (Northern Ireland) 1938.

The Factories Act (Northern Ireland) 1938 (Extension of § 87) Regulations (Northern Ireland) 1948.
 Coal Mines Act, 1911 (Extracts, B.B., 1914, Vol. IX, p. 9).
 Employment of Women, Young Persons and Children Act, 1920 (L.S. 1920, G.B. 9).
 Factories (Hours of Employment in Factories using Electricity) Order, 1947, and the Factories (Hours of Employment in Factories using Electricity) (Amendment) Order, 1947.

Uruguay.

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

SUMMARY OF OTHER INFORMATION

Argentina. The Secretariat of Labour and Welfare, acting through the Directorate of Labour Police, is responsible for ensuring compliance with the legislation. No noteworthy decisions were given by courts of law. See under Convention No. 1 for statistical data.

The report is being communicated to the General Confederation of Labour and the Argentine Association of Production, Industry and Commerce.

Austria. The Federal Act of 1 July 1948 respecting the employment of children and young persons, which came into force during the period under review, fully applies the Convention and supersedes the German Youth Protection Act of 1938 and the Regulations of 12 December 1938, which had been applied hitherto in Austria under the Transitional Act of 1 May 1945.

The provisions of the Federal Act of 1948 not only apply to all activities covered by Article 1 of the Convention, including mines, but even greatly exceed the scope of this Article. See under Convention No. 5 for information relating to the line of division which separates industry from commerce and agriculture.

As regards Article 2, paragraph 1, and Article 3, paragraph 1, the report states that, under the Federal Act, in undertakings working on several shifts, young persons over 16 years of age may be employed up to 10 p.m. during alternate weeks. This provision is an exception to the general rules contained in the Federal Act respecting the nightly rest period, in which the night period is defined as the interval between 8 p.m. and 6 a.m. No use has been made of the provisions of paragraph 2 of Article 2.

As regards Article 3, paragraph 2, the report states that the Federal Act does not allow young persons to be employed between 10 p.m. and 5 a.m. in coal and lignite mines. Article 3, paragraph 3, is applied by the Bakeries Act, which prohibits work between 8 p.m. and 4 a.m. for all workers, and allows male young workers under 18 years of age to begin work in bakeries at 4 a.m. No use has been made of Article 3, paragraph 4.

In accordance with Article 4 of the Convention, § 20 of the Federal Act provides

that the provisions relating to night rest do not apply to young persons over 16 years of age employed on urgent work of a temporary nature in the case of emergencies, provided that the labour inspectorate is immediately informed by the employer when such work is undertaken.

During the period under review, no use has been made of the suspension provided by Article 7 of the Convention.

The provisions regarding the authorities entrusted with the application of the legislation and the organisation and working of inspection have remained unchanged. No decisions were given by courts of law or other courts and no observations were received from employers' or workers' organisations. See under Convention No. 4 for information as regards statistics and reports supplied by the inspection services.

The report has been communicated to the Federal Chamber of Industry, the Austrian Chamber of Labour and the Austrian Federation of Trade Unions.

Belgium. Reference is made to previous reports for information regarding the application of the Convention. During the period under review, any decisions given by courts of law have merely confirmed administrative precedents. The inspection service has ensured compliance with the provisions of the relevant legislation. The power to grant exceptions under Articles 2, 3 and 4 of the Convention has been very sparingly used and has operated only within the limits defined by the legislation. No observations were made by employers' or workers' organisations.

The report has been communicated to the Federation of Belgian Industries, the General Federation of Labour of Belgium, the Confederation of Christian Trade Unions and the General Association of Liberal Trade Unions.

Chile. The report refers to information previously supplied and adds that no decisions by courts of law were brought to the notice of the General Directorate of Labour. The reports of the labour inspection service show that the relevant legislation has been satisfactorily applied. According to available statistics, the number of minors protected by the legislation was approximately 56,482. During the year 1947, no breaches of the provisions of the Convention were detected in the course of inspection visits made to undertakings. In the majority of cases, the inspection services have merely to intervene in order to ensure strict compliance with the legislation. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Federation of Production and Commerce and to the Chilean Confederation of Workers.

Cuba. The report repeats information previously supplied and adds that there is no evidence to show that young persons

over 16 years of age have been employed at night in sugar refineries or in the manufacture of paper, iron or steel which are the only industries in Cuba covered by Article 2 of the Convention.

Although no coal or lignite mines exist in Cuba, provisions in harmony with the Convention on this point were included in § IV of Legislative Decree No. 647 of 31 October 1934. In no case has the prohibition of night work been suspended under Article 7 of the Convention. No information regarding the application of the Convention has been supplied by the inspection services and the Statistical Section of the Ministry of Labour. Periodical inspection visits are made or whenever an information is laid; the latter may be anonymous. The labour inspectors have verbally informed the Department dealing with questions relating to the International Labour Organisation that no breaches of the regulations have been detected. No observations were received from employers' or workers' organisations.

The employers' and workers' organisations registered with the Ministry of Labour have easy access to the annual reports of the Government, copies of which are deposited with the Department dealing with questions relating to the International Labour Organisation.

Denmark. The Government refers to previous reports and adds that proceedings were instituted in four cases for breaches of the legislative provisions.

France. During the period under review, no decisions by courts of law were recorded in the case-books and no observations were received from employers' or workers' organisations. See under Convention No. 4 for information relating to the reports supplied by the inspection service on the application of the legislation.

The report has been communicated to the French National Employers' Council, the General Confederation of Labour, the Labour Force (C.G.T.-F.O.) and the French Confederation of Christian Workers.

Greece. The central service of the Ministry of Labour has addressed various circulars to the labour inspection services urging strict application of the relevant legislation. The Convention is applied as the national legislation. No legislative measures have been taken recently in order to define the line of division which separates industry from commerce and agriculture. However, § 2 of the Royal Decree of 14 August 1913 defines industrial and handicraft establishments as workshops; employment in agriculture, forestry, cattle-raising and commercial establishments is also defined. These definitions ensure the application of Article 1 of the Convention. Article 2 of the Convention is applied as the national legislation; any exceptions which are provided are of no importance in practice. The exceptions provided for in Article 4 of the Convention

may be applied only after authorisation by the labour inspection services. See under Convention No. 5 for information relating to the functioning of these services.

The report has been communicated to the Federation of Greek Industries and to the Greek General Confederation of Labour.

India. No decisions by courts of law or other courts have come to the notice of the Government. No observations were received from employers' or workers' organisations. See under Convention No. 4 for information relating to the administration of the Factories Act.

Copies of the report have been forwarded to the Employers' Federation of India, the All-India Organisation of Industrial Employers, and the Indian National Trade Union Congress.

Ireland. The report repeats the detailed information given in previous years and adds, under Article 2 of the Convention that, since the ratification of the Convention, the exceptions permitted by this Article in respect of the employment of male young persons over 16 years of age have been made use of for sugar-cooking in beet factories, and for any process of "taking in" or "taking out" required to be carried on continuously day and night by workers employed on shift work in the manufacture of glass bottles or jars. Male young persons over 16 years of age may also be employed to carry on the manufacture of paper during the period between 8 p.m. and 8 a.m., subject to the restriction that such young persons shall not be required to carry on during the said period any processes other than those of beating and machining (*i.e.*, attending paper-making machines).

During the period under review, no cases of emergency have occurred necessitating the application of Article 4 and there has been no suspension of the prohibition of night work under Article 7. No decisions were given by courts of law or other courts and no observations were received from employers' or workers' organisations.

The report has been communicated to the Congress of Irish Unions, the Irish Trade Union Congress and the Federated Union of Employers.

Italy. With regard to Article 2, paragraph 2 of the Convention, the report states that, under § 14 of Act No. 653 of 26 April 1934, exceptions may be made for operations (other than those enumerated in subparagraphs (*a*) to (*e*)) specified by the Ministry of Labour and Social Welfare. This is, however, merely a precautionary measure, and it has not been used.

As regards Article 3, paragraph 3 of the Convention, the report states that Act No. 105 of 22 March 1908, which prohibits night work in bakeries for all classes of workers between 9 p.m. and 4 a.m., is only partially applied in view of the abnormal situation prevailing in this industry. By a circular letter issued by the Ministry

of Labour, the Labour Inspectorate is authorised to adapt the legislative provisions to individual local situations.

No use has been made of the exceptions provided under Articles 4 and 7 of the Convention. No decisions were given by courts of law or other courts. The Convention is applied almost without any exceptions. Rigorous control is exercised by the authorities and no breaches of the legislative provisions seem to have occurred. The Convention has been applied as strictly as possible in present circumstances, in spite of the difficulties resulting from the shortage of electric power and from the destruction of establishments and machinery caused by the war.

Luxembourg. During the period under review, the prohibition of night work was not suspended under Article 7 of the Convention. The Convention has been strictly applied. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

The report has been communicated to the representative organisations of employers and workers.

Netherlands. No breaches have been reported of the regulations relating to the compulsory rest period of 11 hours for persons under 18 years of age. In a few cases, young persons have been found at work in bakeries and hotels after 10 p. m.

Pakistan. The Labour Code of Pakistan is the same as that in force at the time of the partition of India on 15 August 1947, subject to the formal modifications effected by the Pakistan (Adaptation of Existing Pakistan Laws) Order 1947.

With regard to Article 1 of the Convention, the report states that, in accordance with Article 6, the application of the night work prohibition for young persons is limited in Pakistan to factories as defined in the Factories Act.

Articles 2, 3 and 4 of the Convention are applied by §§ 53 (2) and 54 (3) of the Factories Act, providing that the employment of children (*i.e.*, persons who have not completed their fifteenth year and adolescents not certified as fit to work as adults) is prohibited in any factory before 6 a.m. or after 7 p.m. Provincial Governments are empowered, in respect of any class or classes of factories and for the whole year or any part of the year, to vary these limits to any span of thirteen hours between 5 a.m. and 7.30 p.m.

With regard to Article 6, the report states that § 2 (*c*) of the Factories Act defines a child as a person who has not completed his fifteenth year, and § 2 (*b*) defines an adult as a person who has completed his seventeenth year. According to § 53 (2) of the Act, a person between the age of 15 and 17 years is treated as a child if he is not considered by the certifying surgeon to be fit to work as an adult.

Article 7 is not applicable to Pakistan

in view of the provisions of Article 6 of the Convention.

The Factories Act is administered by Provincial Governments through their factory inspectors. Provincial Governments have been empowered to make rules for carrying into effect the provisions of the Act (§§ 32, 33, 43, 59, etc.). Every district magistrate is an inspector for his district (§ 10 (4)), and Provincial Governments may appoint other public officers as additional inspectors (§ 10 (5)). The Act provides for penalties in the case of contraventions of the legislative provisions.

No decisions given by courts of law or other courts have come to the notice of the Government, and no observations have been received from employers' or workers' organisations. The particulars regarding the manner in which the Convention is applied are still under compilation.

Copies of the report have been forwarded to the following workers' organisations: the Eastern Pakistan Trade Union Federation, the Pakistan Trade Union Federation, and the Pakistan Federation of Labour. There are as yet no representative employers' organisations in Pakistan, but copies of the report have been forwarded to the Provincial Governments for transmission to the important chambers of commerce.

Poland. No legislative provisions have been issued under Article 7 of the Convention to authorise night work of young persons between 16 and 18 years of age. No decisions were given by courts of law or other courts.

In 1947, 160 young persons were reported to have been employed during the night; most of them were young male persons over 16 years of age employed in virtue of Article 8 of the Act of 2 July 1924 (exceptions allowed under Articles 2, 3 and 4 of the Convention). In principle, the night work of young persons has been completely abolished in Poland.

The report has been communicated to the Central Commission of Polish Trade Unions.

Portugal. No noteworthy court decisions have been given. No observations of importance were received from employers' or workers' organisations. See under Convention No. 1 for information relating to the reports of the inspection services.

Switzerland. The report states, with regard to Article 1 of the Convention, that the Federal Tribunal was called upon in one instance only to give a decision regarding an appeal arising out of the matter covered by the Federal Factory Act; the case in question was dismissed. As a result of favourable conditions, the number of undertakings covered by this Act has considerably increased and, on 30 September 1948, was 11,376, as compared with 11,003 on 1 October 1947. There was also a considerable increase in the number of handicraft undertakings, although no statistical information is available in this respect.

Three glassworks which, by virtue of the provisions of Article 2 of the Convention have benefited for many years by the authorisation to employ young persons between 16 and 18 years of age at night, have continued to make use of these authorisations.

See under Convention No. 5 for information respecting the enforcement of the legislation.

The reports of the federal factory inspectors on their activities in 1947 and 1948 will be published in 1949. In the spring of 1948, the cantons submitted reports on the application of the Federal Acts relating to the minimum age for employment and to the employment of young persons and women in arts and crafts during 1946-1947; these reports show that, in general, the application of the relevant legislative provisions is ensured.

During the period under review, no breaches of the legislation were reported. The question of night work in bakeries is the only subject on which some organisations have made observations, and which presents difficulties of application as regards the restriction of night work.

The Convention continues to be fully applied in Switzerland and, in this connection, the Government refers to the report of the Federal Council to the Chambers on its administration in 1947. This report contains a general account of the application of the provisions which ensure the application of the Convention in Switzerland.

The report has been communicated to the Central Federation of Swiss Employers' Associations, the Swiss Federation of Commerce and Industry, the Swiss Federation of Arts and Crafts, the Swiss Federation of Trade Unions, the Federation of Swiss Associations of Salaried Employees, the Swiss Federation of Christian-National Trade Unions, the Swiss Association of Protestant Workers and Salaried Employees and the Swiss Federation of Independent Trade Unions.

United Kingdom. No decisions defining the line which separates industry from commerce and agriculture have so far been given by the competent authority, which in the United Kingdom would be the courts of law.

As regards Article 7 of the Convention, the Government states that the emergency powers of the Minister of Labour and National Service to authorise exemptions from the provisions of the Factories Act 1937 remained in force during the period under review. In a few cases it has been found necessary to permit the continued employment of male young persons over 16 years of age at night under these powers. In order to spread the electricity load and thereby avoid a serious breakdown in supplies, it was found necessary to stagger hours of work in factories (including, in some cases, night work) during the winter months. Accordingly, the Minister of Labour and National Service has used the emergency

powers mentioned above to make two Orders, the Factories (Hours of Employment in Factories using Electricity) Order, 1947, and the Factories (Hours of Employment in Factories using Electricity) (Amendment) Order 1947, which provide, among other relaxations, for the employment of male young persons over 16 years of age at night. The use of the Orders was carefully controlled by the Factory Inspectorate and was confined to cases where arrangements for unavoidable staggering of hours could not be brought within normal statutory limits. The Orders ceased to be used in March.

No decisions were given by courts of law or other courts. A high standard of enforcement is secured and the reports of inspectors show that, except in isolated instances, the terms of the Convention were fully and carefully observed. In 1947 (the latest date for which figures are available), the number of young persons employed in factories in Great Britain was estimated at 800,000 (400,000 male and 400,000 female). On 13 December 1947 (the latest date for which figures are available), a total number of 28,785 young persons under 18 years (28,526 males and 259 females) were employed in mines and quarries. During the period under review, nine firms were prosecuted for breaches of the Convention. In these nine cases, the total number of young persons illegally employed was 14 (6 males over 16 years of age, 5 males under 15 years of age and 3 females under 16 years of age). No observations were received from employers' or workers' organisations.

The report has been communicated to the British Employers' Confederation and the Trades Union Congress.

In *Northern Ireland*, the Factories Act (Northern Ireland), 1938 (Extension of § 87) Regulations (Northern Ireland), 1948, which came into force on 28 July 1948, specified glassworks for the purpose of § 87 of the Factories Act (Northern Ireland), 1938, which permits, subject to certain conditions, the employment at night of male young persons who have attained the age of 16 years, on work which is required to be carried on continuously day and night (Article 2, paragraph 2, of the Convention).

No decisions were given by courts of law or other courts. There were no prosecutions. No complete figures are available for the number of young persons concerned. Three previous Orders made under Regulation 59 of the Defence (General) Regulations, 1939, authorising the employment of young persons at night in factories, continued in force. A further Order was made in respect of one factory in which glass bottles are manufactured, authorising employment of male young persons at night for a short period until the regulations extending § 87 of the Factories Act were made.

Uruguay. The Government refers to its report for 1946-1947, in which it stated that the national legislation (§ 231 of the

Children's Code) defines the term "night" as the period between 9 p.m. and 6 a.m., while the Convention stipulates that this term signifies the interval between 10 p.m. and 5 a.m. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. No information is available regarding the manner in which the Convention is applied.

NON-METROPOLITAN TERRITORIES, ETC.
(ARTICLE 35 OF THE CONSTITUTION)

Netherlands

Indonesia.

Ordinance No. 647 of 1925.

The Convention has been applied as far as local conditions permit. A child below the age of 12 years is not allowed to do any work between 8 p.m. and 5 a.m. The legislation covers every kind of labour and more undertakings than are specified in the Convention. No distinction is made between plantations, shops, offices, factories or other labour. Because of the early maturing of the Indonesian child, the age limit is 12 instead of 18 years as required by the Convention. Draft legislation, however, is under consideration, with a view to raising the age limit to 14 years. It would not appear to be the moment to insist on a limit of 18 years for Indonesia, as persons over 14 years of age are considered as adults. Owing to the fact that the night work of children is prohibited after 8 p.m. instead of 10 p.m. as required in the Convention, and that the Convention itself permits in its Article 3, paragraph 4, a shorter night period, the provisions of the legislation are considered reasonable. As there is no need for the exemptions allowed by Article 3, paragraph 4 and Article 7 of the Convention, no provisions of this kind have been included in the legislation.

The labour and safety inspection services, together with the police officials, supervise the observance of the legislation. Visits of inspection to factories revealed that, as compared with the pre-war period, more young workers were employed. In some cases, the employer was punished by a fine.

Netherland West Indies.

As children are not employed on night work, the enactment of legislation seems inappropriate.

Surinam.

The Convention has not been published or promulgated. Legislative measures have not been taken in respect of persons over 12 years of age. Night work of young persons only occurs in bauxite undertakings and in some sawmills.

Aden.

Ordinance No. 20 of 1938.

The Convention is applied by the legislation in force. The District Commissioner carries out occasional inspections but, in view of his many other duties, is not expected to report to Government unless there are contraventions. No contraventions were reported during the period under review. The welfare officer will be appointed the duly authorised officer on his arrival in the colony. To all practical purposes, the Convention is observed by employers, since there is an adequate supply of immigrant labour for industrial undertakings. No court decisions were given. There are no representative organisations of employers or workers in Aden.

Barbados.

Employment of Women, Young Persons and Children Act, 1938-8.

The Convention prohibits the employment at night of young persons under 18 years of age, except in certain industries, including the manufacture of raw sugar, in which young persons between the ages of 16 and 18 years may be employed. The Act only prohibits the employment at night of young persons under 16 years. The manufacture of raw sugar is, however, the main industry of the colony. No special provision is made under Article 3 of the Convention. Articles 5 and 6 do not apply. The Labour Commissioner is entrusted with the administration of the Act. There were no court decisions and no observations from employers' or workers' organisations. There is no single organisation of workers which can be said to represent all workers' organisations in Barbados. The same applies to employers.

Basutoland.

Proclamation No. 71 of 1937.

Paragraph 1 of Article 1 of the Convention is applied by § 1 of Proclamation No. 71, which reproduces the definition of "industrial undertaking" except that the words "shipbuilding, harbour, dock, pier, quays and wharves" are excluded, as they are inapplicable to an inland territory. With regard to paragraph 2 of Article 1, the report states that no contraventions of Proclamation No. 71 have been reported, and the question of defining the line of division which separates industry from commerce and agriculture has not yet arisen. If an apparent contravention of the law was reported and the offender prosecuted, the judicial officer by whom the case was tried was responsible for deciding whether the activity in question was an industrial or commercial undertaking. Article 2 of the Convention is applied by §§ 4 and 5 of the Proclamation. None of the industries detailed, however, is carried on in Basutoland. § 1 of the Proclamation reproduces the definition of "night" which

appears in paragraph 1 of Article 3 of the Convention. The provision in Article 3 of the Convention concerning coal and lignite mines is not applicable, as there are no such mines in the territory. With regard to paragraph 3 of Article 3, the local legislation does not prohibit night work in the baking industry for all workers. Paragraph 4 of Article 3 does not apply, as Basutoland is not a tropical country. Article 4 is applied by § 6 of Proclamation No. 71. Under this Proclamation, the Government has no right to suspend the prohibition of night work.

The application of the legislation is entrusted to administrative officers and to European members of the Basutoland Mounted Police of or above the rank of superintendent. There were no court decisions. There are very few industrial undertakings in the territory; they consist of public works undertaken by the Government Public Works Department, *i.e.*, the construction and maintenance of roads and buildings; the electric power plants supplying Maseru with electricity; a limited number of mills attached to trading stores where maize is ground for sale locally; and bus services for the transport of passengers and goods (these are mostly owned and operated by the Basuto). It will be appreciated, therefore, that the officers to whom the application of the legislation is entrusted have no difficulty in keeping check on the extremely small number of industrial undertakings which they have to supervise. No observations were received from organisations of employers and workers as there are no such organisations.

Bechuanaland.

Employment of Women, Young Persons and Children Proclamation No. 72 of 1937.

Proclamation No. 72 of 1937 reproduces the provisions of paragraph 1 of Article 1. No line of division has been defined in accordance with paragraph 2. The local legislation also reproduces the provisions of Article 2 and paragraph 1 of Article 3. There are no coal or lignite mines in the territory. As regards Article 3, paragraph 3, the report states that night work in the baking industry is not specifically controlled by local legislation. There is no special provision for the tropical portion of the protectorate. There is no night work in the protectorate but the law would be enforced, if it were necessary, by district commissioners. There were no court decisions. There are no organisations of employers or workers.

Bermuda.

No legislation or administrative provisions apply the Convention. Night work, as defined in the Convention, is practically unknown in respect of persons under the age of 18 years.

British Guiana.

Employment of Women, Young Persons and Children Ordinance No. 14 of 1933, as amended by Ordinances No. 6 of 1934 and No. 7 of 1940.

Bakeries (Hours of Work) Ordinance No. 4 of 1946.

The report contains information on the application of the various Articles of the Convention. The term "industrial undertaking" has the meaning assigned to it in Article 1 of the Convention. The Governor in Council may make regulations defining the line of division which separates industry from commerce, but no such regulations have been made. Article 2 is applied with modification. Ordinance No. 14 of 1933 defines a "young person" as a person who has ceased to be a child and who is under the age of 16 years (by § 2 of Ordinance No. 6 of 1934; however, the Governor in Council may make regulations extending any of the provisions of Ordinance No. 14 of 1933 which apply to young persons, to persons who are not young persons but are under the age of 18 years in respect of any occupation or occupations in which the employment of such persons may seem deleterious). The employment of young persons at night in any industrial undertaking is prohibited, except as permitted under Article 2 of the Convention. The only processes carried on in British Guiana to which the exceptions provided for in this Article apply are the manufacture of raw sugar and gold mining reduction work. Industrial undertakings in which only members of the same family are employed are exempted. Article 3 is applied with the exception of paragraph 4. There are no coal and lignite mines in the colony. The Bakeries (Hours of Work) Ordinance of 1946 and Order in Council No. 15 of 1947 prohibit the employment of persons in bakeries (with the exception of biscuit factories) between the hour of 7 p.m. of any day, except Friday and certain holidays, and the hour of 5 a.m. on the succeeding day except in the work of setting the sponge. Article 4 is applied. During the year under review, the prohibition of night work, as provided by Article 7, was not suspended.

A member of the police force is empowered under Ordinance No. 14 of 1933 to prosecute any person who contravenes any of the provisions of the Ordinance. The Commissioner of Labour is the prosecuting authority under the Bakeries Ordinance 1946. During the year, no decisions were given by any court of law. There were no prosecutions, and no observations were received from organisations of employers or workers.

British Honduras.

Employment of Women, Young Persons and Children Ordinance No. 12 of 1933.

With the exception of paragraph 4 of Article 3, the first four Articles of the Convention are reproduced in their entirety in Part II of the Schedule to the Ordinance.

It has not been necessary to define the line of division between industry and commerce and agriculture as young persons are not employed during the night in industry. The only exception under Article 2 which would apply is that which concerns the manufacture of raw sugar; no such exception has been made, however. The legislation does not authorise night work in industrial establishments and the prohibition of night work has never been suspended in accordance with Article 7. Supervision of the legislation is ensured by the Labour Department, whose officers carry out periodical inspections. There were no court decisions. Owing to the limited number of industrial establishments, there have been few instances in which the Convention has been applied.

Brunei.

Labour Code, 1932 (Enactment No. 4), § 68.

The application of the Convention is not difficult, as there is very little industrial development in the State except in the case of the oil industry, in which there is no evasion. The Controller of Labour, assisted by the Assistant Resident and the Medical Officer, supervises the administration of the legislation. There were no court decisions. The Convention ceased to apply to this territory from 4 October 1948, consequent upon the denunciation of the Convention by His Majesty's Government, but the legislation giving effect to its provisions remains extant in the State.

Cyprus.

The Employment of Children and Young Persons Law, No. 16 of 1932.

The Convention is applied by the legislation in force. No exception is made in the legislation which would permit children of sixteen years to be employed during the night. Night work is not prohibited in the baking industry. The prohibition of night work has not been suspended during the year. The legislation is supervised by the Department of Labour, assisted by labour inspectors and peace officers. Contraventions have been extremely rare. No decisions were given by courts of law.

Dominica.

Employment of Women, Young Persons and Children Act (Leeward Islands Act No. 5 of 1938 which was adapted to this Colony by the Adaptation of Law Ordinance 1939).

The Convention is applied by the legislation in force. § 14 of the Act empowers the police superintendent and others authorised by him to enforce the Act. No difficulty has been encountered in the enforcement of this law. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Falkland Islands.

The Convention is inapplicable.

Fiji.

Labour Ordinance No. 23 of 1947.

Article 1, paragraph 1 of Article 2, and paragraph 1 of Article 3, are applied by the legislation in force. Article 2, paragraph 2, is not specifically applied. Applications for permission to employ persons over 16 years of age in industry at night are rare, and such permission is given only in exceptional cases, chiefly in continuous processes such as the crushing of copra or candle-nuts and the manufacture of sugar. There have been no cases of the employment of youths under the age of 18 years in gold processing at night. Article 7 is applied administratively when necessary. No suspension of the prohibition of night work was necessary during the year under review. The prohibition of the night work of young persons is fully respected in the few local industries involved. No contraventions were detected by inspectors of the Labour Department in the year under review, nor were any representations received from employers or workers regarding the practical fulfilment of the prohibition.

The report has been communicated to the Sugar Workers' Union (*Chini Mazdur Sangh*), and the Fiji Mine Workers' Union.

Gambia.

The Labour Ordinance No. 21 of 1944.

No decision has been taken defining the line of division which separates industry from commerce and agriculture. The employment of young persons in "night work" within the meaning of the Convention is seldom undertaken in the Gambia, and no occurrence was reported during the year under review.

Gibraltar.

Employment of Women, Young Persons and Children Ordinance, No. 16 of 1932.

The Convention is applied by the legislation in force, which is administered by the Director of the Labour and Welfare Department. Inspections carried out during the year have not disclosed cases of illegal employment of young persons in industrial undertakings at night. This is probably due to the fact that there is very little employment on shift work and the more important employers work a 44-hour and 5-day week. No observations were received from organisations of employers or workers.

Gilbert and Ellice Islands.

Ordinance No. 5 of 1931.

The Convention has been applied in full. The district administration is responsible for the application of the legislation. No contraventions were reported. Owing to the limited amount of industrial employment the Convention is not generally applicable.

Gold Coast.

Labour Ordinance, 1948.

The report contains information on the application of the different Articles of the Convention. Exemptions may be made in case of necessity. The application of the legislation is entrusted to the Commissioner of Labour and supervision is ensured by inspection. There were no court decisions, no contraventions and no observations from organisations of employers or workers.

Grenada.

Employment of Women, Young Persons and Children Ordinance, as amended by Ordinance No. 20 of 1939 and No. 9 of 1945.

The Convention is applied by the legislation in force. The labour officer, while inspecting places of employment, makes investigations to ensure that the legislation is enforced.

Hong Kong.

Factories and Workshops Ordinance, No. 18 of 1937, as amended by Ordinances Nos. 31 of 1940, 24 of 1946 and 44 of 1947 and the Regulations made thereunder.

The term "industrial undertaking" includes factories and workshops, as well as the undertakings mentioned in paragraphs (a), (b), (c) and (d) of Article 1 of the Convention. It has not been considered necessary to take any specific action to define the line of division separating industry from commerce and agriculture. No young person under 18 years of age may be employed between 8 p.m. and 7 a.m. In exceptional cases, however, the Commissioner of Labour may authorise the employment of young persons of 16 years of age or over for not more than 60 days in the year between 8 p.m. and 9 a.m. Apart from glassworks, there are no undertakings in Hong Kong requiring the continuous processes referred to in Article 2 of the Convention. There are no coal or lignite mines; night work in the baking industry is done exclusively by men. Under Article 4 of the Convention, the report states that exemption may be granted in the case of essential work to complete an urgent order for shipment by a specified date, subject to payment by the employer of recognised overtime rates and to the provision of an adequate break for rest. Exemptions were authorised in respect of 30 undertakings (cotton textile industry and manufacture of rubber articles). No use was made of the suspension of the prohibition of night work under Article 7 of the Convention.

The application of the legislation is entrusted to the Labour Office of Hong Kong, which conducts systematic inspection visits, in particular at night. No decisions were given by courts of law. The fact that there is a considerable number of small undertakings, and that it is difficult to ascertain the correct age of certain categories of workers, has led to special difficulties in

applying the Convention. During the year under review, 9,231 inspection visits were carried out, 671 of which were made during the night. There were 16 prosecutions for the illegal employment of young persons at night; fines were imposed in each case. No observations were received from employers' or workers' organisations.

Jamaica.

Children and Young Persons Law (Chapter 386 of the Revised Laws).

Children and Young Persons (Amendment) Law, 1941.

Factories Regulations, 1943.

The definition of "industrial undertaking" expressly excludes agricultural undertaking. A more exact line of division has not been defined, but is observed in the administration of the law, *e.g.*, the loading and haulage of sugar cane is regarded as an industrial undertaking. The Children and Young Persons (Amendment) Law, 1941, defines a "young person" as a person under the age of 15 years and prohibits the employment of young persons in any industrial undertaking or in night work. The Factories Regulations, 1934 (Part III), prohibits the employment of a boy under 16 years of age in a factory on a Sunday or before 7 a.m. or after 6 p.m. on an ordinary day or, on a Saturday or a day substituted for Saturday, after 1 p.m. Under the Children and Young Persons (Amendment) Law, 1941, "night work" means work carried out any time between the hours of 8 p.m. and 6 a.m. but, under the Factories Regulations, 1943, a boy under 16 years of age may not be employed in a factory between 6 p.m. and 7 a.m., and the number of hours of work is limited to eight in one day or forty-four in one week. The low age limit for employment makes the exception under Article 4 unnecessary.

Supervision of the application of the legislation is by labour officers or constables with powers of inspection. There were no court decisions. Only one instance of a juvenile under 16 years of age employed in a factory was reported during the calendar year 1947. No observations have been received from organisations of employers or workers.

Copies of the report have been sent to the Bustamante Industrial Trades Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica, and the Jamaica Manufacturers' Association.

Kenya.

Ordinance No. 70 of 1948.

As regards the application of Article 3 of the Convention, the term "night" signifies the period between 7 p.m. and 6 a.m. The application of the above-mentioned legislation is entrusted to the Labour Com-

missioner. Officers of the Labour Department carry out regular inspections. There were no court decisions. No contraventions have been reported, as industrial development is of comparatively recent origin. There were no observations from organisations of employers or workers.

Copies of the report on the application of the Convention are communicated to members of the Labour Advisory Board and are available for perusal by chambers of commerce and registered trade unions.

Leeward Islands.

Employment of Women, Young Persons and Children Act No. 5 of 1938, § 7.

Federation of Malaya.

§ 65 of Chapter 154 (Labour) of the Federated Malay States.
Rules made under § 39 of Ordinance No. 33 of 1947 (Children and Young Persons).

New legislation is in preparation which will bring the national legislation into complete harmony with the provisions of the Convention. The line of division which separates industry and agriculture has not been defined; this will be done in the new legislation. "Night" means a period of not less than 11 consecutive hours, including the interval between 10 p.m. and 5 a.m. No female labourer of any age and no male labourer under 18 years shall be employed in industry during the night. A young person may be employed in a place of public entertainment between the hours of 8 p.m. and 6 a.m., if the young person has attained the age of 16 years and the labour is domestic service. None of the processes in (a), (b), (c), (d) and (e) of Article 2 of the Convention is carried on in the country. The new legislation will take into account the provisions of Article 3, paragraphs 2, 3 and 4, Article 4 and Article 7 of the Convention. The application of the legislation is entrusted to the Commissioner of Labour. No decisions were given by courts of law. No observations were received from workers' and employers' organisations.

In future, reports on the application of the Convention will be communicated to the Federal Labour Advisory Board, which is a tripartite body.

Malta.

Employment of Children (Regulation) Ordinance No. VI of 1944.

The employment of young persons under 16 years on night work, i.e., from 8 p.m. to 6 a.m., is forbidden under the Ordinance.

Mauritius.

Ordinance No. 37 of 1934.
Ordinance No. 16 of 1935.

The Convention is applied by the legislation in force. "Printing trade" has been defined as an industrial undertaking. The manufacture of raw sugar is carried on.

A register must be kept of the young persons employed. No conditions are imposed to allow night work in emergencies, nor have suspensions of the prohibition against night work been granted. Supervision of the legislation is entrusted to the director of the Department of Labour. No court decisions were given. No observations were received from organisations of employers and workers.

The report has been communicated to Sugar Producers' Association and the Mauritius Engineering and Technical Workers' Union.

Nigeria.

Labour Code Ordinance No. 54 of 1945, Chapter X.

Article 1 of the Convention is applied by the Ordinance. Except for raw sugar, which is manufactured on a small scale in the Northern Provinces, there are at present in Nigeria no such industrial undertakings as are enumerated in paragraph 2 of Article 2. Under the terms of § 160 of the Labour Code Ordinance, young persons over the age of 16 years may be employed during the night in cases of emergency. No provision is made under the Labour Code Ordinance with regard to Article 7. The Convention is applied to the extent provided in Chapter X of the Labour Code Ordinance, and the observance of the law is enforced by the Department of Labour. Visits of inspection are made by labour officers to advise employers as to the requirements of the law. There were no prosecutions for breaches of the law during the period under review, and no court decisions.

North Borneo.

Labour Ordinance, 1936, § 11 (iii).

Owing to the comparatively small extent of industrial employment in the colony, the application of the Convention is not a difficult matter. The Department of Immigration and Labour, in co-operation with district officers, administers and supervises the observance of the legislation. No decisions were given by courts of law. No observations were made by employers' or workers' organisations. The Convention ceased to apply to this territory from 4 October 1948, consequent upon the denunciation of the Convention by His Majesty's Government, but the legislation giving effect to its provisions remains extant in the colony.

Northern Rhodesia.

Chapter 191 of the revised edition of laws.

The Labour Department ensures the application of the legislation by means of regular inspections of industries by labour officers, mines inspectors and factories inspectors. No observations were received from organisations of employers or workers.

No reports have been sent on the application of the Convention, as this question comes within the scope of the African Labour Advisory Board on which representatives of both employers and workers serve.

Nyasaland.

Employment of Women, Young Persons and Children, Ordinance No. 22 of 1939, as amended by Ordinances Nos. 29 of 1940 and 9 of 1942.

Government Notice No. 5 of 1943 as amended by Government Notice No. 23 of 1943.

Article 1 of the Convention is applied by § 1 of Ordinance No. 22. Article 2 of the Convention is applied by §§ 2 and 5 of Ordinance No. 22 of 1939, as amended by Ordinance No. 29 of 1940. There is a slight difference between the local legislation and the Convention: in local legislation the term "under 18" is replaced by the term "under 16 years of age". Generally speaking, young people may not be employed at night in public or private undertakings, but males between the ages of 14 and 16 years may be so employed under licence issued by the Governor. No such licence has been issued. The industrial undertakings mentioned in paragraph 2 of Article 2 do not at present operate in the territory. The local legislation (§ 2 of Ordinance No. 22) is in harmony with the first paragraph of Article 3 of the Convention. Paragraphs 2, 3 and 4 of Article 3 are considered to be inapplicable. The local legislation contains no provision concerning the exceptions permitted by Articles 4 to 7 of the Convention. The Governor in Council may prescribe the ages under which persons shall not be employed in particular trades or occupations.

The application of the above-mentioned legislation is entrusted to the officers of the provincial and district administration, the police and the Labour Department. Regular inspections are hampered by lack of staff in the Labour Department. No decisions were given by the courts. No reports were received with regard to any contraventions. No observations were received from organisations of employers or workers.

St. Helena.

Interpretation and General Law Ordinance, 1895, § 24.

No specific legislation has been introduced, as there is no night work in the colony apart from the handling of cargo and mails approximately twice a month should steamers arrive late. However, in virtue of the Interpretation and General Law Ordinance, the Convention is applied to the same extent that it is applied in the United Kingdom. The factory inspector is responsible for the enforcement of the Convention, and may prosecute offending persons before the magistrate's court. No offences were reported.

St. Lucia.

Employment of Women, Young Persons and Children Ordinance No. 22 of 1934, as amended by Ordinance No. 9 of 1939.

Employment of Women, Young Persons and Children Ordinance-Operation, Statutory Rules and Orders No. 49 of 1937.

The supervision of the legislation applying the Convention is entrusted to the Labour Commissioner. Regular inspections are made at places of employment.

St. Vincent.

Employment of Women, Young Persons and Children Ordinance, No. 20 of 1935.

The application of the legislation applying the Convention is entrusted to the Labour Commissioner. Visits of inspection are paid periodically, with or without notice, to the various places of employment, so as to ensure the due enforcement of the provisions of the legislation. With reference to Article 7, the report states that the prohibition of night work has not been suspended by Government during the period under review.

Sarawak.

Labour Conventions Ordinance.

The Convention is applied by the legislation in force. Permission in writing may be obtained from the Resident Commissioner to lower the age of 18 years of young workers in the case of certain industries or types of work. "Night" means the period from 10 p.m. until 5 a.m. Paragraphs 2, 3 and 4 of Article 3 and Articles 4 and 7 have not been applied. Supervision of the legislation is entrusted to the Protector of Labour. There are very few industrial undertakings. No court decisions were given. There are no organisations of employers and workers.

Seychelles.

The Convention has now been denounced by the United Kingdom Government, but was applied in Seychelles by Ordinance No. 12 of 1932.

Sierra Leone.

Employers and Employed Ordinance No. 30 of 1934, as amended by Ordinances Nos. 15 of 1936 and 13 of 1938.

The national law is not yet fully in harmony with the provisions of the Convention. Steps are being taken to revise the existing Ordinance No. 30 of 1934 and as many as possible of the provisions of the Convention will be incorporated. No conditions are imposed which enable employers to take advantage of the exception in Article 4. The application of the legislation is entrusted to the Labour Department. Very little night work is done by any class of workers and no cases of young persons so employed have been reported. No court decisions were given and no observations were received from organisations of employers and workers.

Singapore.

Labour Ordinance (Cap. 69), § 21.

British Solomon Islands Protectorate.

King's Regulation, No. 5 of 1947.

Persons under the age of 18 years may not be employed by night in any industrial undertaking; however, a labour officer or district commissioner may grant permission in writing for a person over 16 years of age to be so employed. There are no young persons employed in industrial undertakings in this protectorate. Supervision of the legislation is exercised by the right of labour officers and district commissioners, and other authorised officers, to enter any premises for the inspection of conditions of employment.

Swaziland.

Swaziland Employment of Women, Young Persons and Children Proclamation, No. 73 of 1937.

No decision has been made in regard to the last paragraph of Article 1 of the Convention. Paragraph 1 of Article 2 of the Convention is applied by §§ 4 and 5 of the above-mentioned Proclamation. In Swaziland there are no processes as mentioned in the second paragraph of Article 2. As regards the application of paragraph 2 of Article 3, the report states that work in coal and lignite mines is not prohibited between 10 p.m. and 5 a.m., but no work is done during those hours; coal and lignite are not at present worked in Swaziland. As regards the application of paragraph 3 of Article 3, the report adds that night work in bakeries is not prohibited. § 6 of the above-mentioned Proclamation applies Article 4 of the Convention. The prohibition of night work, as provided for under Article 7, has not been suspended by Government in the year under review.

The application of the legislation is entrusted to district and police officers, but these officers have had no occasion to exercise their powers. There were no court decisions. There are no representative organisations of employers or workers.

Tanganyika.

Employment of Women and Young Persons Ordinance No. 5 of 1940, as amended by Ordinances Nos. 4 of 1943 and 10 of 1946.

The Convention has been applied satisfactorily, and the exceptions permitted in the Convention in certain exceptional cases have not been invoked. The application of the legislation is entrusted to the Government Labour Department and supervision is exercised by regular inspection. There were no court decisions. No observations were received from organisations of employers and workers.

Trinidad and Tobago.

Factories Ordinance No. 44, 1946.
Children's Ordinance, No. 21, (Chapter 4).

Article 1 is applied by §§ 89 and 90 of the Children's Ordinance and by the Factories Ordinance. No orders have been published defining the line of division which separates industry from commerce and agriculture. Article 2, paragraph 1, is applied by § 91 (1) of the Children's Ordinance and by § 42 of the Factories Ordinance. Paragraph 2 is applied by § 91 of the Children's Ordinance and §§ 3 (1) and 42 of the Factories Ordinance. The exception provided for in the Article is applicable to the manufacture of raw sugar. Article 3 is applied by § 89 of the Children's Ordinance and § 42 of the Factories Ordinance. Night work in the baking industry is not prohibited for all workers. Article 7 is applied by § 91 (2) (b) of the Children's Ordinance and by § 42 of the Factories Ordinance. The prohibition of night work was not suspended during the year.

The application of the provisions of the Factories Ordinance is entrusted to the factory inspectorate attached to the Labour Department. Inspectors have all the powers necessary to carry the Ordinance into effect. The enforcement of the provisions of the Children's Ordinance which apply to employment in industrial undertakings other than factories is entrusted to the police. No decisions were given by courts of law. The terms of the Convention and the legislation applying it are well observed. The colony is not highly industrialised and there has been no tendency to develop the practice of employing children in industrial undertakings. Very little night work is done. No observations were received from organisations of employers or workers.

Uganda.

Employment of Children Ordinance No. 18 of 1938.

Employment of Children (Amendment) Ordinance No. 27 of 1946.

In § 2 of Ordinance No. 18 of 1938 industrial undertakings are defined in the same terms as in the Convention. The definition in paragraph 1 (d) of Article 1 of the Convention is not contained in the Ordinance because such conditions do not arise. As regards the application of paragraph 2 of Article 2 of the Convention, the report states that Ordinance No. 27 of 1946 provides that the Labour Commissioner may permit young persons over 16 years to be employed in such undertakings during the night in exceptional circumstances, which shall be defined by him from time to time as the occasion may arise. No such permission has been sought or granted during the year. The application of the legislation is ensured by the Labour Commissioner. Inspection is carried out by European and African officers of the Labour Department. There

were no court decisions and no observations were received from organisations of employers or workers. Night work in industry is not common. There are no statistics available but there is no reason to believe that contraventions are frequent. There are at present in this territory only one employers' organisation and one registered trade union. Neither of these bodies can be considered as representing all the workers or employers.

Zanzibar.

Employment of Women, Children and Young Persons (Restriction) Decree, (Chap. 132 of the Revised Laws of Zanzibar, 1934).

The line of division covered by paragraph 2 of Article 1 has not been defined in local legislation. No provision has been made for the modifications in paragraph 2 of Article 2, paragraphs 2, 3, and 4 of Article 3,

Article 4 and Article 7. The application of the legislation is entrusted to police officers of or above the rank of inspector. These officers in the course of their duties are liable to visit factories and report any instances of contravention. There were no court decisions. The Convention appears to be well observed since no instances of contravention have been reported. It is a duty of the Factories Board, established under the Factories (Supervision and Safety) Decree, 1943, to supervise all factories. No observations were received from organisations of employers or workers.

The Government of the *United Kingdom* states that copies of the reports concerning the application of this Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

SECOND SESSION (GENOA, 1920)

7. Convention fixing the minimum age for admission of children to employment at sea

This Convention came into force on 27 September 1921

Countries	Date of registration of ratification	Reports received
Argentina	30.11.1933	28. 1.1949
Australia	28. 6.1935	21.10.1948
Belgium	2. 2.1925	29.11.1948
Brazil	8. 6.1936	
Bulgaria	16. 3.1923	
Canada	31. 3.1926	9.11.1948
Chile	18.10.1935	2. 4.1949
China	2.12.1936	
Colombia	20. 6.1933	
Cuba	6. 8.1928	30. 3.1949
Denmark	12. 5.1924	10.11.1948
Dominican Republic	4. 2.1933	23.10.1948
Estonia	3. 3.1923	
Finland	10.10.1925	26.10.1948
Germany	11. 6.1929	
Greece	16.12.1925	4. 1.1949
Hungary	1. 3.1928	
Ireland	4. 9.1925	9. 3.1949
Italy	14. 7.1932	8. 4.1949
Japan	7. 6.1924	
Latvia	3. 6.1926	
Luxembourg	16. 4.1928	24. 9.1948
Mexico	17. 8.1948	
Netherlands ¹	26. 3.1925	27.12.1948
Nicaragua	12. 4.1934	
Norway	7.10.1927	5. 2.1949
Poland	21. 6.1924	14. 1.1949
Rumania	8. 5.1922	
Spain	20. 6.1924	
Sweden	27. 9.1921	2.12.1948
United Kingdom	14. 7.1921	7.12.1948
Uruguay	6. 6.1933	23.12.1948
Venezuela	20.11.1944	
Yugoslavia	1. 4.1927	

¹ Denunciation 8.7.1947.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Argentina.

- Act No. 11,317 of 30 September 1924 to regulate the employment of women and young persons (L.S. 1924, Arg. 1).
- Decree No. 2699 of 28 May 1925 issuing regulations under Act No. 11,317 to regulate the employment of women and children (L.S. 1925, Arg. 2).
- Decree of 12 September 1927 concerning registration of seamen.
- Act No. 11,570 of 25 September 1929 respecting the supervision of the observance of the labour laws and their administration (L.S. 1929, Arg. 2).
- Decree No. 112924 of 25 August 1937 concerning apprenticeship (§§ 1264 and 1265 of the Maritime and River Code).
- Order No. 17 of 24 October 1945.

Australia.

- The Navigation Act 1912-1942.

Belgium.

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

Canada.

- Canada Shipping Act, 1934 (L.S. 1934, Can. 7), as amended by the Act of 30 June 1948.

Chile.

- Legislative Decree No. 678 of 27 November 1925 concerning recruitment for the military and naval forces.
- Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L.S. 1931, Chile 1), as amended by Act No. 5405 of 8 February 1934 (L.S. 1934, Chile 1 A).
- Commercial Code (Book iii, § 823).

Cuba.

- Legislative Decree No. 592 of 16 October 1934 concerning, *inter alia*, the minimum age for admission of children to employment at sea (L.S. 1934, Cuba 9).

Denmark.

- Seamen's Act No. 181 of 1 May 1923 (L.S. 1923, Den. 2).
- Act No. 76 of 31 March 1937 concerning placing and registration of seamen, and supervision of their engagement and discharge.

Dominican Republic.

- Act No. 637 of 16 June 1944 respecting contracts of employment (L.S. 1944, Dom. 1).
- Act No. 1075 of 4 January 1946 respecting hours of work (L.S. 1946, Dom. 2).

Finland.

- Seamen's Act of 8 March 1924 (L.S. 1924, Fin. 1), as amended by Act of 26 May 1925 (L.S. 1925, Fin. 2) and Act of 11 May 1928 (L.S. 1928, Fin. 2).
- Order of 19 September 1925 respecting the coming into force of the Convention.
- Act of 4 June 1937 concerning the registration of seamen and the supervision of their engagement and discharge.
- Maritime Code of 9 June 1939, promulgated on 1 January 1940.

Greece.

- Legislative Decree of 23 September 1925 to ratify the Convention.
- Act No. 4211 of 1929 confirming the above Decree.

Ireland.

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

Italy.

Royal Decree No. 591 of 20 March 1924 to ratify the Convention.

Royal Decree No. 640 of 9 May 1932 bringing the provisions of the Convention into force in Italy.

Royal Decree of 30 March 1942 to insert the provisions of the Convention in § 119 of the Shipping Code.

Luxembourg.

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

Netherlands.

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

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

Decree of 25 September 1933 (L.S. 1933, Neth. 4) to promulgate the text of the Labour Decree, 1920, as last amended by the Royal Decree of 12 July 1933, issued under the Labour Act, 1919 (L.S. 1922, Neth. 1), as amended by the Act of 14 June 1930 (L.S. 1930, Neth. 2 A).

Decree of 16 November 1946 concerning the employment of young persons at sea (L.S. 1946, Neth. 1).

Norway.

See under Convention No. 58.

Poland.

Act of 2 July 1924 relating to the employment of women and young persons (L.S. 1924, Pol. 2), as subsequently amended.

Sweden.

See under Convention No. 58.

United Kingdom.

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

Uruguay.

See under summary of other information.

SUMMARY OF OTHER INFORMATION

Argentina. The report states that the Shipping Code, 1947 fixes the age of admission at 18 years for seamen and at 16 years for apprentice seamen. As regards practical application, the Government refers to previous reports.

Copies of the report have been communicated to the General Confederation of Labour and to the Argentine Association of Production, Industry and Commerce.

Australia. The report shows that there has been no change in the application of the Convention. No decisions were given by courts of law and no observations have

been received from employers' or workers' organisations.

Copies of the report have been communicated to the Australian Steamship Owners' Federation and to the Maritime Transport Council.

Belgium. See under Convention No. 58.

Canada. The report repeats the information previously furnished. § 279 of the Canadian Shipping Act, 1934, has been amended by the Act of 30 June 1948, and the minimum age for admission of children for employment at sea has been raised from 14 to 15 years. This amendment imposes a penalty for violation of this provision.

Chile. The report refers to information previously given. A Decree of 31 January 1948 approves the Regulations laying down the functions of the Labour Service, the Maritime Authority and the Maritime Health Service, and organising collaboration among these bodies as regards the supervision of laws and regulations. The labour inspection service ensured the strict application of these provisions, and reported that no young person under 18 years of age is permitted to work on board vessels. There were no decisions by courts of law and no observations from employers' and workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers, which are the most representative organisations of employers and workers.

Cuba. The report confirms information previously given as regards legislation and administrative provisions and their application. There were no decisions by courts of law and no observations from employers' or workers' organisations.

The texts of the annual reports are at the disposal of the representatives of those organisations registered with the Ministry of Labour.

Denmark. The report repeats the information previously furnished and adds that the Act of 26 February 1872, relating to the registration of seamen and the supervision of their engagement and discharge, has been replaced by the Act No. 76 of 31 March 1937 respecting placing and registration of seamen. No decisions were given by courts of law and no observations have been received from employers' or workers' organisations.

Dominican Republic. The report repeats the information given for the period 1945-1946. Congress is examining a Draft Labour Code, Book Four, Title I, Chapter II, §§ 222 to 232 of which relate to work of young persons. The text of Chapter II takes into account the observations made by the Committee of Experts on the report supplied by the Government for the period 1945-1946.

Finland. The report repeats the information given for the period 1946-1947. No decisions were given by courts of law and no observations have been received from employers' or workers' organisations.

The report has been communicated to the Confederation of Finnish Employers' Organisations and to the Confederation of Finnish Trade Unions.

Greece. The Government repeats the information given for 1946-1947. No infringements of the legislative provisions have been reported and no decisions were given by courts of law.

Ireland. The report refers to information previously given. There were no breaches of the legislation, no decisions were given by courts of law and no observations were received from employers' or workers' organisations.

The report has been communicated to the Congress of Irish Unions, to the Irish Trade Union Congress and to the Federated Union of Employers.

Italy. The report repeats information previously given. There were no decisions by courts of law and no observations from employers' and workers' organisations.

Luxembourg. The report states that the Convention has been ratified in a spirit of international solidarity and calls for no practical application in the Grand Duchy.

Netherlands. The Labour Act of 1919 prohibits work by children under 14 years of age as well as those under school leaving age.

Norway. See under Convention No. 58.

Poland. The report repeats the information previously given. There were no decisions by courts of law and no observations were received from employers' or workers' organisations.

The report has been communicated to the Social and Economic Department of the Ministry of Industry and to the Central Committee of Polish Trade Unions.

Sweden. See under Convention No. 58.

United Kingdom. The report repeats the information furnished for the period 1946-1947.

The report has been communicated to the British Employers' Confederation and to the Trades Union Congress.

Uruguay. There is no legislation regulating employment of children on board vessels or fixing the minimum age for admission to employment at sea. However, it may be said that the provisions of the Convention are complied with, as the organisation of the merchant marine is of recent date and on a small scale and the only children employed on board vessels are members of fishermen's families or cadets on training ships. The merchant marine is largely under the control of the National Harbour Administration.

NON-METROPOLITAN TERRITORIES, ETC. (ARTICLE 35 OF THE CONSTITUTION)

Netherlands

Netherland West Indies.

As persons under the age of 18 years are not engaged for employment at sea, the enactment of legislation seems inappropriate.

Indonesia.

Ordinance No. 87 of 1926.

The Convention has been applied as far as local conditions permit. The definition of "vessel" is identical with that used in the Convention. The minimum age, however, is 12 years instead of 14 as required by the Convention. This is due to the fact that Indonesian children mature earlier. No exemption from the age limit has been made for school or training ships. A register as required in the Convention is kept by the shipmaster. The Department of Shipping supervises observance of the legislation. The application of the Convention did not give rise to any observations.

Surinam.

The Convention has not been published or promulgated. In Surinam there is only one shipping company. This company does not employ persons under 12 years of age.

United Kingdom

Aden.

Ordinance No. 20 of 1938.

The Indian Merchant Shipping Act XXI of 1923.

The Convention is applied by the legislation in force. The port officer is the duly authorised person under the Indian Merchant Shipping Act. The District Commissioner is the authorised person under Ordinance No. 20 of 1938. The operation of the Convention is under the administrative control of the port officer, who is satisfied that the Convention is observed in detail and that, as a general practice, no persons under 18 years of age are employed on ships. No court decisions were reported. There are no representative organisations of employers or workers.

Barbados.

Employment of Women, Young Persons and Children Act, 1938-8.

The Convention is applied by the Act, the application of which is entrusted to the officers of the police force, the harbour and shipping master, and the Labour Commissioner. There were no court decisions and no observations from employers' or workers' organisations. There is no single organisation of workers which can be said to represent all workers' organisations in Barbados. The same applies to employers.

Basutoland.

The Convention is inapplicable to Basutoland, which is an inland territory.

Bechuanaland.

No children of the territory are employed at sea.

Bermuda.

No legislation or administrative provisions apply the Convention. Children under the age of 14 years are in practice not employed on vessels other than vessels upon which only members of the same family are employed.

British Guiana.

Employment of Women, Young Persons and Children Ordinance No. 14 of 1933, as amended by Ordinances Nos. 6 of 1934 and 7 of 1940. Education Ordinance, § 14 of Cap. 196, as amended by Ordinances Nos. 12 of 1932, 8 of 1940 and 19 of 1947.

The report contains information on the application of the various Articles of the Convention. The employment of children under the age of 14 years is prohibited on any ship except as permitted under the Convention. The Education (Amendment) Ordinance No. 19 of 1947 prohibits the employment of any child under the age of 14 years, provided that the service rendered by a child to its parents shall not constitute a breach of the Ordinance unless such service is rendered on a school day during school hours. A register of the young persons employed on board ship must be kept, with particulars of the date of their birth and of the dates on which they become or cease to be members of the crew. A member of the police force is empowered under Ordinance No. 14 of 1933 to prosecute any person who contravenes any of the provisions of the Ordinance. Under the Education Ordinance, the Director of Education is the prosecuting authority. A number of school attendance officers are employed to see that children up to 14 years attend school. No decisions were given by any court regarding the application of the Convention. There were no prosecutions, and no observations were received from organisations of employers or workers.

British Honduras.

Employment of Women, Young Persons and Children Ordinance No. 12 of 1933.

All the Articles of the Convention are reproduced without any alteration as Part IV of the Schedule to the Ordinance. As children are not employed on board ship, no registers have been prescribed. Supervision is by the Labour Department, whose officers carry out periodical inspections. There were no court decisions. The shipping trade is confined to small coastal vessels which do not employ children.

Brunei.

No legislation has been enacted to give effect to the provisions of the Convention. Relevant labour legislation is being drafted and the requirements of the Convention will be taken into account.

Cyprus.

The Employment of Children and Young Persons Law, No. 16 of 1932.

The Convention is applied by the legislation in force. The application of the legislation is entrusted to Government medical officers, and other officials having inspection authority. The problem envisaged by the Convention is non-existent as employment on vessels is normally restricted to members of the family. No contraventions were reported. No court decisions were given. No observations were received from organisations of employers and workers.

Dominica.

Employment of Women, Young Persons and Children Act (Leeward Islands Act No. 5 of 1938, which has been adapted to this Colony by the Adaptation of Laws Ordinance No. 19 of 1939).

§ 2 of the Act defines "ship" as "any seagoing ship or boat of any description registered in the Colony". Article 3 of the Convention is inapplicable, and there is no provision in law for training ships. No decisions were given by any court of law regarding the application of the Convention.

Falkland Islands.

Ordinance No. 4 of 1939.

The minimum age laid down is 14 years. The British Merchant Shipping Act applies. There have been no contraventions.

The report has been communicated to the Labour Federation, but no observations have been received.

Fiji.

Labour Ordinance No. 23 of 1947.

As there is enough adult labour available, employers show no disposition to employ juveniles. No contraventions of the Ordinance were reported. The age limit for the purposes of Article 2 is 15 years. No observations were received from employers' or workers' organisations.

The report has been communicated to the Fiji Seamen's Union, and to the following employers' organisations: the Union Steamship Co. Ltd.; W. R. Carpenter & Co. (Fiji) Ltd.; Morris Hedstrom Ltd.; and Burns Philp (South Sea) Co. Ltd.

Gambia.

Labour Ordinance No. 21 of 1944.

Provisions corresponding to those of Articles 1, 2, 3 and 4 are to be found in §§ 2, 5 (2) and (3), and 6 (2) of the Labour Ordinance.

nance. With reference to Article 4, the report states that the absence of the employment of children under the age of 14 years on ships renders the process of registration unnecessary. Authority for the enforcement of the law is vested in the police.

Gibraltar.

Employment of Women, Young Persons and Children Ordinance No. 16 of 1932.

The Convention is applied by the legislation in force. No particular form of register has been prescribed but persons under the age of 16 are separately listed in articles of agreement. The legislation is administered by the Director of the Labour and Welfare Department; immediate supervision is entrusted to the shipping master of the Port Department. Very few cases of employment of children in locally registered ships were reported during the past year and there were no contraventions. No observations were received from organisations of employers or workers.

Gilbert and Ellice Islands.

Ordinance No. 5 of 1931.

The Convention has been applied by the Ordinance. The district administration is responsible for the application of the legislation. No contraventions were reported. Owing to the limited amount of employment at sea, the Convention is not generally applicable.

Gold Coast.

The Labour Ordinance 1948.
The United Kingdom Merchant Shipping (International Labour Convention) Act 1925.

The report contains information on the application of the various Articles of the Convention. Supervision of the application is carried out by the Commissioner of Labour and shipping masters at ports, as well as by periodical inspection by labour officers. There were no court decisions and no observations from organisations of employers or workers. The Convention has no practical application in the Gold Coast.

Grenada.

Employment of Women, Young Persons and Children Ordinance, as amended by Ordinance No. 20 of 1939 and No. 9 of 1945.

The Convention is applied by the legislation in force. The application of the legislation is entrusted to the labour officer, who makes contact from time to time with the crews of vessels.

Hong Kong.

Employment of Young Persons and Children at Sea Ordinance No. 13 of 1932.

The Convention is applied and the legislation in force is in harmony with the provisions of the Convention. The term "vessel"

includes all ships and boats of any nature whatsoever engaged in maritime navigation, whether public or privately owned, except ships of war. The employment of children in junks and sampans is more or less excluded as there are only members of the same family employed on these vessels. School or training ships do not exist.

The master of every vessel registered in the colony must keep a register of all persons under the age of 16 years employed on his vessel. The standard articles of agreement prescribe that the register is required for entering particulars of all persons under the age of 18 years. The application of the legislation is entrusted to the Mercantile Marine Office of the Marine Department.

No decisions were given by courts of law. It is difficult to ensure the application of the provisions of the Convention to the ships not registered in Hong Kong or the United Kingdom. Special reports on the application of the Convention are not prepared. Where seamen are under the age of 14 years, engagement is withheld by the Mercantile Marine Office. No observations were received from workers' and employers' organisations.

Jamaica.

Children and Young Persons Law (Chapter 386 of Revised Laws).
Children and Young Persons (Amendment) Law, 1941.

The Children and Young Persons (Amendment) Law, 1941, defines "ship" as "any seagoing ship or boat of any description which is registered as a British ship and which is habitually used only for voyages from one port to another in Jamaica or any of its dependencies." The law prohibits the employment of young persons under the age of 15 years in or upon any ship, other than a ship where only members of the young person's family are employed. The law makes no provision under Articles 3 or 4 of the Convention. Supervision of the application of the legislation is carried out by labour officers and constables with powers of inspection. There were no court decisions, and no observations were received from organisations of employers and workers.

Copies of the report have been sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica, and the Jamaica Manufacturers' Association.

Kenya.

Ordinance No. 70 of 1948.

Under Article 4 of the Convention, the report states that young persons are not employed on ships except in Native-owned vessels; no register is therefore in use. The application of the above-mentioned legis-

lation is entrusted to the labour commissioner. Regular inspections are carried out by officers of the Labour Department. There were no court decisions. As regards the application of the Convention to crews of vessels other than Native vessels, there is only one port in Kenya, Mombasa, where vessels other than Native vessels call. This port is under the strict control of the Port Manager, East African Railways and Harbours Administration, who works closely with the Labour Department in prohibiting the employment of children at sea. No observations were received from organisations of employers or workers.

Copies of the report on the application of the Convention are communicated to members of the Labour Advisory Board and are available for perusal by chambers of commerce and registered trade unions.

Leeward Islands.

Employment of Women, Young Persons and Children Act, No. 5 of 1938.

Federation of Malaya.

Ordinance No. 33, 1947 (Children and Young Persons).
Chapter 150 (Merchant Shipping) of the Straits Settlements Laws (applies to Penang and Malacca).

The legislation in force applies the provisions of the Convention. The term "vessel" includes any ship or boat or any other description of vessel used in navigation. "Child" means a person under the age of 14 years. The employment of children on any vessel licensed under the legislation is prohibited except where the vessel is under the personal charge of the parent or legal guardian of the child. These provisions do not apply to technical-school or training ships. The owners or masters of vessels must keep a register of young persons. The port officers of the Federation of Malaya are entrusted with the application of the legislation. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

In future, copies of the reports on the application of the Convention will be communicated to the Federal Labour Advisory Board, which is a tripartite body.

Malta.

Employment of Children (Regulation) Ordinance No. VI of 1944.

§ 3 of the Ordinance specifies that no child under the age of 14 years shall be employed in or about the transport of passengers or of goods by sea.

Mauritius.

Ordinance No. 37 of 1934, as amended by Ordinance No. 43 of 1945.

The Convention is applied by legislation in force. Young persons are not employed

on ships and no special form of register has been prescribed. Supervision of the legislation is under the direction of the Labour Department and the Harbour Master. No court decisions were given. No observations were received from organisations of employers and workers.

Copies of the report have been communicated to the Federation of Port and Harbour Employers and the General Port and Harbour Workers' Union.

Nigeria.

Labour Code Ordinance No. 54 of 1945, Chapter X.

The legislation applying the Convention is supervised by the Labour Department. Labour offices have been established in various parts of the country, and the labour officers in charge are in constant touch with the employers who are, when necessary, advised as to the requirements of the law. There were no prosecutions for breaches of the law during the period under review, and no court decisions.

North Borneo.

Shipping Ordinance, 1914 (§ 32, applied by Gazette Notification 90 of 1931).

As the practice of employing children on vessels is rarely encountered in the colony, the application of the Convention does not involve elaborate legislative provisions or administrative implementation. In September 1948, there were five ships on the colony's Register of Shipping, all under 100 tons net register. The application of the legislation is entrusted to the Superintendent of Shipping. There were no court decisions, and no observations from organisations of employers or workers.

Nyasaland.

The Convention is inapplicable to Nyasaland as it applies only to ships engaged in maritime navigation. However, legislation is now under consideration providing similar safeguards in relation to the employment of children in lake shipping.

St. Helena.

The Convention is strictly applied by the laws of the United Kingdom. The only boats in the Island are small open rowing and sailing vessels of the whaler type used for fishing, on which no children under 14 years of age are employed. The compulsory keeping of registers of persons under 16 years of age has been impracticable owing to the illiteracy of some of the shipmasters. The supervision of the legislation is entrusted to the employment officer, who is empowered to prosecute.

St. Lucia.

Employment of Women, Young Persons and Children Ordinance No. 22 of 1934, as amended by Ordinance No. 9 of 1939.

Employment of Women, Young Persons and Children Ordinance-Operation (Statutory Rules and Orders No. 49 of 1937).
Employment of Children Restriction Ordinance No. 28 of 1939.

Supervision of the legislation applying the Convention is entrusted to the harbour master, to whom masters of vessels are required to produce their register quarterly.

St. Vincent.

Employment of Women, Young Persons and Children Ordinance No. 20 of 1935.

The supervision of the legislation applying the Convention is entrusted to the Labour Commissioner. Contacts are made from time to time with the crews of vessels.

Sarawak.

Labour Conventions Ordinance.

The Convention is applied by the legislation in force. No form of register for persons under the age of 16 years of age is in use although provision for a register is made in the Ordinance. Supervision of the legislation is entrusted to the Protector of Labour. There is careful control of the signing on of all ships' crews by the Shipping Master's Department, which brings cases to the attention of the Protector or Deputy Protector as they occur. No court decisions were given. There are no organisations of employers and workers.

Seychelles.

Ordinance No. 12 of 1932.
Ordinance No. 25 of 1945, § 19.
Ordinance No. 26, of 1945, § 11.

Articles 1, 2, 3, and 4 are applied by the legislation in force and administrative measures are taken to enforce its provisions. Penalties are provided for the contravention of any of these provisions. Supervision of the application of the legislation has hitherto been hampered by the absence of a qualified labour officer. An officer has been appointed and has been undergoing a course of instruction in all branches of labour organisation in the United Kingdom. He will be returning to the colony by the end of the current year. The organisation and working of inspection will be in the hands of this officer. The Convention has been generally accepted by employers, workers and the general public. There are no organisations of employers or workers.

Sierra Leone.

Employers and Employed Ordinance No. 30 of 1934, as amended by Ordinance No. 32 of 1947.
Merchant Shipping (International Labour Conventions) Act 1925, as applied by the Merchant Shipping (Colonies) (Amendment) Order 1941 (Public Notice No. 41 of 1941).

Articles 1, 2 and 3 of the Convention are applied by the legislation in force. It is not customary for persons under 16 years

of age to be engaged for employment at sea in this territory. Supervision of the legislation is carried out by the Harbour and Shipping Master. As children are not employed, there were no contraventions and no court decisions were given. No observations were received from organisations of employers and workers.

Singapore.

Merchant Shipping Ordinance (Cap. 150), § 33.

Solomon Islands.

King's Regulation No. 5 of 1947.

For the purposes of Article 1, a ship means any seagoing vessel of any description. The Resident Commissioner has power to exclude from this definition vessels under a certain tonnage and carrying less than a prescribed number of crew members. A person under 15 years of age may not be employed or work in any ship. The master of a ship must keep a register of all persons under 18 years of age. No such person is, in fact employed at sea, except in so far as young persons may accompany their employers as personal servants in small wooden auxiliary and motor vessels. In such cases, they are not members of crews, but they may perform their normal work of personal service. Supervision of the legislation is exercised by the right of labour officers and district commissioners, and other authorised officers, to enter any premises for the inspection of conditions of employment.

Swaziland.

The territory of Swaziland has no coast line and has therefore no responsibility for the control of any form of navigation or employment at sea.

Tanganyika.

Employment of Women and Young Persons Ordinance No. 5 of 1940, as amended by Ordinances Nos. 4 of 1943 and 10 of 1946.

As regards Article 1 of the Convention, no definition of the term "vessel" is contained in local legislation. § 12 of Ordinance No. 5 of 1940, which applies Article 2 of the Convention, covers young persons under 15 years of age. No provision corresponding to Article 4 has been included in local legislation, and its observance would be impracticable until a system of compulsory registration of births is introduced. However, under § 14 of the Native Vessels Ordinance (Chapter 114 of the Edition of Laws), the captain of "Native vessels" must be issued with a crew list by a port officer, who is required to consent to the engagement of Natives as seamen. The application of the legislation is ensured by the Government Labour Department and port officers. Supervision is exercised by means of routine inspections. There

were no court decisions. No contraventions were reported. There were no observations from organisations of employers and workers.

Trinidad and Tobago.

Children's Ordinance No. 21 (Chapter 4).

The Convention is applied by § 94 of the Children's Ordinance. No form of register has been prescribed. The application of the legislation is entrusted to the Marine Branch of the police. No decisions were given by courts of law. The terms of the Convention and the legislation applying it are well observed. There are not many vessels engaged in maritime navigation. No observations were received from organisations of employers or workers.

Uganda.

Employment of Children Ordinance No. 18 of 1938, as amended by Ordinance No. 27 of 1946.

Ordinance No. 27 of 1946 applies the provisions of the Convention to vessels propelled by steam and prohibits the employment of children under 16 years of age on such vessels. The application of the Convention is ensured by the Labour Commissioner. European and African officers of the Labour Department have powers of inspection. There were no court decisions. Apart from lake steamers of the East African

Railways and Harbours calling at Uganda lake ports, only local non-power operated fishing craft operate. There were no observations concerning the application of the Convention. There are in this territory at present only one employers' organisation and one registered trade union. Neither of these bodies can be considered as representing all the workers or employers.

Zanzibar.

Employment of Women, Children and Young Persons (Restriction) Decree (Chap. 132 of the Revised Laws of Zanzibar, 1934).

No form of register in accordance with Article 4 of the Convention has been prescribed by local legislation. The application of the legislation is entrusted to the port officer. Ships' crews are signed on by the port office staff and close attention is paid to the question of age. There were no court decisions. The Convention has been fully applied in the ships of His Highness the Sultan, and no case of contravention in other ships registered was reported.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

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	Reports received
Argentina	30.11.1933	28. 1.1949
Australia	28. 6.1935	21.10.1948
Belgium	2. 2.1925	29.11.1948
Bulgaria	16. 3.1923	
Canada	31. 3.1926	9.11.1948
Chile	18.10.1935	2. 4.1949
Colombia	20. 6.1933	
Cuba	6. 8.1928	30. 3.1949
Denmark	15. 2.1938	10.11.1948
Estonia	3. 3.1923	
France	21. 3.1929	26.11.1948
Germany	4. 3.1930	
Greece	16.12.1925	4. 1.1949
Ireland	5. 7.1930	9. 3.1949
Italy	8. 9.1924	8. 4.1949
Latvia	29. 8.1930	
Luxembourg	16. 4.1928	24. 9.1948
Mexico	20. 5.1937	3.12.1948
Netherlands	15.12.1937	27.12.1948
Nicaragua	12. 4.1934	
Norway	21. 7.1936	5. 2.1949
Poland	21. 6.1924	14. 1.1949
Rumania	10.11.1930	
Spain	20. 6.1924	
Sweden	1. 1.1935	2.12.1948
United Kingdom	12. 3.1926	7.12.1948
Uruguay	6. 6.1933	23.12.1948
Yugoslavia	30. 9.1929	

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Argentina.

Act No. 11,727 of 28 September 1933 to ratify the Convention.
Act No. 12,921 of 27 June 1947 to apply the Convention.
Legislative Decree No. 3,302 to ratify Act No. 12,921.

Australia.

The Navigation Act, 1912-1942.

Belgium.

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

Canada.

Canada Shipping Act, 1934 (L.S. 1934, Can. 7).

Chile.

Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L.S. 1931, Chile 1), as amended by Act No. 5405 of 8 February 1934 (L.S. 1934, Chile 1 A).
Commercial Code (§§ 823 and 933).

Cuba.

Commercial Code of 1885 (§§ 586-651).
Legislative Decree No. 660 of 6 November 1934 (concerning, *inter alia*, unemployment indemnity to seamen in case of loss or foundering of the ship) (L.S. 1934, Cuba 12 B), supplemented by Decrees Nos. 3163 of 1942, 3643 of 1943, 3037 and 3372 of 1944, and 4063 of 1945.

Denmark.

Seamen's Act of 1 May 1923 (L.S. 1923, Den. 2), supplemented by Act No. 96 of 7 April 1936 (L.S. 1936, Den. 1).
Royal Decree of 15 February 1938 to put alien seamen on the same footing as Danish seamen in certain cases.

France.

Act of 13 December 1926 to issue a Seamen's Code (L.S. 1926, Fr. 13).
Act of 15 February 1929 providing for the payment of an unemployment indemnity to seamen in case of capture, wreck or declaration of unseaworthiness of a vessel (L.S. 1929, Fr. 1).

Greece.

Legislative Decree of 23 September 1925 to ratify the Convention.
Act No. 4004 of 1929 to approve the Legislative Decree of 23 September 1925.

Ireland.

Merchant Shipping (International Labour Conventions) Act of 1933 (L.S. 1933, Ire. 2).

Italy.

Legislative Decree No. 2544 of 27 December 1925 bringing the Convention into force in Italy.

Luxembourg.

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

Mexico.

Political Constitution of the United States of Mexico (§ 133).
Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).
Act of 30 December 1939 concerning general lines of communication.

Netherlands.

Act to issue new legislative provisions respecting agreements for masters and seamen, dated 14 June 1930 (in force 1 October 1937) and amending, *inter alia*, Book II of the Commercial Code (L.S. 1930, Neth. 1).

Norway.

Seamen's Act of 16 February 1923 (L.S. 1923, Nor. 1), as amended by Act of 7 June 1935 (L.S. 1935, Nor. 2).

Poland.

Act of 17 March 1933 amending the Seamen's Code (which came into force on 1 June 1933) (L.S. 1933, Pol. 4).

Sweden.

Seamen's Act of 15 June 1922 (L.S. 1922, Swe. 1), as amended by the Act of 18 May 1934 (L.S. 1934, Swe. 1 A).
Royal Notification of 18 May 1934 to place alien seamen on the same footing as Swedish seamen in certain cases (L.S. 1934, Swe. 1 B).

United Kingdom.

Merchant Shipping (International Labour Conventions) Act, 1925 (L.S. 1925, G.B. 5).

Uruguay.

Act No. 9,825 of 17 May 1939 respecting unemployment indemnity to seamen in case of shipwreck (L.S. 1939, Ur. 1).

SUMMARY OF OTHER INFORMATION

Argentina. The report refers to information previously given and adds that there were no changes in the situation.

Copies of the report have been communicated to the General Confederation of Labour and to the Argentine Association of Production, Industry and Commerce.

Australia. The report shows that there has been no change since the submission of the last report. No decisions were given by courts of law and no observations have been received from employers' or workers' organisations.

Copies of the report have been communicated to the Australasian Steamship Owners' Federation and to the Maritime Transport Council.

Belgium. The Act of 5 June 1928 applies to all merchant and fishing vessels. Any disputes in connection with the right to unemployment indemnity in the event of shipwreck are settled by means of conciliation before the maritime superintendent or, if no settlement is reached, by means of the seamen's probiviral courts set up by the above-mentioned Act. There were no decisions by courts of law and no cases of shipwreck occurred during the period under review.

Copies of the report have been communicated to the Federation of Belgian Industries, to the General Federation of Labour of Belgium, to the Confederation of Christian Trade Unions and to the General Association of Liberal Trade Unions.

Canada. There has been no change in the position since the submission of the last report.

Chile. The report confirms the information previously given on the legislation and application of the Convention. It indicates that Decree No. 100 of 31 January 1948, published in the Official Journal of 20 April 1948, approves regulations laying down the functions of the Labour Service, the Maritime Authority and the Maritime Health Service, and organising the collaboration among these bodies as regards the provisions

of the laws and regulations which apply to maritime work. There were few decisions by labour courts relating to the application of the Convention. The text of one decision is appended to the report. Information received by the labour inspectorate shows that, during the period under review, there were 36 minor shipwrecks, with a total of 25 victims. The latter have received the statutory compensation. The legislation covers 3,788 seamen and 1,866 officers. There were no observations from employers' and workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers, which are the most representative organisations of employers and workers.

Cuba. The report repeats information previously given. Since 1942, a total of 5,242,068 pesos has been paid either for war losses or as unemployment indemnity to the crews of vessels prevented from operating because of the war. There were no decisions by courts of law and no observations from employers' and workers' organisations. The statistical services are being reorganised and it is not possible to furnish statistical data. The legislation applies to all crews.

The annual reports communicated to the International Labour Office are at the disposal of the employers' and workers' organisations registered with the Ministry of Labour.

Denmark. The report refers to information previously furnished.

France. The report refers to information previously given. No changes have taken place. The Convention applies to approximately 100,000 seamen. There were no decisions by courts of law and no observations have been received from employers' or workers' organisations. The maritime registration system existing in the metropolitan territory of France applies also to Algeria and to the new Departments of Guadeloupe, Guiana, Martinique and Reunion.

Documents relating to the application of the Convention have been communicated to the Central Committee of French Shipowners and to the Federation of Officers and Seamen's Trade Unions affiliated with the General Confederation of Labour.

Greece. The report repeats the information furnished for 1946-1947 and adds that there are no statistics available as regards the number of seamen covered by the relevant legislation. Since, however, there were three cases of shipwreck with a crew of about 35 in each case, it would appear that the Convention was applied for about 105 seamen.

Ireland. Two cases of shipwreck coming within the scope of the Convention occurred during the period under review. In one

of these cases, the crew applied for unemployment indemnity.

Copies of the report have been communicated to the Congress of Irish Unions, to the Irish Trade Union Congress and to the Federated Union of Employers.

Italy. The report repeats information previously given. There were no decisions by courts of law and no observations from employers' and workers' organisations.

Luxembourg. The Convention was ratified in a spirit of international solidarity and calls for no practical application in the Grand Duchy.

Copies of the report have been communicated to the most representative organisations of employers and workers.

Mexico. The report repeats the information previously furnished.

Copies of the report have been communicated to the most representative organisations of employers and workers.

Netherlands. The report mentions nine cases of shipwreck during the period under review and adds that, according to information given by the shipowners, the 128 crew members concerned received the indemnity prescribed by the Convention.

Norway. The report repeats information previously given and states that there has been no change in the situation.

Copies of the report have been communicated to the Norwegian Seamen's Union and the Norwegian Shipping Employers' Association. These organisations did not submit any observations and confirmed the fact that the Convention is strictly applied.

Poland. The report repeats information given for the period 1946-1947. No contentious cases were noted during the period under review.

Copies of the report have been communicated to the Social and Economic Department of the Ministry of Industry and to the Central Committee of Polish Trade Unions.

Sweden. The report repeats the information previously given.

Copies of the report have been communicated to the Swedish Employers' Association to the Swedish Confederation of Trade Unions and to the Central Organisation of Salaried Employees.

United Kingdom. The report repeats the information previously given. There were no decisions by courts of law and no observations have been received from employers' or workers' organisations.

Copies of the report have been communicated to the British Employers' Confederation and to the Trades Union Congress.

Uruguay. The legislative provisions are in harmony with the principle of the Convention and even go further as regards total indemnity, as they provide for payment

of three months' wages instead of two as allowed in the Convention. The compensation provided for in the legislation was granted in one case of shipwreck.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

Australia

Papua and New Guinea.

Papua — Seamen (Unemployment Indemnity) Ordinance, 1937.
New Guinea — Shipping (Maritime Convention) Ordinance, 1937.

The report states that in *New Guinea* the legislation does not apply to Natives, nor, in the case of fishing boats, to persons entitled to be remunerated only by a share in the profits; in *Papua*, it is applied to all seamen except to those employed in fishing boats who are entitled to a share in the profits. River and bay ships are not covered. The report contains information concerning the interpretation of "loss or foundering". Unemployment indemnity is payable in such cases, for a period of two months; money payable on this account may be recovered in any court of competent jurisdiction just as arrears of wages may be recovered. The application of the legislation is entrusted to the harbour master's branch of the Department of Trade and Customs. No court decisions were given. No cases have arisen under the Convention during the period under review. There are no representative organisations of employers and workers.

France

The maritime registration system existing in metropolitan France has not yet been put into force in the territories of the French Union. The question is under consideration by the Assembly of the French Union.

Netherlands

Netherland West Indies.

Commercial Code of Curaçao.

The provisions of this Convention are covered by the Commercial Code of Curaçao, § 552 and the following Articles.

Indonesia.

§§ 375, 395, 407, 421 and 452 (g) of the Commercial Code.

The Convention has been applied as far as local conditions permitted. Its provisions are covered by the legislation, except that the term "vessel" is defined so as to exclude: (a) mechanically propelled ships of less than 100 cubic metres; (b) non-mechanically propelled ships of less than 300 cubic metres; and (c) ships which are only at sea for a test cruise.

The exemptions (a) and (b) above are allowed because work on board these ships is performed under such conditions that application of the provisions of the Convention would be premature. The legislation is applicable in the case of any loss or damage of the ship. Courts of law have not been called upon to interpret the legislation. According to § 421 of the Commercial Code, the employment terminates when the voyage is interrupted by *force majeure* or where a seaman has been engaged exclusively for a certain ship and not for a special trip. In these cases, the employer is obliged to pay the seaman's wages until his return to the place where he was engaged unless he finds employment in the meantime. When it takes less than two months to return the seaman to his place of engagement, he receives less than two months' wages; when it takes more than two months, his wages are correspondingly increased. Where the contract is for an unstipulated period, the seaman has a right to payment of his wages until the contract has been terminated. In the case of a contract for a stipulated period, the seaman is entitled to wages until the end of such period. In view of the above-mentioned provisions, unemployment practically never occurs among seamen as a result of shipwreck. The indemnity has been limited to two months' wages. The seaman has the same remedies for recovering such indemnities as he has for recovering arrears of wages, *i.e.*, by civil proceedings. No special service supervises observance of these provisions. No observations have been received from employers' or workers' organisations.

Surinam.

Ordinance No. 111 of 1943.

The Convention has been published. Up to now no shipwreck has ever occurred in Surinam. In such an event the company concerned is responsible for unemployed seafarers. The Government is the only shareholder in the company. Formal application of the Convention is considered inappropriate.

United Kingdom

Aden.

Imperial Order in Council of 14 March 1941 (this applied the provisions of the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925 to ships registered as British ships under the United Kingdom Merchant Shipping Acts in Aden). The Indian Merchant Shipping Act XXI of 1923.

The Convention is applied by the legislation in force. The port officer is the executive officer who administers the provisions of the Act, and he satisfies himself that the Convention is observed faithfully and that any claim for consideration is properly investigated. No court decisions were reported. There are no representative organisations of employers or workers in Aden.

Barbados.

The Convention has not been applied.

Basutoland.

The Convention is inapplicable to Basutoland, which is an inland territory.

Bechuanaland.

The Convention is not applicable in the territory.

Bermuda.

No legislation or administrative provisions apply the Convention.

British Guiana.

The Merchant Shipping (International Labour Conventions) (British Guiana) Order, 1942.

The Merchant Shipping Order, 1942, applies the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925 with certain modifications, which have the effect, *inter alia*, that the provisions of § 1 of the Act shall not apply to any ship of less than 200 tons gross registered tonnage engaged solely in voyages between the colony and the West Indian islands or between any of those islands, or to ships engaged solely in the coastal trade of the colony. The Convention is fully applied with these modifications. There has been no case in the colony arising out of the application of the law implementing the Convention. A seaman is entitled, in respect of each day on which he is in fact unemployed through the wreck or loss of his ship during a period of two months from the date of the termination of the service, to receive wages at the rate to which he was entitled at that date. Wages due, whether as arrears earned during service or as payment due as unemployment indemnity in case of loss or foundering of the ship, can be recovered through a court of law. The necessity for the appointment of officers to whom the application of the law would be entrusted has not yet arisen. The question, however, is under consideration. No decisions have been given by any court regarding the application of the Convention. No information is available as regards the number of workers covered by the legislation, no vessels have been wrecked or otherwise lost during the year under review, and no observations have been received from organisations of employers or workers.

British Honduras.

The Convention is not applied in British Honduras because of the very small number of vessels registered in the territory and because it would be impossible to apply it to small coastal boats. There have been few instances of the loss or foundering of foreign ships, and in each case their crews are repatriated to their homes or places of engagement.

Brunei.

Seamen's Unemployment Indemnity Enactment, 1939 (Enactment No. 8).

As the shipping is mostly Native craft and coastal ships of small tonnage, the Convention has little practical application. The application of the legislation is in the hands of the British Resident. There were no court decisions and no observations from organisations of employers or workers.

Cyprus.

Cyprus Registration of Ships (International Labour Conventions) Law, No. 24 of 1939.

The provisions of the Convention are fully enforced. Only 22 small sailing vessels and one small steamer, totalling 1,354 gross tons, are registered. The words "loss or foundering" have not been interpreted. Seamen usually prefer remuneration on a "share basis" but, where engaged on a salary basis, indemnity for two months is due after the loss or foundering of a vessel. An allowance for food is not included in addition to the money wage. The Registrar of Cyprus Ships supervises administration of the laws. No decisions were given by courts of law. As only 140 seamen were employed, no claims for indemnity were reported.

Dominica.

No local legislation has been enacted. There are only a few sailing vessels registered and the necessity for legislation is being considered by Government.

Falkland Islands.

The Convention is inapplicable.

Fiji.

Order in Council of 25 July 1927, applying the relevant provisions of the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925.

It has not been necessary to fix a local interpretation of the terms of Article 2 of the Convention. No seamen of the class covered by the Convention have had recourse to law. In the few instances where locally owned vessels have been wrecked in the waters of the colony, the seamen affected have been adequately compensated by the owners for any short period of unemployment resulting from the loss or foundering of the vessel. The Fiji Marine Board is entrusted with supervision of the application, and has never had occasion to intervene. The interests of seamen are watched by the Fiji Seamen's Union.

The report has been communicated to owners of vessels on the local register and the Fiji Seamen's Union.

Gambia.

The Merchant Shipping (International Labour Conventions) Ordinance No. 16 of 1940, § 3.

No instances of "loss or foundering" have occurred. The harbour master and marine superintendent is responsible for inspections and also for prosecutions in the event of any contravention of the law.

Gibraltar.

Merchant Shipping Ordinance No. 9 of 1935.

The Convention is applied by the legislation in force which is administered by the captain of the port, and immediate supervision of compliance with conditions of service laid down by the Ordinance is exercised by the mercantile marine officer. During the year under review, no locally registered vessels were wrecked or otherwise lost. No observations were received from organisations of employers or workers.

Gilbert and Ellice Islands.

The Convention does not appear to have been applied as yet, as the Order in Council published on 5 May 1939 extended the relevant provisions of the Merchant Shipping (International Labour Conventions) Act, 1925 to the Solomon Islands but did not extend it to the Gilbert and Ellice Islands. The question of further extension is still under consideration.

Gold Coast.

This Convention is not applied in the Gold Coast since no registry of local shipping exists.

Grenada.

The Merchant Shipping (International Labour Convention) Act, 1925 of the United Kingdom has been applied to this Colony by the Merchant Shipping (Colonies) (Amendment) Order in Council in March 1940.

The application of the Convention is entrusted to the Colonial Treasurer in his capacity as shipping master.

Hong Kong.

U.K. Merchant Shipping (International Labour Conventions) Act, 1925.

The Merchant Shipping (Hong Kong) Order, 3 March 1936.

§ 158 of the U.K. Merchant Shipping Act, 1894.
§ 261 of the U.K. Merchant Shipping Act, 1894.

"Seaman" is defined in the Merchant Shipping (Hong Kong) Order. "Ship" means any seagoing ship or boat of any description which is registered in Hong Kong as a British ship, but does not include ships whose ordinary course of navigation does not extend beyond the waters of the colony, or fishing boats. The interpretation of "loss or foundering" is equivalent to that given in the Convention. "Wages" is interpreted as the amount signed for in the agreement with the crew, and includes

an allowance for victualling, in addition to the money wage. The indemnity under Article 2 of the Convention is limited to two months' wages. A seaman may sue for indemnity as in the case of wages. No specific legislation has been enacted for this purpose.

The application of the legislation is entrusted to the Mercantile Marine Office. The provision of inspection services has not been considered practicable, as the occasions for invoking the legislation occur so rarely. No decisions were given by courts of law. There were no cases of foundering or loss of Hong Kong registered ships.

Jamaica.

Imperial Order in Council of 25 July 1927.

A copy of the report has been sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica, and the Jamaica Manufacturers' Association.

Kenya.

The Convention is not applied in Kenya, as no vessels other than Native vessels are registered at Mombasa, the only port of Kenya.

Leeward Islands.

Merchant Shipping (International Labour Conventions) Act, 1925.

There is nothing to report in respect of the colony. The Merchant Shipping Act is applicable.

Federation of Malaya.

Legislation is under consideration to bring the laws of the Federation into accord with the provisions of the Convention. For the time being, the port authorities adopt and enforce the standards required by the Ministry of Transport of the United Kingdom, *i.e.*, the provisions of the Merchant Shipping (International Labour Conventions) Act, 1925. The provisions of the Convention are being applied.

Malta.

Malta Merchant Shipping Act (Act IX of 1929), Chapter 101 of Revised Edition.

Effect is given to the Convention by § 3 of this Act.

Mauritius.

No legislation has been enacted to give effect to the Convention.

Nigeria.

Merchant Shipping (International Labour Conventions) Act, 1925, applied by Nigeria Public Notice No. 25 of 1940.

Article 1 is applied by the Act. Article 2 is covered by § 1 (i) of the above-mentioned Act. There is in Nigeria no local legislation or ruling on the basis of which the required interpretations could be given, and recourse would be had to authorities in English law. As regards Article 3, the definition of "manual labour" in § 2 of the Labour Code Ordinance No. 54 of 1945 includes work ordinarily performed by seamen. It follows, therefore, that seamen could pursue claims in respect of wages under the provisions of Chapter XV of the Labour Code Ordinance. The legislation is enforced through the machinery of the Department of Labour. There have been no court decisions.

North Borneo.

Shipping Ordinance, 1914, § 32, applied by Gazette Notification 89 of 1931.

The obligatory indemnity payable under Article 2 of the Convention is limited to two months' wages. The remedy available to seamen for the purposes of Article 3 consists of a suit instituted in the civil courts of the colony, and a seaman is eligible to have such a suit conducted on his behalf by a Protector of Labour. The application of the legislation is entrusted to the superintendent of shipping. In September 1948, there were five ships on the colony's Register of Shipping, all under 100 tons net register. There were no court decisions, and no observations from organisations of employers or workers.

Nyasaland.

The Convention applies only to ships engaged in maritime navigation and is inapplicable.

St. Helena.

United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925.

The Act applies the Convention without modification in so far as British vessels calling at the colony are concerned. No shipping is engaged in maritime navigation locally and the Convention is therefore inapplicable at present. In the unlikely event of a case arising locally, the law would be enforced by the Government Secretary at St. Helena.

St. Lucia.

The Merchant Shipping (International Labour Conventions) Act, 1925 of the United Kingdom was given effect to by the Merchant Shipping (Colonies) (Amendment) Order of 1940.

The legislation applying the Convention is supervised by the shipping master.

St. Vincent.

Merchant Shipping (International Labour Conventions) Act, 1925 of the United Kingdom has been applied to this Colony by the Merchant Shipping (Colonies) (Amendment) Order in Council of 7 March 1940.

The application of the relevant legislation is entrusted to the Colonial Treasurer in his capacity as shipping master.

Sarawak.

Labour Conventions Ordinance.

The legislation in force provides for payment of indemnity against unemployment resulting from loss or foundering. The total indemnity payable to any one seaman may be limited to two months' wages.

Seychelles.

Order in Council of 25 July 1927, published under Governor's Order 131 of 1927 applying the Merchant Shipping Act to Seychelles (with certain reservations) following the amendment made in 1925 to § 158 of the Merchant Shipping Act (1894) included in the Merchant Shipping (International Labour Conventions) Act, 1925.

"Loss or foundering" in Article 2 of the Convention is defined as meaning total loss, damage so substantial that although the ship is physically capable of being repaired it would not, commercially speaking, be worth while repairing it, and damage to a vessel which can be and is subsequently repaired but is so substantially damaged that it frustrates the completion of a commercial venture of the particular voyage upon which the damage occurs. The unemployment indemnity is due in full and food allowance is included in the term "wages". The indemnity payable under this Article has been limited to two months' wages. The remedies available to seamen for the purposes of Article 3 are those provided in the Merchant Shipping Act of Great Britain. The application of the legislation is entrusted to the port officer, who is shipping master. There has been no loss or foundering during the year under review. There are no organisations of employers or workers.

Sierra Leone.

Merchant Shipping (International Labour Conventions) Act, 1925 as applied by the Merchant Shipping (Colonies) (Amendment) Order, 1941 (Public Notice No. 40 of 1941). Employers and Employed Ordinance No. 30 of 1934.

The Convention is applied by the legislation in force. Civil proceedings may be utilised for the recovery of any wages due. Supervision is by the harbour and shipping master. No vessels have been lost during the past year. Comparatively few workers are covered by the legislation, apart from those employed on ocean-going ships which merely call at ports in this territory. No court decisions were given. No observations were received from organisations of employers and workers.

Singapore.

The Convention is inapplicable.

British Solomon Islands Protectorate.

King's Regulation No. 5 of 1947.

Ratification has not had any legal effect in the protectorate. All workers are employed subject to the provisions of the labour regulations. An employer is bound by law to provide workers with accommodation and maintenance (or allowances in lieu thereof) until such time as the workers are repatriated. Gainful employment is not necessary for the support of normal life. The only loss of vessels was due to military action during the Japanese occupation, and the crews were all members of the Solomon Islands defence force serving in a military capacity. At present 183 men are employed in vessels. Supervision is by labour officers and district commissioners and other authorised officers.

Swaziland.

The Territory of Swaziland has no coast line and therefore has no responsibility for the control of navigation or employment at sea.

Tanganyika.

The Convention is not applicable to Tanganyika Territory, where the circumstances covered by the provisions of the Convention do not exist. In general, indigenous inhabitants are employed as seamen only on small vessels engaged in the coasting trade and on native vessels. They are not employed on foreign-going vessels, *e.g.*, ships proceeding beyond the coasts of adjoining territories or of Zanzibar, none of which type is registered in the territory.

Trinidad and Tobago.

Merchant Shipping (International Labour Conventions) Act, 1925, as applied to Trinidad and Tobago by Order in Council, Merchant Shipping (Colonies) Order, 1927.

Indemnity for two months after the loss or foundering of the vessel is due in full, irrespective of the time which has still to elapse between the date of the wreck and

the date on which the contract would have been terminated if the wreck had not taken place. The question of the inclusion of an allowance for food has not been raised or considered in Trinidad. Summary proceedings for recovering wages are as provided in § 164 of the Merchant Shipping Act, 1894. As regards seamen employed in local waters, proceedings for the recovery of wages may be taken under Trinidad Ordinance, Chapter 18, No. 8, § 20. The application of the legislation is supervised by the harbour master of the colony, who is also shipping master for the Ministry of Transport. No court decisions have been given. The necessity for applying the Convention has not yet arisen in Trinidad and Tobago. The number of workers covered by the relevant legislation varies considerably but is seldom in excess of 200. No observations were received from organisations of employers or workers.

Uganda.

Lake shipping traffic is not of sufficient volume to warrant special legislation to give effect to the provisions of the Convention.

Zanzibar.

The Convention has not been applied in Zanzibar. The voyages for which local seamen are engaged are of short duration, being confined to the waters of the protectorate and the adjoining coasts. Further, employment is easy to obtain, and there is no question of distress or destitution resulting from a temporary lack of employment owing to the foundering of a vessel, except where the vessel is a foreign one. In such case, the welfare and repatriation of the seamen are the concern of the social service departments of the Government. The cost of replacing lost personal effects and of repatriation, and payment of arrears of wages earned, are recoverable by ordinary process of law.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

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	Reports received
Argentina	30.11.1933	28. 1.1949
Australia	3. 8.1925	28.10.1948
Belgium	4. 2.1925	29.11.1948
Bulgaria	16. 3.1923	
Chile	18.10.1935	2. 4.1949
Colombia	20. 6.1933	
Cuba	6. 8.1928	30. 3.1949
Denmark	23. 8.1938	10.11.1948
Estonia	3. 3.1923	
Finland	7.10.1922	26.10.1948
France	25. 1.1928	26.11.1948
Germany	6. 6.1925	
Greece	16.12.1925	4. 1.1949
Italy	8. 9.1924	
Japan	23.11.1922	
Latvia	3. 6.1926	
Luxembourg	16. 4.1928	24. 9.1948
Mexico	1. 9.1939	3.12.1948
Netherlands	9. 1.1948	27.12.1948
New Zealand	29. 3.1938	26.12.1948
Nicaragua	12. 4.1934	
Norway	23.11.1921	5. 2.1949
Poland	21. 6.1924	14. 1.1949
Rumania	10.11.1930	
Spain	23. 2.1931	
Sweden	27. 9.1921	2.12.1948
Uruguay	6. 6.1933	23.12.1948
Yugoslavia	30. 9.1929	

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Argentina.

Act No. 9,148 of 25 September 1913 concerning free employment exchanges (L.S. 1934, Arg. 2 C), as amended by Act No. 12,101 of 15 October 1934 (L.S. 1934, Arg. 2 A).

Act. No. 9,661 of 25 August 1915 relating to fines for infringement of the Act concerning the work of women and young persons (L.S. 1934, Arg. 2 D), as amended by Act No. 12,102 of 15 October 1934 (L.S. 1934, Arg. 2 B).

Decision of the Directorate of Labour Police, dated 24 May 1948, to provide for the establishment of an employment exchange for dockers, to be under the General Employment Register.

Australia.

Navigation Act, 1912-1942.

Belgium.

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

Act of 5 June 1928 revising the Disciplinary and Penal Code for the Mercantile Marine and Sea-Fishing Industry (L.S. 1928, Bel. 5 B).

Chile.

Shipping Act of 24 June 1878.

Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L.S. 1931, Chile 1), as amended by Act No. 5405 of 8 February 1934 (L.S. 1934, Chile 1 A).

Decree No. 399 of 5 May 1934 to consolidate the text of the Regulations concerning work in maritime undertakings and allied occupations in harbours.

Decree No. 481 of 4 April 1935 to amend §§ 3 and 6 of the preceding Decree.

Decree No. 97 of 2 January 1945 to amend § B of Article 39 of Decree No. 399 of 5 May 1934.

Cuba.

Legislative Decree No. 660 of 6 November 1934, concerning, *inter alia*, the placing of seamen (L.S. 1934, Cuba 12 B).
§ 575 of the Penal Code.

Denmark.

Act No. 76 of 31 March 1937 respecting the engagement and signing on and off of ships' crews (L.S. 1937, Den. 1).

Order of 7 March 1938 respecting the coming into force of the above Act.

Order of 7 March 1938 respecting the establishment of seamen's employment exchanges outside Copenhagen.

Notification of 26 March 1938 respecting the operations of seamen's employment exchanges.

Finland.

Act of 23 July 1936 respecting the finding of employment (L.S. 1936, Fin. 2).

Order of 23 July 1936 concerning the application of the above Act.

Decision of the Minister of Communications and Public Works concerning the organisation of the placing of seamen, dated 16 September 1946.

France.

Act of 28 December 1910 to codify the labour laws (Book I of the Code of Labour), modified by a series of amending Acts, in particular, by the Act of 2 February 1925 to amend § 85 of Book I of the Labour Code with regard to employment exchanges and departmental employment offices (L.S. 1925, Fr. 4).

Act of 13 December 1926 to issue a Seamen's Code (L.S. 1926, Fr. 13).

Decree of 29 January 1928 for organising joint maritime employment offices (L.S. 1928, Fr. 5).

Act of 11 July 1938 on the wartime organisation of the nation.

Order of 6 September 1939 respecting the requisitioning of crews of the mercantile marine.

Greece.

Act No. 4360 of 1929 to ratify the Convention. Decrees of 31 January 1930, 19 April 1932 and 28 November 1934, providing for the establishment of Government employment offices in certain ports.

Act No. 192 of 30 September 1936 concerning the placing of seamen (L.S. 1936, Gr. 1).

Italy.

Royal Decree No. 588 of 20 March 1924 to ratify the Convention.

Royal Decree No. 2543 of 27 December 1925 bringing the Convention into force in Italy.

Royal Legislative Decree No. 1031 of 24 May 1925 to prohibit the charging of fees for the placing of seamen (L.S. 1925, It. 2), amended by §§ 1176-1177 of the Shipping Code. Mercantile Marine Code § 125.

Luxembourg.

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

Mexico.

Political Constitution of the United States of Mexico of 1917, § 123.
Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).
Regulations of 13 April 1934 concerning employment agencies.

Netherlands.

Act of 29 November 1930 to regulate employment exchange work (L.S. 1930, Neth. 5).
Decree of 24 September 1940 respecting employment exchanges (L.S. 1940, Neth. 2).
Decree of 17 July 1944, to issue rules respecting employment exchange work and vocational training and retraining and industrial rehabilitation (L.S. 1944, Neth. 1).

New Zealand.

Shipping and Seamen Act, 1908, as amended 1909-1936.
Employment Act of 12 November 1945.

Norway.

Act concerning mustering of ships' crews, etc., of 29 June 1888.
Employment Services Act of 27 June 1947.
Order of 29 May 1948, respecting employment offices for seamen, issued in virtue of the Employment Services Act (§ 32).

Poland.

Decree of 2 August 1945 concerning employment offices.
Order of the Minister of Labour and Social Welfare of 24 September 1945 concerning the finding of employment.

Sweden.

Act of 15 June 1934 concerning the public employment exchange service (L.S. 1934, Swe. 3).
Royal Order No. 264 of 15 June 1934 respecting recognised unemployment funds, as amended by Royal Orders of 21 May 1937 (L.S. 1937, Swe. 2) and 21 April 1943 (L.S. 1943, Swe. 1).
Royal Decree of 23 November 1934 concerning the co-ordination of public employment exchanges.
Royal Decree of 23 November 1934 concerning methods of procedure with regard to State subsidies for the public employment exchange service.
Act of 18 April 1935 to issue certain provisions respecting agencies (L.S. 1935, Swe. 1).
Instruction No. 326 of 7 May 1940 concerning the State Employment Market Commission.
Notice No. 327 of 7 May 1940 concerning the transfer to the State Employment Market Commission of the functions of the State Unemployment Commission.
Notice No. 328 of 7 May 1940 creating provincial employment councils.
Notice No. 329 of 7 May 1940 subordinating placing activities to central State control.

Uruguay.

See under summary of other information.

SUMMARY OF OTHER INFORMATION

Argentina. The Government refers to the information supplied in previous reports and adds that a Decision of the National Directorate of Labour and Social Action, dated 24 May 1924, provides for the setting up of an exchange for dockers entered in the general employment register.

Copies of the report have been communicated to the General Confederation of Labour and the Argentine Association of Production, Industry and Commerce.

Australia. The total number of seamen engaged in the shipping industry during the year ended 30 June 1948 was 9,475, and the number of engagements and re-engagements of seamen during the same period 29,717. The estimated daily average number of seamen (excluding officers) unemployed at the principal Australian ports was 343. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Australasian Steamship Owners' Federation and to the Maritime Transport Company.

Belgium. The report refers to information previously furnished. The supervision of the application of the Act of 5 June 1928 is entrusted to the Joint Committee for the Engagement of Seamen and, if necessary, to the maritime authority. Proceedings for any contraventions may be instituted by the maritime superintendent. Placing in Belgian ports is carried on in accordance with the provisions of the Convention. There were no court or administrative decisions. Placing on Belgian vessels is effected on the basis of a roster of seafarers registered with the manpower pool of the mercantile marine. However, the master remains free to choose his crew.

Copies of the report have been communicated to the Federation of Belgian Industries, to the General Federation of Labour of Belgium, to the Confederation of Christian Trade Unions and to the General Association of Liberal Trade Unions.

Chile. The report repeats information previously given as regards legislation and the application of the Convention. It indicates that Decree No. 100 of 31 January 1948, published in the Official Journal of 20 April 1948, approves Regulations laying down the functions of the Labour Service, the Maritime Authority and the Maritime Health Service, and organising the collaboration among these bodies as regards the provisions of the laws and regulations which apply to maritime work. There were no decisions by courts of law and no observations from employers' and workers' orga-

nisations. The legislation covers 3,788 seamen and 1,866 officers.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers, which are the most representative organisations of employers and workers.

Cuba. The report repeats information previously given and indicates that § IX of Legislative Decree No. 660 of 1934, abolishes fee-charging employment agencies for seamen. It was unnecessary to establish the system provided for in Article 4, paragraph 1 of the Convention because there was only one important shipping company and because of the existence of bodies such as the National Office for Maritime Questions (attached to the Ministry of Labour), the port authorities and the labour exchanges. There were no decisions by courts of law and no observations from employers' and workers' organisations. It is impossible to give statistical information.

The annual reports communicated to the International Labour Office are at the disposal of the employers' and workers' organisations registered with the Ministry of Labour.

Denmark. The report refers to information previously furnished and adds that the number of engagements effected through the public shipping offices during the period 1 August 1947 to 31 July 1948 was 16,549.

Finland. The report repeats the information given for 1946-1947. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Finnish Employers' Organisations and to the Confederation of Finnish Trade Unions.

France. Since 1 January 1948, when requisitioning came to an end, shipowners have been recruiting their crews freely under the conditions laid down in the collective agreements concluded with the trade unions for seagoing personnel. In consequence, the placing offices provided for by § 6 of the Maritime Labour Code have been re-established in the principal French ports and at Algiers. However, the new employment agencies for seamen are different from the old joint employment offices since they are State institutions, their joint character not having been sanctioned by the labour legislation now in force. The manner in which these agencies are to function on the local level is still under consideration and therefore employers' and workers' organisations have not been able to submit any demands as to their management. The maritime registration system existing in the metropolitan territory applies also to Algeria and to the new departments of Guadeloupe, Guiana, Martinique and Reunion.

Documents relating to the placing of seamen have been communicated to the Central Committee of French Shipowners and to the Federation of Officers' and Seamen's Trade Unions affiliated with the General Confederation of Labour.

Greece. The report repeats information previously given as regards the composition and functioning of seamen's employment exchanges (called "labour offices"), the recruitment of seamen and the application of the relevant legislation. The report contains statistical data relating to the number of unemployed officers and ratings registered with the labour offices during the period 1 October 1947 and 30 September 1948, as well as the number of officers and ratings who found employment through these offices during the same period. The labour offices made a certain number of recruitments for abroad. During the period 1947-1948, 718 officers and 1,806 ratings were placed by the labour office at the Piraeus.

Italy. The report repeats information previously given. There were no decisions by courts of law and no observations from employers' and workers' organisations. On 30 September 1948, 4,999 officers and 41,357 seamen were registered with the employment offices.

Luxembourg. The Convention was ratified in a spirit of international solidarity and calls for no practical application in the Grand Duchy. Copies of the report have been communicated to the most representative organisations of employers and workers.

Mexico. The report refers to information previously furnished. The employment service has not established any special division for the placing of seamen.

Copies of the report have been communicated to the most representative employers' and workers' organisations.

Netherlands. The first report of the Government gives a detailed analysis of the various legislative provisions ensuring the application of the Convention. Under Articles 2 and 3 of the latter, it is stated that § 43 and following of the Act of 1930 provide for a system of permits for fee-charging employment agencies. Such permits are not issued for the placing of seamen. § 58 and following contain penal provisions. Under Articles 4 and 5 of the Convention, it is stated that the organisation of the National Employment Office is in accordance with the Convention. The total number of regional offices is 159, of which three, those at Rotterdam, Amsterdam and Groningen, are specially concerned with the placing of seamen. Of a total of 2,844 registered unemployed, these three offices received 2,583 requests for employment, and effected 2,268 placements. Joint committees, composed of seven members at Rotterdam and Amsterdam and five at

Groningen, have been established. These members are nominated by the director-general of the National Employment Office. The chairmen of the committees are chosen by the director-general from among the members of the advisory committee attached to each office.

Under Article 6 of the Convention, the report states that use of the public employment exchanges is not compulsory. However, a seaman in receipt of unemployment compensation from the Government loses the right to compensation if he refuses to accept suitable work. The seaman may appeal to the director-general of the National Employment Office.

Under Article 7, the report points out that the regulations respecting articles of agreement are laid down under Title IV of the Commercial Code. Articles of agreement must be executed in writing and signed by the seaman, otherwise they are void. Expenses are paid by the shipowner. The maritime commissioner responsible for placing satisfies himself that the seaman understands the contract which he signs. Each seaman has the right to examine the articles again when he is on board ship. Under Article 8, it is stated that the employment offices offer their services free of charge to nationals as well as to foreigners. No statistics of foreign seamen exist, but it is generally known that the employment office at Rotterdam plays an important part in the placing of foreign seamen.

Under Article 9, the report states that all the above-mentioned provisions apply to officers as well as to ratings. The Commercial Code contains special provisions for masters. Under Article 10, it is indicated that the Central Office of Statistics supplies the International Labour Office with figures on the placing of seamen as well as with other information. The International Labour Office receives, among other documents, the monthly reports of the director-general of the National Employment Office.

The application of the Act of 1930 respecting public placement is ensured by the National Employment Office, while the supervision of the application of § 43 and following is entrusted to the municipal councils. The National Employment Office also ensures the application of the Order of 24 September 1940 and of the Decree of 17 July 1944. The application of Title 4 of the Commercial Code is entrusted to the General Directorate of Shipping which is attached to the Ministry of Transport. The regional employment offices are supervised by four inspectors and a general inspector of the National Employment Office. The maritime commissioners are supervised by the Inspector of Navigation. There are very few breaches of the provisions of the Convention. The inspection reports do not contain any information concerning placement and it is to be assumed therefore that the latter functions satisfactorily. There were no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Labour Foundation, which comprises all employers' and workers' organisations with the exception of the "United Trade Union Centre".

New Zealand. The Government refers to its previous report and furnishes statistics, under the heading of "water transport", of the persons disengaged and of those placed in employment by the National Employment Service. There were no decisions by courts of law and no observations have been received from employers' or workers' organisations.

Copies of the report have been communicated to the New Zealand Employers' Federation and to the New Zealand Federation of Labour.

Norway. Maritime employment offices have been established in the 16 most important ports. The directors of these offices have seafaring knowledge. In order to provide for the engagement of seamen in ports where no seamen's offices have been established, supplementary arrangements, combined with the regular employment exchange offices, are under consideration. Each maritime employment office is controlled by a supervisory committee, consisting of a chairman representing the State and one representative for the owners and one for the seamen. The committee is appointed by the Ministry of Social Affairs, in consultation with the organisations concerned. The Employment Service Act has not been extended to ships' officers. No decisions were given by courts of law and no observations were received from employers' and workers' organisations.

Copies of the report have been communicated to the Norwegian Seamen's Union and the Norwegian Shipping Employers' Association. These organisations have made no observations and have confirmed that the Convention is fully applied in Norway.

Poland. The report repeats the information given for the period 1946-1947. Any breaches of the provisions concerning mediation in the conclusion of labour agreements are liable to the following sanctions: a maximum of one year's imprisonment, or a maximum fine of 150,000 zlotys, or both. During the period under review, the employment offices at Gdansk and Szczecin registered 4,018 applications for employment; 1,116 persons were placed.

Copies of the report have been communicated to the Social and Economic Department of the Ministry of Industry and to the Central Committee of Polish Trade Unions.

Sweden. The report contains statistical information showing the number and location of employment offices dealing with the placing of seamen. During the period under review, the number of seamen who registered for employment was 71,707. The number of vacant posts reported was 45,981 and the vacancies filled 43,265. The number of foreign seamen who reported to the public employment service was 7,860; 4,765 among

them were placed in employment. See also under Convention No. 2.

Copies of the report have been communicated to the Swedish Employers' Association, to the Swedish Confederation of Trade Unions and to the Central Organisation of Salaried Employees.

Uruguay. The report states that the national legislation is not in harmony with the provisions of the Convention, for it does not prohibit the placing of seamen through agencies or persons working for pecuniary gain. However, it can be stated that the problem does not arise in Uruguay, as the only shipping activity on any scale is the coasting trade, and most of the persons employed therein are engaged through official employment agencies or work for the National Harbour Administration. At the same time, in order to bring the national legislation into harmony with the Convention, a special article was included in the Bill, submitted by the Executive Authority to Parliament in 1943, concerning the National Placement and Employment Exchange Register. A Draft Labour Code for Seamen, in which the Convention is reproduced in its entirety, has been presented to the Senate.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

France

The maritime registration system existing in metropolitan France has not yet been put into force in the territories of the French Union. The question is under consideration by the Assembly of the French Union.

Netherlands

Indonesia.

§§ 395-452 (*g*) of the Commercial Code.

The Convention has been partially applied. The business of finding employment for seamen is not carried on as a commercial enterprise for pecuniary gain. The establishment of public employment offices with advisory committees seems unnecessary and premature, because the trade union movement is not sufficiently advanced to take responsible joint decisions, and a social objective could never be attained through a politically influenced trade union movement. Article 6 of the Convention is inapplicable, as § 416 of the Commercial Code stipulates that the seaman is at the disposal of the shipowner for work on board the ship indicated in the contract. The parties are protected by the provision that a contract has to be made in the presence of the competent authority, who has to make sure that a seaman understands the provisions of the contract. The Department of Shipping supervises observance of the legislation.

Surinam.

The Convention has not been published or promulgated. Contraventions of the provisions of the Convention are unknown. Seafarers are engaged exclusively by the shipping companies either directly or through the employment service.

New Zealand

Western Samoa ; Tokelau Islands ; Cook Islands.

It would not be practicable to extend this Convention to the Island Territories as this type of industry is not carried on.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

THIRD SESSION (GENEVA, 1921)

10. Convention concerning the age for admission of children to employment in agriculture

This Convention came into force on 31 August 1923

Countries	Date of registration of ratification	Reports received
Argentina	26. 5.1936	28. 1.1949
Austria	12. 6.1924	7.12.1948
Belgium	13. 6.1928	29.11.1948
Bulgaria	6. 3.1925	
Chile	18.10.1935	2. 4.1949
Cuba	22. 8.1935	30. 3.1949
Czechoslovakia	31. 8.1923	26.12.1948
Dominican Republic	4. 2.1933	23.10.1948
Estonia	8. 9.1922	
Hungary	2. 2.1927	
Ireland	26. 5.1925	9. 3.1949
Italy	8. 9.1924	28. 1.1949
Japan	19.12.1923	
Luxembourg	16. 4.1928	19.11.1948
New Zealand	8. 7.1947	26.12.1948
Nicaragua	12. 4.1934	
Poland	21. 6.1924	13.12.1948
Rumania	10.11.1930	
Spain	29. 8.1932	
Sweden	27.11.1923	2.12.1948
Uruguay	6. 6.1933	23.12.1948

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Argentina.

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

Act No. 13,020 establishing a National Committee for Agricultural Work.

Decree No. 2,109 of 28 January 1948 issued in pursuance of the above-named Act.

Austria.

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

Act of 2 June 1948 respecting agricultural work.

Belgium.

Basic Act concerning primary education, consolidated by Royal Order of 25 October 1921.

Royal Order of 15 May 1928 to issue regulations for the inspection of primary education.

Czechoslovakia.

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

Dominican Republic.

Act No. 637 of 16 June 1944, respecting contracts of employment (L.S. 1944, Dom. 1).

Italy.

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

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

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

Luxembourg.

Act of 5 March 1923 approving the Conventions adopted by the International Labour Conference during the course of its first ten sessions (1919-1927).

New Zealand.

Education Act 1914, as amended in 1920.

Agricultural Workers Act, 1936.

Education (School Age) Regulations, 1943.

Poland.

Constitution of the Republic of Poland, 17 March 1921 (§ 103) (L.S. 1921, Pol. 3).

Sweden.

Order of 26 September 1921 relating to primary education, amended, in particular, by Royal Decrees of 8 May 1925, 18 June 1926, 28 October and 30 December 1932, 31 May 1934 and 12 June 1936.

Uruguay.

Act No. 9,342 of 6 April 1934, to approve with amendments a draft Children's Code (§ 223) (L.S. 1934, Ur. 4).

SUMMARY OF OTHER INFORMATION

Argentina. The report refers to information previously given.

Copies of the report have been communicated to the General Confederation of Labour and to the Argentine Association of Production, Industry and Commerce.

Austria. The report states that the legislative provisions in force are more favourable than those of the Convention. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. No statistical data are available.

Copies of the report have been communicated to the Austrian Chamber of Labour,

to the Austrian Federation of Trade Unions, and to the Conference of Presidents of Austrian Agricultural Chambers.

Belgium. The report repeats the information previously furnished. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Federation of Belgian Industries, to the General Federation of Labour of Belgium, to the Confederation of Christian Trade Unions, and to the General Association of Liberal Trade Unions.

Chile. The report repeats information previously given. There were no decisions by courts of law. The inspection service finds that the prohibition of work by children in agriculture is more or less satisfactorily observed. No statistical data are available. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers.

Cuba. The report repeats information previously given. There were no decisions by courts of law and no breaches of the regulations were reported by the inspection service. No observations were received from employers' or workers' organisations.

The annual reports are at the disposal of the organisations of employers and workers registered with the Ministry of Labour.

Czechoslovakia. The report refers to the information given for the period 1946-1947.

Copies of the report have been communicated to the Central Council of Trade Unions and to the Confederation of Czechoslovak Employers' Organisations.

Dominican Republic. The report repeats information previously given.

Italy. The report repeats information previously furnished. There were no decisions by courts of law, and no observations were received from employers' or workers' organisations.

Luxembourg. The report repeats the information previously furnished. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the representative organisations of employers and workers.

New Zealand. Under the Education Act, 1914, as amended in 1920, every child between 7 and 15 years of age is required to attend the school with which he is enrolled whenever it is open. A certificate of exemption or other suitable evidence is

necessary if the employment of a child interferes with school attendance. Under the Agricultural Workers Act, 1936, the employment of children under 15 years of age for hire or reward in dairy, wool, meat or grain farms, orchards or tobacco holdings is prohibited.

The legislation is administered by the Education Department and Education Boards under the Education Act, and by the Department of Labour and Employment under the Agricultural Workers Act, 1936. Attendance officers and factory inspectors are maintained by these Departments to ensure observance of the legislation. No decisions were given by courts of law. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the New Zealand Employers' Federation and to the New Zealand Federation of Labour.

Poland. The report repeats the information given for the period 1946-1947. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Central Committee of Polish Trade Unions.

Sweden. Children are prohibited from working during the school year, which lasts at least 8 months. The district school councils, the primary inspectors and the higher administration for education are entrusted with the application of the provisions concerning school attendance. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Swedish Employers' Association, the Swedish Confederation of Trade Unions and the Central Organisation of Salaried Employees.

Uruguay. The report for 1946-1947, also valid for the period 1947-1948, states that, under § 223 of the Children's Code, children under 12 years of age may not be employed in agriculture during the school year. School attendance is compulsory and lasts from 15 March to 15 December. The report adds that, for exceptional reasons, the Children's Council may permit the employment of young persons provided they have completed studies equivalent to the second year of rural school. The Children's Council and the Higher Council for Industrial Teaching are entrusted with the application of the legislation.

NON-METROPOLITAN TERRITORIES (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	Reports received
Argentina	26. 5. 1936	28. 1. 1949
Austria	12. 6. 1924	7. 12. 1948
Belgium	19. 7. 1926	29. 11. 1948
Bulgaria	6. 3. 1925	
Burma ¹	11. 5. 1923	
Chile	15. 9. 1925	2. 4. 1949
China	27. 4. 1934	
Colombia	20. 6. 1933	
Cuba	22. 8. 1935	30. 3. 1949
Czechoslovakia	31. 8. 1923	26. 12. 1948
Denmark	20. 6. 1930	10. 11. 1948
Estonia	8. 9. 1922	
Finland	19. 6. 1923	26. 10. 1948
France	23. 3. 1929	26. 11. 1948
Germany	6. 6. 1925	
India	11. 5. 1923	29. 11. 1948
Ireland	17. 6. 1924	14. 3. 1949
Italy	8. 9. 1924	28. 1. 1949
Latvia	9. 9. 1924	
Luxembourg	16. 4. 1928	19. 11. 1948
Mexico	20. 5. 1937	3. 12. 1948
Netherlands	20. 8. 1926	27. 12. 1948
New Zealand	29. 3. 1938	26. 12. 1948
Nicaragua	12. 4. 1934	
Norway	11. 6. 1929	3. 2. 1949
Pakistan ²	11. 5. 1923	11. 1. 1949
Peru	8. 11. 1945	
Poland	24. 6. 1924	13. 12. 1948
Rumania	10. 11. 1930	
Spain	29. 8. 1932	
Sweden	27. 11. 1923	2. 12. 1948
Switzerland	23. 5. 1940	30. 11. 1948
United Kingdom	6. 8. 1923	14. 1. 1949
Uruguay	6. 6. 1933	23. 12. 1948
Venezuela	20. 11. 1944	
Yugoslavia	30. 9. 1929	

¹ See footnote 2 to Convention No. 1.

² See footnote 3 to Convention No. 1.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Argentina.

Decree No. 23,852 of 20 October 1945 respecting workers' trade unions.

Austria.

Federal Act of 7 December 1929 (§ 149) to make certain alterations in the Constitution of 1920.

Federal Act of 2 June 1948 respecting agricultural work (Chapter X).

Various Acts passed by the Federated Provinces.

Belgium.

Belgian Constitution (§ 20).

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

Penal Code (§ 151).

Chile.

Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L.S. 1931, Chile 1).
Act No. 8811 of 8 July 1947 to supplement the Labour Code by the addition of provisions relating to the occupational organisation of agricultural workers.

Cuba.

§ 69 of the Constitution (L.S. 1940, Cuba 1).

Decree No. 2605 of 7 November 1933 to issue Regulations for the formation of industrial associations, as amended by Decree No. 3310 of 26 December 1933 (L.S. 1933, Cuba 2 A and B), Legislative Decree No. 3 of 6 February 1934, to issue provisional Regulations respecting strikes (L.S. 1934, Cuba 2 A) and Decree No. 1123 of 9 April 1943.

Czechoslovakia.

Constitutional Act of 29 February 1920.

Act No. 309 of 12 August 1921 to prohibit coercion and safeguard freedom of association (L.S. 1921, Cz. 5).

Act No. 144 of 16 May 1946 respecting the united trade union organisation (L.S. 1946, Cz. 1).

Denmark.

§ 85 of the Danish Constitution of 5 June 1915.

Finland.

Act of 4 January 1919 respecting the right of association, as amended by the Acts of 17 February 1923, 10 January 1930 and 25 May 1934.
Act of 1 June 1923 respecting the coming into force of the Convention.

France.

§ 1 of the Act of 21 March 1884 respecting associations, to repeal § 416 of the Criminal Code. Chapter I, Book III, of the Labour Code (L.S. 1927, Fr. 3).

Act of 25 May 1864 amending §§ 414, 415 and 416 of the Criminal Code.

Ordinance of 9 August 1944 respecting the restoration of Republican law in the continental territory of France.

Act of 9 August 1947 to abrogate and annul the Decree of 25 February 1940 and the measure known as the "Act of 31 December 1941", as subsequently amended.

India.

Indian Trade Unions Act, 1926 (L.S. 1926, Ind. 1).

Trade Unions (Amendment) Act, 1947.

Ireland.

Trade Union Acts, 1871-1942.

Italy.

Royal Decree of 20 March 1924 bringing the Convention into force in Italy.

§ 39 of the Constitution.

Luxembourg.

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

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

Act of 11 May 1936 to guarantee freedom of association.

Mexico.

Political Constitution of the United States of Mexico of 1917 (§ 133).
Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).

Netherlands.

Constitution of the Netherlands (§ 9).
Act of 22 April 1855 regulating the exercise of the rights of association and combination.

New Zealand.

Industrial Conciliation and Arbitration Act 1925 (L.S. 1925, N.Z. 1) as amended in 1928, 1932, 1936, 1937, 1939, 1943, 1947.
Finance Acts, 1931 (Part II, § 15-20) and 1936 (Part II, § 13-21).
Statutes Amendment Acts, 1936, 1941, 1944 and 1946.
Various regulations issued under the above Acts between 1927 and 1948.

Norway.

See summary of other information.

Pakistan.

The Indian Trade Unions Act, 1926 (L.S. 1926, Ind. 1).

Poland.

Constitution of the Republic of Poland of 17 March 1921 (L.S. 1921, Pol. 3).
Decree of 8 February 1919 on temporary provisions concerning occupational unions of workers.
Order of the President of the Republic of 27 October 1932 to promulgate the Act relating to associations (L.S. 1932, Pol. 5).

Sweden.

See summary of other information.

Switzerland.

Federal Constitution (§ 56, providing for full freedom of association without distinction).

United Kingdom.

See summary of other information.

Uruguay.

Constitution of the Republic (§§ 38 and 56).

SUMMARY OF OTHER INFORMATION

Argentina. The report refers to information previously given.

Copies of the report have been communicated to the General Confederation of Labour and to the Argentine Association of Production, Industry and Commerce.

Austria. The report states, in addition to information previously given, that § 10 of the Federal Act of 2 June 1948 respecting agricultural work contains provisions on the protection of the freedom of association. These provisions must be introduced into the legislation of the Provinces before 12 February 1949. There were no decisions by courts of law.

Copies of the report have been communicated to the Austrian Chamber of Labour, to the Austrian Federation of Trade Unions, and to the Conference of Presidents of Austrian Agricultural Chambers.

Belgium. The report repeats the information given for the period 1946-1947. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Federation of Belgian Industries, to the General Federation of Labour of Belgium, to the Confederation of Christian Trade Unions, and to the General Association of Liberal Trade Unions.

Chile. The report states that Decree No. 261 of 26 February 1948, published on 7 April 1948, approved the administrative regulations for Act No. 8,811 respecting the trade union organisation of agricultural workers. A copy of the Decree is appended to the report.

In reply to the observation formulated in 1948 by the Committee of Experts, the report states that :

(1) the scope of action of agricultural trade unions is similar to that of other unions since their purpose is the establishment of co-operative societies of all kinds, education, the improvement of rural housing, etc.; they are also called upon to designate one of the three members of the special conciliation and arbitration board, to approve the conclusion of collective agreements, to represent workers in the exercise of their contractual rights, etc.;

(2) § 9 of the Act, which provides that trade unions can only be established and function within an undertaking, constitutes in fact a guarantee for the union which would encounter difficulties if founded outside the place of work. Employers whose property is evaluated above 1,500,000 pesos are required to put adequate premises at the disposal of the union. In the event of the employer's refusal, the union is entitled to function outside his estate;

(3) § 14 of Act No. 8,811, prohibiting the forming of groups of federations of agricultural workers' trade unions, may be considered similar to § 386 (383) of the Labour Code, which authorises federations and confederations of industrial unions only for the purposes of education, assistance, social welfare and for the establishment of consumers' and producers' co-operatives;

(4) the setting up of agricultural trade unions is in many respects possible under conditions more favourable than those applying to industrial unions. The report enumerates in detail the provisions governing the establishment of unions in both cases;

(5) the recognition of a union by the public authorities required by § 23 is similar to the provision of § 382 (397) of the Labour Code;

(6) while it is true that § 47 of the Act provides for a petition for dissolution of the union, such a petition must be acted upon by a labour judge, a magistrate, who fulfils the necessary guarantees of independence and technical knowledge. This clause is more advantageous than that applying to industrial and professional trade unions which may be dissolved by a simple administrative decree.

Act No. 8,811 does not restrict the trade union rights of agricultural workers but merely establishes the rules necessary to permit the development of such unions in rural areas.

There were no decisions by courts of law relating to the above Act. The inspection services reported that, during the period under review, six agricultural trade unions received official recognition and ten other unions were in the process of formation.

No observations were received from employers' and workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers.

Cuba. The report repeats information previously given. There were no decisions by courts of law. Separate federations and trade unions of agricultural workers are registered with the Ministry of Labour. The aim of Government policy is solely to prevent the co-existence of similar trade unions which might weaken the strength of the bodies concerned. There were no observations from employers' or workers' organisations.

The International Labour Questions Department of the Ministry of Labour holds the annual reports at the disposal of the employers' and workers' organisations.

Czechoslovakia. The report refers to the information given for the period 1946-1947.

Copies have been communicated to the Central Council of Trade Unions and to the Confederation of Czechoslovak Employers' Organisations.

Denmark. The Government refers to its previous report. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Finland. The report repeats the information previously given.

Copies of the report have been communicated to the Confederation of Finnish Employers' Organisations, and to the Confederation of Finnish Trade Unions.

France. Existing legislation fully guarantees freedom of association and of organisation for agricultural workers. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the National Federation of Agricultural Producers' Unions, to the National

Federation of Workers in Agriculture and Forestry, and to the General Federation of Christian Trade Unions of Agricultural Workers.

India. The report repeats the information previously given, and adds that the Indian Trade Unions Act, 1947, amending the Act of 1926, forces employers to recognise workers' trade unions.

Copies of the report have been communicated to the Employers' Federation of India, to the All-India Organisation of Industrial Employers, and to the Indian National Trade Union Congress.

Ireland. The report refers to information previously given. There were no decisions by courts of law.

Copies of the report have been communicated to the Congress of Irish Unions, the Irish Trade Union Congress and the Federated Union of Employers.

Italy. The report repeats the information previously given and adds, in particular, that legislation on trade unions is now under consideration, following the abolition of the previous trade union system and pending the adoption of comprehensive regulations based on post-war democratic principles. Full freedom of association and combination has in fact been re-established in all sectors of the national economy, including agriculture.

Luxembourg. The report repeats the information supplied for the period 1946-1947. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the representative organisations of employers and workers.

Mexico. The report repeats the information supplied for 1946-1947. Decisions given by courts of law relate to the representative character of trade unions as regards the negotiation of collective agreements.

Copies of the report have been communicated to the most representative organisations of employers and workers.

Netherlands. There is nothing in particular to report concerning the application of the Convention.

New Zealand. Under the Industrial Conciliation and Arbitration Act, any society of not less than 15 persons may be lawfully registered as an industrial union for the purpose of protecting or furthering the interests of workers in or in connection with any specified industry or related industries. Every society registered as an industrial union shall, as from the date of registration, but solely for the purposes of the Act, become a body corporate. "Industry" is defined as including any calling, service, employment, handicraft or occupation of workers.

The legislation is administered by the Committee of Labour under the control of a

Minister of the Crown. Co-operation among agricultural workers in New Zealand has been slow in developing. Awards exist regarding shearers, musterers, packers and drovers, and threshing-mill employees under the Agricultural Workers Act, 1936. This Act also prescribes conditions for farm workers and dairy farms. Workers on commercial wool, meat or grain farms are covered by the Agricultural (Farms and Stations) Order 1947. The Agricultural Workers' Extension Orders (1947) covering agricultural workers employed respectively in orchards and on tobacco farms contain a "preference to unionists" clause, whereby the workers are required to be members of the New Zealand Industrial Union of Workers. Every agricultural worker employed in market gardens is required to become a member of the Industrial Union of Workers. No decisions were given by courts of law, and no observations have been received from employers' or workers' organisations.

Copies of the report have been communicated to the New Zealand Employers' Federation and to the New Zealand Federation of Labour.

Norway. Freedom of association for employees exists for agricultural workers as well as for workers in other trades. The right of association forms part of the workers' rights and it has therefore not been found necessary to adopt protective legislation.

Copies of the report have been communicated to the General Confederation of Trade Unions in Norway and to the Norwegian Employers' Confederation, which have submitted no observations.

Pakistan. The Convention is applied under the Indian Trades Union Act, 1926, which makes no distinction between agricultural and industrial workers in so far as the right of combination and association is concerned. This Act is the same as was in force in India at the time of partition, i.e., 15 August 1947.

In the case of trade unions whose objects are not confined to one province, the authority responsible for the administration of this Act is the central Government and, in the case of other unions, the respective provincial Governments. The functions of the central Government in this respect have, however, been delegated to the provincial Governments with their consent. The Act is administered through special officers (registrars) who are appointed by the provincial Governments. Trade unionism is practically non-existent among agricultural workers in Pakistan. No observations were received.

Copies of the report have been communicated to the following workers' organisations: the Eastern Trade Union Federation, the Pakistan Trade Union Federation and the Pakistan Federation of Labour. There are as yet no representative organisations of employers in Pakistan, but copies of the report have been communicated to the

provincial Governments, for transmission to the important chambers of commerce.

Poland. The report repeats the information given for 1946-1947. No decisions were given by courts of law.

Copies of the report have been communicated to the Agricultural Workers' Union of the Polish Republic, as well as to the Central Committee of Polish Trade Unions.

Sweden. The Government refers to its report for 1946-1947, in which it stated that no legal restriction limits, for agricultural workers, the immemorial right of all citizens of the country to associate freely for legitimate purposes.

Copies of the report have been communicated to the Swedish Employers' Association, to the Swedish Confederation of Trade Unions, and to the Central Organisation of Salaried Employees.

Switzerland. The Government has nothing to add to the information previously furnished.

Copies of the report have been communicated to the following representative organisations: Central Federation of Swiss Employers' Associations; Swiss Federation of Commerce and Industry; Swiss Federation of Arts and Crafts; Swiss Federation of Peasants; Swiss Federation of Trade Unions; Federation of Swiss Associations of Salaried Employees; Swiss Federation of Christian National Trade Unions; Swiss Association of Protestant Workers and Salaried Employees; Swiss Federation of Independent Trade Unions.

United Kingdom. No administrative or legislative regulation is necessary to apply the Convention, since agricultural workers, as in the case of industrial workers, enjoy complete freedom of action. No observations were received from employers' or workers' organisations.

Uruguay. The report for 1946-1947, also valid for 1947-1948, states that § 38 of the Constitution of 1934 grants the right of association for any lawful purpose to all persons. § 56 of the same Constitution provides further that national legislation should encourage the organisation of trade unions.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Netherlands

Indonesia.

The legislation recognises but does not guarantee the right of association and combination. No discrimination in this matter exists against agricultural workers; anyone is free to found an association. The public authorities, however, can take measures to prohibit an association in the interests of public order, and the consent of the authorities must be obtained for open

air meetings. The Civil Service supervises observance of the legislation. Attention is drawn to the Native Co-operative Societies Regulations of 1927. These Regulations were issued to encourage an appropriate economic organisation of the Indonesian population.

Netherland West Indies.

The right of association and combination is ensured by law. No distinction is made between industrial and agricultural labourers.

Surinam.

Ordinance No. 62 of 1933.

The Convention has been published. Everyone is entitled to freedom of association and the right to organise. No distinction is made between industrial and agricultural workers. The enactment of statutory measures is considered inappropriate. There is no objection to the formal application of the Convention. The legislation is in fact in harmony with the provisions of the Convention.

New Zealand

Western Samoa.

It is hoped to introduce industrial legislation shortly providing for a minimum wage, industrial arbitration and the establishment of trade unions. The completion of these developments will enable consideration to be given to the extension of this Convention.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

Cook Islands.

Cook Islands Industrial Union Regulations, 1947.

The Regulations provide for the establishment and registration of trade unions and procedure for the settlement of industrial disputes. In July 1947, the Cook Islands (except Niue) Industrial Union of Workers was registered under these Regulations. The Union is affiliated to the New Zealand Federation of Labour.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

United Kingdom

Aden.

No legislation has been enacted as there is no agriculture in the colony.

Barbados.

There is no legislation and no administrative regulations discriminating against agricultural workers. There were no court decisions. There is no single organisation of workers which can be said to represent

all workers' organisations in Barbados. The same applies to employers.

Basutoland.

There is no legislation in force discriminating against agricultural workers in the matter of rights of association. The Convention can, accordingly, be regarded as applying to this territory. In practice, Europeans are not permitted to own land in Basutoland, and there are no farms in the usual sense of the word. With the exception of a small number of Basuto employed by the Government Agricultural Department and a few more employed as gardeners, no part of the population is in employment as agricultural labourers. Every person farms his own land.

Bechuanaland.

No legislation has been enacted and no administrative regulations issued, as no association or combination of agricultural workers exists.

Bermuda.

Trade Union and Trades Disputes Act, 1946.

The Act (which applies to agricultural workers as well as to other workers), specifically allows, subject to its provisions, the right of association and combination of workers. The Registrar-General is responsible for the detailed supervision of the registration, the carrying on, etc., of trade unions, with an appeal in certain cases against his decision to the Supreme Court.

British Guiana.

Trades Union Ordinance Cap. 57, as amended by Ordinances No. 8 of 1943, No. 31 of 1946 and No. 9 of 1947.

Regulation No. 45 of 1940, made under the Trades Union Ordinance.

There is no legislation in the colony discriminating against agricultural workers in the matter of rights of association and combination, and the Convention is fully applied. During the period under review, there were three recognised trade unions representing agricultural workers. No decisions were given by any court regarding the application of the Convention and no observations were received from organisations of employers or workers.

British Honduras.

Trade Unions Ordinance, No. 1 of 1941.

The Ordinance makes no discrimination between workers in industry and those in agriculture. Trade union activities are directly supervised by the Labour Department. There were no court decisions. The trade unions have developed considerably since 1941 and agricultural workers form a fair percentage of their membership.

Brunei.

The Convention appears to be applied without modification, by virtue of the fact that there is no legislation discriminating against agricultural workers in this matter.

Cyprus.

The Trade Unions and Trade Disputes Law, 1941.

The Convention is applied by the legislation in force. The application of the legislation is entrusted to the Registrar of Trade Unions. No decisions were given by courts of law. At the end of the year, there were eight registered trade unions of agricultural workers with 13 branches, and a total membership of 900. No observations were received from organisations of employers and workers.

Dominica.

Trade Unions Ordinance, No. 20 of 1940.

There are no statutory or other provisions restricting the rights of association of workers engaged in agriculture. Under § 2 of the Ordinance, the term "workmen" includes labourers without any qualification. There are two registered general workers' trade unions operating in the Island. There were no court decisions and no observations from organisations of employers or workers.

Falkland Islands.

Ordinance No. 4 of 1942.

The Convention is adequately applied. No distinction is made between agricultural and other workers.

The report has been communicated to the Labour Federation but no observations have been received.

Fiji.

Industrial Associations Ordinance (Cap. 79).

The right of association of all classes of workers is secured by the Ordinance, and there are no statutory or other restrictions on such rights in the case of those engaged in agriculture. The Registrar-General supervises the associations by scrutiny of the accounts and by examination of the associations' books. The Commissioner of Labour and his staff collaborate fully with the Registrar. The only agricultural workers' organisation registered under the Ordinance is the Chini Mazdur Sangh (Sugar Workers' Union), comprising those employed in the cultivation of sugar cane and the processing of sugar and associated work.

The report has been communicated to the employers' organisations Kisan Sangh, Rewa Farmers' Union, Vishal Krishak Sangh, and Maha Sangh; and to the workers' organisation Chini Mazdur Sangh.

Gambia.

There is no existing legislation discriminating against agricultural workers in the matter of rights of association. The Convention can accordingly be regarded as applying to the Gambia.

Gibraltar.

Trade Unions and Trade Disputes Ordinance, No. 15 of 1947.

The Convention is fully applied, as there is nothing in the existing legislation which restricts the right of association of agricultural workers. The number of workers engaged in agricultural work in Gibraltar is negligible. Supervision is carried out by the Registrar of Trade Unions.

Gilbert and Ellice Islands.

As there is no discrimination against agricultural workers, the provisions of the Convention may be said to apply.

Gold Coast.

The Trade Unions Ordinance, 1941.

This Ordinance makes no discrimination between agricultural and other workers. Supervision of the application is by the Commissioner of Labour and the Registrar of Trade Unions. There were no court decisions and no observations from organisations of employers or workers.

Grenada.

Trade Union and Trade Disputes Ordinance, No. 6 of 1943.

Industrial and agricultural workers are adequately provided for under the Ordinance.

Hong Kong.

Trade Unions and Trade Disputes Ordinance, 1948.

The Convention is applied. Agricultural workers have the same rights of association and combination as other workers. The definition of "trade union" given in the legislation does not discriminate between agricultural and other workers. The supervision of the application of the legislation is entrusted to the Commissioner of Labour. No decisions were given by courts of law. Agriculture is of very secondary importance. There is little evidence of a desire among agricultural workers to form trade unions. The only trade union of agricultural workers which exists has a membership of approximately 50 workers. No observations were received from workers' or employers' organisations. There are considered to be no representative organisations of employers and workers to whom the report can usefully be communicated.

Jamaica.

There is no legislation discriminating against agricultural workers in the matter of rights of association; consequently, the Convention can be regarded as applying to the colony.

Copies of the report have been sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica and the Jamaica Manufacturers' Association.

Kenya.

Trade Unions and Trade Disputes Ordinance, No. 1 of 1943.

In accordance with § 2 of Ordinance No. 1 of 1943, the definition of "trade union" does not exclude agricultural unions. The application of the above-mentioned legislation is entrusted to the Labour Commissioner, and the specially appointed trade union labour officer. The trade union movement is in its infancy in Kenya and no application for registration has yet been received from agricultural workers. There were no court decisions and no observations were received from organisations of employers or workers.

Copies of the reports on the application of the Convention are communicated to members of the Labour Advisory Board and are available for perusal by chambers of commerce and registered trade unions.

Leeward Islands.

Trade Unions Act No. 16 of 1939, amended by No. 1 of 1942, No. 16 of 1944, No. 3 of 1945, and No. 2 of 1947.

Federation of Malaya.

Enactment No. 11 of 1940 (the Trades Union Enactment), § 2, as amended by Ordinance No. 9/48 3 (f).

Agricultural workers have the same rights as industrial workers. The national legislation is in complete harmony with the Convention and contains definitions of "workman" and "trade union". Many agricultural workers are organised in trade unions. The application of the legislation is entrusted to the trade union adviser, the registrar of trade unions and the Commissioner of Labour. No decisions were given by courts of law. No observations were received from workers' or employers' organisations.

In future, reports will be communicated to the Federal Labour Advisory Board, which is a tripartite body.

Mauritius.

Industrial Associations Ordinance No. 7 of 1938, as amended by Nos. 52 of 1941, 40 of 1943, 13 of 1944, 37 of 1946 and 68 of 1947. Ordinance No. 48 of 1938. Government Notices Nos. 7 of 1941 and 208 of 1946.

The Convention is applied by the legislation in force, no distinction being maintained between agricultural and industrial workers. Supervision is under the Labour Department. No court decisions were given. No observations were received from organisations of employers and workers.

Reports have been communicated to the Sugar Producers' Association, and the Mauritius Amalgamated Labourers' Association.

Malta.

Trade Unions and Trade Disputes Ordinance, 1945.

The Convention is covered by the Ordinance.

Nigeria.

Trade Unions Ordinance, No. 44 of 1938.

There is no legislation discriminating against agricultural workers in the matter of the rights of association, and the Convention can therefore be regarded as applying to the country. The Government appoints a Registrar of Trade Unions, who may refuse to register a trade union or may defer registration thereof. An appeal may be lodged to the Supreme Court against the decision of the Registrar not to register a trade union. There were no court decisions.

Nyasaland.

Trade Unions and Trade Disputes Ordinance No. 5 of 1944, as amended by Ordinance No. 29 of 1947.

Government Notice No. 133 of 1948.

Under Government Notice No. 133 of 1948, a Registrar of Trade Unions has been appointed. Article 1 of the Convention is applied by § 3 of Ordinance No. 5 of 1944. Agricultural workers enjoy the rights accorded to other kinds of workers under Nyasaland legislation. The Registrar of Trade Unions shall register a trade union provide certain conditions have been fulfilled. No decisions were given by the courts. No applications by trade unions for registration have been received. No observations concerning the application of the Convention were received from organisations of employers or workers.

North Borneo.

No legislation exists discriminating against agricultural workers in the matter of right of association.

Northern Rhodesia.

The report states that there is no legislation in the territory concerning this subject. A note by the Colonial Office states that this Convention is in fact applied by virtue of the fact that there is no differentiation between agricultural workers and other workers in the matter of right of association.

St. Helena.

Interpretation and General Law Ordinance, 1895 (§ 24 of which applies the Trade Union and Trade Dispute legislation of the United Kingdom in the Colony).

There is no restriction on the rights of association or combination of agricultural workers as compared with industrial workers. There are, however, no workers' organisations in the territory.

St. Lucia.

The Convention applies in that there is no legislation restricting the rights of association of agricultural workers, who enjoy the same rights as industrial workers and are free to join trade unions or other associations for their own benefit.

St. Vincent.

The Convention can be regarded as applying to this colony, as there is no legislation discriminating against agricultural workers in the matter of right of association.

Sarawak.

Trade Union Ordinance.

The Trade Union Ordinance is now in force. Formerly, there was no objection to the registration of associations of agricultural workers under the Societies Order.

Sierra Leone.

Trade Unions Ordinance, No. 21 of 1939.
Trade Disputes Ordinance, No. 42 of 1939.

The Convention is applied by the legislation in force. There is no organisation of agricultural workers and few such workers, the industry consisting primarily of small peasant farmers assisted by their families. Supervision is by the Registrar of Trade Unions. No court decisions were given.

Seychelles.

Ordinance No. 4 of 1943.

Article I of the Convention is applied by the legislation in force. There are no provisions restricting any rights in the case of those engaged in agriculture as opposed to those engaged in industry. Administrative measures are taken to enforce the provisions of the Convention as applied in the Ordinance and penalties are provided in the Ordinance for contravention of any of these provisions. At the present time, there are no unions of workers, either agricultural or otherwise, so that the legislation has not yet been applied in practice.

Singapore.

There is no legislation discriminating against agricultural workers.

Swaziland.

Swaziland Trade Unions and Trade Disputes Proclamation, No. 31 of 1942.

Article 1 of the Convention is applied under Part I of the above-mentioned Proclamation, which applies equally to workers in agriculture and workers in industry. There is no statutory or other provision restricting the rights of association and combination in the case of agricultural workers. No agricultural trade union has yet been formed. There is no representative organisation of employers or workers.

Solomon Islands.

King's Regulation No. 1 of 1946 (Trade Unions and Trade Disputes Regulation 1946).

Rights of association and combination are secured to all workers irrespective of calling. Supervision is by the Registrar of Trade Unions, and enforcement is by recourse to the High Commissioner's Court. No trade unions have yet been formed.

Tanganyika.

Trade Unions Ordinance No. 23 of 1932, as amended by Ordinance No. 30 of 1941.

The local legislation does not discriminate against agricultural workers, who have equal rights with industrial workers. The application of the legislation is ensured by the Government Labour Department. There were no court decisions. No agricultural trade union has yet been registered.

Trinidad and Tobago.

Trade Unions Ordinance, Chapter 22, No. 8, as amended by Ordinance No. 46, 1943.
Trade Disputes and Protection of Property Ordinance No. 7, 1943, as amended by Ordinance No. 33, 1947.

There are no provisions in the above legislation discriminating against agricultural workers. The application of the legislation is entrusted to the Registrar of Trade Unions. No decisions were given by courts of law. No observations were received from organisations of employers or workers.

Uganda.

Trade Unions and Trade Disputes Ordinance, No. 9 of 1943.

The Ordinance does not discriminate between associations of agricultural workers and associations of other workers. The application of the Convention is ensured by the Registrar of Trade Unions. There were no court decisions. There are no associations of agricultural workers except co-operative societies of peasant producers. There were no observations concerning the application of the Convention and there are in this territory at present only one employers' organisation and one registered trade union. Neither of these bodies can be considered as representing all the workers or employers.

Zanzibar.

Agricultural workers enjoy an equal right of association and combination with industrial workers, and no restrictive provisions exist. Consequently, the Convention may be regarded as applying to the protectorate.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

12. Convention concerning workmen's compensation in agriculture

This Convention came into force on 26 February 1923

Countries	Date of registration of ratification	Reports received
Argentina	26. 5.1936	28. 1.1949
Belgium	26.10.1932	29.11.1948
Bulgaria	6. 3.1925	
Chile	15. 9.1925	2. 4.1949
Colombia	20. 6.1933	
Cuba	22. 8.1935	30. 3.1949
Denmark	26. 2.1923	10.11.1948
Estonia	8. 9.1922	
France	4. 4.1928	1.12.1948
Germany	6. 6.1925	
Ireland	17. 6.1924	14. 3.1949
Italy	1. 9.1930	23. 2.1949
Latvia	29.11.1929	
Luxembourg	16. 4.1928	25.11.1948
Mexico	1.11.1937	3.12.1948
Netherlands	20. 8.1926	27.12.1948
New Zealand	29. 3.1938	26.12.1948
Nicaragua	12. 4.1934	
Poland	21. 6.1924	13.12.1948
Spain	1.10.1931	
Sweden	27.11.1923	2.12.1948
United Kingdom	6. 8.1923	14. 1.1949
Uruguay	6. 6.1933	23.12.1948

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Argentina.

- Act No. 9,688 of 11 October 1915 concerning workmen's compensation.
 Act No. 12,232 of 27 September 1935 to ratify certain Conventions adopted by the I.L.O.
 Act No. 12,631 of 4 June 1940 amending the principal act concerning workmen's compensation by including within its scope persons employed in agriculture, forestry, cattle-raising and fishing.
 Decree of 17 December 1940 prescribing the method of calculating the wage on which the compensation of agricultural workers is based.
 Decree No. 10,135 of 22 April 1944 respecting the fixing of the daily wage for the purposes of industrial accident compensation.

Belgium.

- Consolidated Acts of 24 December 1903, 3 August 1926, 15 May 1929, 30 December 1929 and 18 June 1930 (L.S. 1931, Bel. 9).
 Royal Order of 28 September 1931 concerning the Act respecting compensation for injuries resulting from industrial accidents.

Chile.

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

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

Decree No. 217 of 30 April 1926 to approve the Regulations respecting industrial hygiene and safety (L.S. 1926, Chile 2), amended by Decree No. 655 of 25 November 1940 issuing new Regulations concerning industrial hygiene and safety.

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

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

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

Act No. 8198 of 14 September 1945 to amend the sections of the Labour Code relating to compensation for industrial accidents (L.S. 1945, Chile 3 D).

Decree No. 8 of 2 January 1946, to approve the Regulations under Act No. 8198 of 14 September 1945.

Cuba.

Decree No. 2687 of 15 November 1933 respecting industrial accidents, to repeal and replace the Industrial Accidents Act of 12 June 1916 (L.S. 1933, Cuba 3 A), amended by Decrees Nos. 3156 and 3341 of 16 and 30 December 1933 (L.S. 1933, Cuba 3 B and C), and by Legislative Decree No. 596 of 18 February 1936 (L.S. 1936, Cuba 1).

Presidential Decree No. 223 of 31 January 1935 to issue Regulations in pursuance of the Industrial Accidents Act, amended by Presidential Decrees No. 1252 of 6 May 1936, No. 1653 of 27 June 1936, No. 3103 of 11 November 1936 and No. 37 of 31 December 1937.

Denmark.

Act of 20 May 1933 concerning insurance against the consequences of accidents (L.S. 1933, Den. 5).

France.

Act of 9 April 1898, applied to agriculture by Act of 15 December 1922 (L.S. 1922, Fr. 3), amended by Act of 30 April 1926 (L.S. 1926, Fr. 4).

Act No. 151 of 16 March 1943 (L.S. 1943, Fr. 6) to modify the legislation relating to industrial accidents in agriculture, validated by Ordinance 45-2714 of 2 November 1945, to amend pensions and allowances for certain categories of victims of industrial accidents in agriculture or their survivors.

Ordinance of 15 December 1944 relating to compensation for industrial accidents arising out of the war (L.S. 1944, Fr. 10).

Decree No. 45-1573 of 13 July 1945 to issue public administrative regulations and to complete the tables appended to the Act of 25 October 1919, amended by the Act

of 1 January 1931 to include occupational diseases within the scope of the Act of 9 April 1898 relating to industrial accidents (L.S. 1945, Fr. 11 A).

Act of 16 October 1946 concerning the readjustment of the pensions and allowances paid to victims of employment injuries or their survivors (L.S. 1946, Fr. 12 A).

Act No. 46-2426 of 30 October 1946 to reorganise in industry and commerce the system for prevention and compensation of industrial accidents and occupational diseases (L.S. 1946, Fr. 12 B).

Act No. 48-1398 of 7 September 1948 to increase compensation under the legislation on workmen's compensation in agriculture and forestry.

Ireland.

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

Italy.

Legislative Decree No. 1,455 of 11 July 1935 concerning the changing of the seat and the territorial limits of the Departmental Arbitration Commission for accidents in agriculture.

Royal Decree No. 1,765 of 17 August 1935 to issue provisions respecting compulsory insurance against industrial accidents and occupational diseases (L.S. 1935, It. 8).

Decree No. 288 of 17 March 1941 extending compulsory insurance against accidents in agriculture to workers over sixty-five years of age, as amended by Act No. 1,576 of 31 October 1942 and by Legislative Decree of the Provisional Head of the State No. 882 of 29 July 1947.

Legislative Decree No. 815 of 25 March 1943 unifying compulsory insurance for accidents in industry and agriculture, as amended by Legislative Decree of the Provisional Head of the State No. 128 of 4 March 1947.

Legislative Decree No. 343 of 28 April 1945 concerning the granting of a temporary cost-of-living bonus to a person in receipt of benefit in respect of an industrial accident or occupational disease whose disability is assessed at 50 to 100 per cent.

Legislative Decree No. 85 of 8 February 1946 to bring insurance benefits into line with fluctuations in the value of currency and the general increase in the cost of living.

Legislative Decree of the Provisional Head of the State No. 438 of 13 May 1946, regarding the composition and powers of the administrative services of the National Institute of Industrial Accidents.

Ministerial Decree of 23 December 1946 approving the scale of contributions to be collected for 1946 in respect of compulsory insurance against accidents in industry and agriculture.

Decree of the Provisional Head of the State No. 757 of 29 December 1946, to amend Legislative Decree No. 225 of 17 March 1938, regarding the institution of a badge of honour for persons disabled by accidents in industry or agriculture or by occupational diseases.

Legislative Decree of the Provisional Head of the State No. 14 of 25 January 1947, to issue provisions respecting compulsory insurance against accidents in industry or agriculture and against occupational diseases.

Legislative Decree of the Provisional Head of the State No. 631 of 25 May 1947, establishing the sum of consolidated contributions in agriculture due for the year 1947, as provided in Royal Legislative Decree No. 2,138 of 28 November 1938.

Legislative Decree of the Provisional Head of the State No. 928 of 9 September 1947, to modify compulsory insurance against accidents in agriculture.

Luxembourg.

Act of 20 December 1909, extending compulsory accident insurance to agriculture and forestry.

Act of 17 December 1925 respecting the Social Insurance Code (L.S. 1925, Lux. 2), as amended by the Acts of 6 September 1933 (L.S. 1933, Lux. 3) and of 21 June 1946 (L.S. 1946, Lux. 1).

Act of 5 March 1928 to ratify the Conventions adopted by the International Labour Conference in the course of its first ten sessions (1919-1927).

Various orders respecting insurance against accidents in agriculture and forestry, dating in particular from 1944 to 1947.

Mexico.

Political Constitution of the United States of Mexico, 1917.

Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).

Netherlands.

Act of 20 May 1922 to insure persons employed in agricultural occupations against the pecuniary consequences of accidents with which they meet in connection with their employment (L.S. 1922, Neth. 2), as amended by the Acts of 21 March 1924 (L.S. 1924, Neth. 2), 13 May 1927 (L.S. 1927, Neth. 1), 2 July 1928 (L.S. 1928, Neth. 2), 7 February 1929 (L.S. 1929, Neth. 2 A), 18 July 1930 (L.S. 1930, Neth. 3 B) and 27 December 1946 (L.S. 1946, Neth. 2).

New Zealand.

Workers' Compensation Act, 1922, as amended in 1926 (L.S. 1926, N.Z. 2), 1936, 1943 (L.S. 1943, N.Z. 2 A) 1945 (L.S. 1945, N.Z. 3 A) and 1947 (L.S. 1947, N.Z. 3).

Law Reform Act, 1936.

Statutes Amendment Acts, 1939, 1940 and 1945. Various rules and regulations issued in 1939-1940.

Poland.

Act of 28 March 1933 (L.S. 1933, Pol. 5), respecting social insurance as amended by the Decrees of 24 October 1934 (L.S. 1934, Pol. 4), and 14 January 1936, by the Acts of 11 January, 29 March, 9 April and 23 April 1938, by the Decree of 23 October 1944 of the Polish Committee of National Liberation (L.S. 1946, Pol. 2 K), and by the Decree of 29 September 1945 respecting the payment by employers of the entire contribution to social insurance and the Labour Fund (L.S. 1946, Pol. 2 L).

Act of 28 July 1939 respecting social insurance tribunals, as amended by the Decree of 1 March 1946.

Order of 12 May 1947 of the Minister of Labour and Social Welfare to fix provisionally the rates of social insurance pension benefits (L.S. 1947, Pol. 2 A).

Sweden.

Act of 17 June 1916 respecting insurance against industrial accidents (B.B. Vol. XI, 1916, p. 267), amended by the Acts of 14 June 1917, 26 April 1918, 19 June 1919, 18 June 1920, 15 June 1922 (L.S. 1922, Swe. 2), 18 June 1926 (L.S. 1926, Swe. 5), 24 May 1928 (L.S. 1928, Swe. 1), 14 June 1933 (L.S. 1933, Swe. 1), 26 June 1936 (L.S. 1936, Swe. 5), 11 June 1937 (L.S. 1937, Swe. 9), 10 March 1939 (L.S. 1939, Swe. 1), 17 November 1939 (L.S. 1939, Swe. 1), 28 June 1941 (L.S. 1941, Swe. 2), 19 December 1941 (L.S. 1941, Swe. 2), 19 May 1944 (L.S. 1944, Swe. 1 A), 18 May 1945, 29 June 1946 (L.S. 1946, Swe. 2), 10 July 1947 and 26 June 1948.

*United Kingdom:**Great Britain.*

Workmen's Compensation Acts, 1925-1931 (L.S. 1925, G.B. 3; 1926, G.B. 10; and 1931, G.B. 4).

The Adoption of Children (Workmen's Compensation) Act, 1934.

Workmen's Compensation (Supplementary Allowances) Act, 1940 (L.S. 1940, G.B.4).

Workmen's Compensation (Temporary Increases) Act, 1943 (L.S. 1943, G.B. 1 B).

Ministry of National Insurance (Workmen's Compensation) Order No. 318 of 21 March 1945.

National Insurance (Industrial Injuries) Acts 1946 (L.S. 1946, U.K. 2 and 3) and 1948.

Various Regulations, 1948, covering National Insurance (Industrial Injuries).

Northern Ireland.

Workmen's Compensation Act (Northern Ireland), 1927.

The Adoption of Children (Workmen's Compensation) Act (Northern Ireland), 1934.

Workmen's Compensation (Temporary Increases) Act (Northern Ireland), 1943.

National Insurance (Industrial Injuries) Act (Northern Ireland), 1946.

Various Regulations, 1948, covering National Insurance (Industrial Injuries).

Uruguay.

Act No. 10,004 of 28 February 1941 respecting industrial accidents and occupational diseases (L.S. 1941, Ur. 1).

SUMMARY OF OTHER INFORMATION

Argentina. The report refers to information previously given and mentions various decisions by courts of law. Statistical information is also given showing the number and nature of the accidents reported. These statistics were compiled by the Accident Division of the Secretariat of Labour and Social Welfare.

Copies of the report have been communicated to the Argentine Association of Production, Industry and Commerce, and to the General Confederation of Labour.

Belgium. The report refers to the information previously furnished, and contains in an appendix the insurance inspection report on the application of the Act respecting compensation for industrial accidents during the years 1942-1944. There were no noteworthy court decisions and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Federation of Belgian Industries, to the General Federation of Labour of Belgium, to the Confederation of Christian Trade Unions and to the General Association of Liberal Trade Unions.

Chile. The report repeats information previously given. There were numerous court and administrative decisions relating to the Convention; copies of two such decisions are appended to the report. The labour inspection service super-

vises regularly the application of the legislation, which covers 339,672 persons (309,074 workers and 30,598 employees). There were 19,862 industrial accidents in agriculture during 1947, *i.e.*, about 16 per cent. of the total accidents which occurred in the country. There were no observations from employers' and workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers.

Cuba. The report repeats information previously given. There were no decisions by courts of law and no observations were received from employers' and workers' organisations. Since the insurance policies issued for agriculture do not specify the workers to which they apply, it is not possible to give the exact number of these workers.

The annual reports on the application of the Convention are always at the disposal of the employers' and workers' organisations who wish to examine them.

Denmark. The report repeats information previously furnished. No observations were received from employers' or workers' organisations.

France. The report indicates the changes brought about by the Act No. 48-1398 of 7 September 1948, which raises the daily rate of compensation for temporary disability from the twenty-ninth day from one half to two thirds of wages. In addition, the Act provides for a reassessment of the daily compensation in the event of a general rise in wages, for compensation payment in case of a relapse in the condition of the injured, and a continuation of the benefit when light work is resumed. The Act of 7 September 1948 also raises the wage ceiling and alters the proportion of wages taken into account in the calculation of pensions; the new regulations are indicated in the report. Pensions which have been awarded for accidents prior to 1 September 1947 are to be increased. There were no decisions by courts of law or other courts, and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the National Federation of Agricultural Producers' Unions, to the National Federation of Agricultural and Forestry Workers, and to the Confederation of Christian Trade Unions of Agricultural Workers.

Ireland. The legislation on workmen's compensation does not differentiate between agricultural workers and other classes of workers. From 6 May 1947 the application of the relevant legislation is entrusted to the Minister of Social Welfare. The legislation contains no provision for systematic inspection. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. The report is accompanied by statistical data of accidents occurring to persons em-

ployed on agricultural undertakings and of the amounts paid in compensation to such workers.

The report has been communicated to the Congress of Irish Unions, the Irish Trade Union Congress and the Federated Union of Employers.

Italy. The report repeats the information supplied in previous years. No observations were received from workers' organisations.

Luxembourg. The report repeats the information previously furnished. For the year 1948, the average annual wages of agricultural workers determined as a basis for calculating rates was 25,000 francs for men and 20,000 francs for women. An appendix to the report contains an administrative report for the year 1947 published by the Accident Insurance Association (Agricultural and Forestry Division). There were no decisions by courts of law or other courts, and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the representative organisations of employers and workers.

Mexico. The report repeats the information previously furnished. There were no important decisions by courts of law, and no observations were received from employers' or workers' organisations.

Netherlands. The report states that the application of the Convention is assured by the Act of 20 May 1922 concerning accident insurance in agriculture and horticulture.

New Zealand. The report refers to information previously given. For information regarding the new State insurance scheme, inaugurated by the 1947 Amendment Act, see under Convention No. 17. Statistical data are given on the number of agricultural workers, estimated at 154,000. There were no decisions by courts of law or other decisions, and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the New Zealand Employers' Federation and to the New Zealand Federation of Labour.

Poland. The report repeats the information previously furnished and points out that all agricultural workers are at present covered by occupational accident insurance. The management of this insurance system is supervised by the Department of Social Insurance of the Ministry of Labour and Social Welfare. Furthermore, interested persons have legal recourse. The total number of persons insured in agriculture was about 2 million. There were no decisions by courts of law and no observations were received from employers' or workers' organisations.

As regards the agreement concluded on 5 April 1948 between Poland and Czechoslovakia, see under Convention No. 17.

Copies of the report have been communicated to the Central Committee of Polish Trade Unions.

Sweden. Legislation respecting insurance against industrial accidents applies also to agriculture. The application of the legislation is entrusted to the National Insurance Office and the Insurance Council.

Copies of the report have been communicated to the Swedish Employers' Association, Swedish Confederation of Trade Unions and the Central Organisation of Salaried Employees.

United Kingdom :

Great Britain. The report indicates the changes brought about by the National Insurance (Industrial Injuries) Acts, 1946 and 1948, and the Regulations issued to implement these Acts. These new texts apply to all accidents which have occurred since 5 July 1948 and supersede the previous industrial accident legislation. The general scheme of industrial injuries insurance applies also to agricultural workers who are not covered by a special system. The report contains information on the general principles of this insurance scheme and on the rates of compensation in case of accident causing temporary incapacity, permanent incapacity or death. The application of the scheme is entrusted to the Ministry of National Insurance, which has 12 regional offices and 1,000 local offices. The Minister is authorised to appoint inspectors and to determine their powers. There were many hundreds of decisions in courts of law on the interpretation of Workmen's Compensation Acts. The number of agricultural wage earners covered by the legislation is 856,000 for England and Wales and 89,000 for Scotland.

Copies of the report have been communicated to the Trades Union Congress and the British Employers' Confederation.

Northern Ireland. In Northern Ireland, the scheme is, with minor exceptions, the same as in Great Britain. The application is entrusted to the Ministry of Labour and National Insurance, Belfast, which has 28 local offices. The number of agricultural wage earners is approximately 26,000.

Uruguay. The report states that workmen's compensation legislation applies to all workers in agriculture, stock-raising, and assimilated industries. The application of this legislation is entrusted to the National Labour Institution and to its branch services, to the justices of the peace, and to the State Insurance Bank. There were no decisions by courts of law or other courts; no statistical data are available.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

Netherlands

Netherland West Indies.

Ordinances No. 101 and 103 of 1946.

The provisions of the Convention are covered by the above legislation. Agricultural labourers are also covered by legislation.

Indonesia.

The Convention has not been applied. Legislation concerning workmen's compensation in agriculture is considered premature for the time being. Most of the persons working in agriculture are small peasant farmers living in a pre-capitalistic community. The bulk of the labourers in the European undertakings in Java are casual labourers who consider their employment as a means of supplementing the yield of their holdings. The enforcement of workmen's compensation legislation in respect of such workers would encounter insurmountable difficulties. Full-time workers, working in a European undertaking where machinery is used, are insured against accident by the Accident Regulation of 1939. Consideration will be given to the possibility of covering, by the application of legislation already in existence, workers employed in a European agricultural undertaking where no machinery is used.

Surinam.

The Convention has not been published or promulgated. Agricultural undertakings are not covered by the Accident Regulation. This is due to the fact that the economic position of the large agricultural undertakings is such that an accident insurance premium would lay too heavy a burden on them and supervision of the application of such an insurance system in respect of small undertakings would be technically impossible.

New Zealand

Western Samoa; Tokelau Islands; Cook Islands.

Workmen's compensation legislation for the territories is at present being prepared. The enactment of this legislation should enable extension of the Convention.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

United Kingdom

Aden.

The Workmen's Compensation Ordinance No. 40 of 1939, as amended by Ordinance No. 35 of 1940.

The workmen's compensation legislation in force has general application in Aden, but there is no agriculture in the colony.

Barbados.

Workmen's Compensation Act, No. 2 of 1943.
Workmen's Compensation (Amendment) Act, No. 40 of 1943.
Workmen's Compensation Regulations, 1945.

There is no special system of workmen's compensation for agricultural workers, but such workers are not excluded from the definition of "workman" under the Act. The application of the legislation is entrusted to judges and the Clerk of the Assistant Court of Appeal, the Labour Commissioner (in respect of Government employees), and the Chief Medical Officer. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. There is no single organisation of workers which can be said to represent all workers' organisations in Barbados. The same applies to employers.

Basutoland.

Basutoland Workmen's Compensation Proclamation No. 4 of 1948.

The Proclamation provides for the compensation of workmen for personal injury by accident arising out of or in the course of their employment. The Proclamation is, however, of no effect until it is applied to any specific employment by High Commissioner's notice in the *Gazette*. The question as to which kinds of employment it shall be applied is now under active consideration.

Bechuanaland.

Bechuanaland Protectorate Workmen's Compensation Proclamation No. 28 of 1936.
High Commissioner's Notice No. 80 of 1936, applying the above Proclamation to mine workers.

The ratification of the Convention has had no effect on the agricultural labourers in the protectorate as almost the whole population is agrarian (small stock-owners who do not employ labour). There is no special system of compensation or accident insurance for agricultural workers under Article 1 of the Convention, nor are there any legislation or administrative regulations for agricultural workers. There were no court decisions. There are no organisations of employers or workers.

Bermuda.

No legislation as yet applies the Convention, but there is at present before the legislature a Social Security Bill which will provide, in respect of both agricultural and other wage earners, compensation for personal injury by accident arising out of or in the course of their employment. On becoming law, this legislation will be administered by a commission appointed by the Governor.

British Guiana.

The Accidental Deaths and Workmen's Injuries (Compensation) Cap. 265, as amended by Ordinance No. 9 of 1940.

Workmen's Compensation Ordinance No. 7 of 1934 as amended by Ordinances Nos. 33 of 1935, 14 of 1947 and 38 of 1947.

Workmen's Compensation Regulations, 1937, as amended by Regulation No. 33 of 1943.

Under Ordinance No. 14 of 1947 the definition of "workman" includes all persons employed in agriculture. The Convention is fully applied. No decisions were given by any court regarding the application of the Convention. No observations were received from organisations of employers. In August 1948, the British Guiana Trade Union Council submitted to the Government a request that the existing law should be altered so as to provide weekly compensation payments instead of half-monthly payments as provided by the existing legislation. This matter is at present receiving the attention of the Government and an amendment to the present law is likely to be approved as there is now no necessity for half-monthly payments in view of the fact that the waiting period has been reduced from eleven to three days.

British Honduras.

Workmen's Compensation Ordinance No. 4 of 1942.

The definition of "workman" contained in § 2 of the Ordinance covers agricultural workers, who receive the same treatment as persons employed in industrial or other occupations. The Labour Department acts as an intermediary in the settlement of disputes between employers and workers. In case of litigation, decisions are given by the magistrate's court in Belize, subject to the right of appeal to the Supreme Court of the colony. Settlement by voluntary agreement is also permitted, and this method is followed in the majority of instances. No court decision of importance was given on the application of the Convention. The system of workmen's compensation has brought much benefit to the workers. An appendix to the report contains statistics concerning the number of accidents in 1947 and the amount of compensation paid.

Brunei.

No legislation has been enacted to give effect to the provisions of the Convention. The drafting of workmen's compensation legislation is now under consideration and the requirements of the Convention will be borne in mind.

Cyprus.

Workmen's Compensation Law No. 30 of 1942.

The Convention is partially applied by the legislation in force in so far as workers work with machinery operated by steam, electric or internal combustion engines. Further extension encounters practical diffi-

culties owing to the number of small landowners, which necessitates a form of compulsory liability for adequately safeguarding workers' interests. This would impose an unduly heavy burden on small employers, as the majority of workers are short-term casual labour. No special system of workmen's compensation or accident insurance exists. The administration of the legislation is under the courts of law, with the assistance of the Commissioner of Labour. No court decisions were given. No observations were received from organisations of employers and workers.

Dominica.

Workmen's Compensation Act No. 11 of 1937.

In § 2 of the Act the definition of the term "workman" includes agricultural workers, who are not covered by a special system of workmen's compensation. The Magistrate of Roseau is Commissioner for Workmen's Compensation, and the Registrar of the Supreme Court is Registrar of Workmen's Compensation.

Falkland Islands.

Ordinance No. 4 of 1937.

Ordinance No. 7 of 1939.

The Convention is adequately applied. No distinction is made between agricultural and other workers.

The report has been communicated to the Labour Federation, but no observations have been received.

Fiji.

Workmen's Compensation (Amendment) Ordinance, 1946.

The above Ordinance extended the provisions of the Workmen's Compensation Ordinance to agricultural workers. The Commissioner of Labour supervises the application of the legislation. Employers co-operate fully and no practical difficulties are encountered in applying the provisions of the Ordinance.

The report has been communicated to the following employers' organisations: Colonial Sugar Refining Co. Ltd, Kisan Sangh, Maha Sangh, and Rewa Farmers' Union; and to the workers' organisation Chini Mazdur Sangh.

Gambia.

There is in the protectorate no agricultural labour within the meaning of the Convention and regular agricultural wage earners are not numerous. Moreover, it is difficult to obtain medical attendance in the case of accidents and medical evidence in the case of death. For this reason, the application of the Convention is not practicable.

Gibraltar.

A Workmen's Compensation Ordinance is in draft, based substantially on the National Insurance (Industrial Injuries) Act,

1946; accident statistics are being compiled on which to base contribution and benefit rates. The Ordinance will apply to both agricultural wage earners and industrial workers, although the number of agricultural workers employed is negligible.

Gilbert and Ellice Islands.

The Convention has not been applied. The collection of copra, a healthy open-air pursuit not involving the use of machinery, is the only agricultural undertaking. The Natives receive free medical treatment.

Gold Coast.

The Workmen's Compensation Ordinance, 1940.
Order by the Governor in Council No. 8 of 1941.

The Order mentioned above ensures the partial application of the Convention. No special system of workmen's compensation for agricultural workers exists. The provisions of the Ordinance of 1940 are not applied to peasant holdings. The Commissioner of Labour and officers of the Political Administration are entrusted with ensuring the application of the law. Almost all reported claims are supervised by labour officers. There were no court decisions and no statistics exist concerning the number of workers covered by the legislation. In 1947-1948, five fatal and three non-fatal cases were reported.

Grenada.

Compensation for Injuries Ordinance (Cap. 48).
Workmen's Compensation Ordinance (Cap. 248)
Nos. 14 and 38 of 1936 and No. 1 of 1944,
with amendments.

Agricultural workers come within the scope of the Ordinance, and its application is entrusted to the Commissioner for Workmen's Compensation (duties performed by the magistrate).

Hong Kong.

The Convention has not been applied, as agriculture forms only a very minor part of the industry of the colony and is performed on a family basis. Projected legislation on workmen's compensation specifically excludes agricultural workers. All accidents in industrial undertakings are reported to the Labour Office; no reports are, however, required in the case of accidents to agricultural workers.

No observations were received from workers' or employers' organisations.

Jamaica.

Workmen's Compensation Law (Chapter 408 of the Revised Laws).
Workmen's Compensation (Amendment) Law, 1939.

The Workmen's Compensation Law includes agricultural workers employed "in connection with any engine driven or machine worked by mechanical power." All other agricultural workers are excluded. A com-

mittee has been appointed to enquire into the scope of the Workmen's Compensation Law and to make recommendations for its improvement, and it has also been asked to consider the inclusion of all agricultural workers in the proposed amendments of the Law. All claims for compensation must be determined by the resident magistrate's court for the parish in which the accident occurred. A workman or employer who desires the determination of any claim must lodge a written application with the clerk of the courts. A resident magistrate may submit any question of law for the decision of a judge of the Court of Appeal sitting in chambers. The Governor in Executive Council may make regulations for carrying out the objects and provisions of the Law. There were no court decisions and no observations were received from organisations of employers or workers.

A copy of the report has been communicated to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica and the Jamaica Manufacturers' Association.

Kenya.

Workmen's Compensation Ordinance No. 34 of 1946.

The definition "workman" given in § 2 of the Ordinance does not exclude the agricultural worker. The application of the above-mentioned legislation is entrusted to the Labour Commissioner and all labour officers. Reporting of accidents is compulsory under § 14, paragraph 2, of the Ordinance and compensation registers are maintained in all labour offices. There were no court decisions. The average number of agricultural workers employed in Kenya in any one year is 100,000, all of whom are covered by the legislation. A summary of the nature of accidents to agricultural workers is given. There were no observations from organisations of employers or workers.

Copies of the report are communicated to members of the Labour Advisory Board and are available for perusal by chambers of commerce and registered trade unions.

Leeward Islands.

Workmen's Compensation Act No. 11 of 1937, as amended by Workmen's Compensation (Amendment) Act No. 8 of 1939.

The Act, as amended, includes workers in agriculture.

Federation of Malaya.

The Workmen's Compensation Enactment, Chapter 155 of the Laws of the Federated Malay States.

Agricultural workers come within the scope of the workmen's compensation legislation. The definition of "workman" includes

all persons employed on estates or plantations on which not less than 25 persons are employed on any one day of the year. "Estate" means "any agricultural land exceeding 25 acres in extent upon which agricultural operations of any kind are carried on or of which the produce of any plant or trees, etc." The application of the legislation is entrusted to the Commissioner of Labour and the Commissioner for Workmen's Compensation, who is usually a district judge. Statistics are not available to show separate claims by agricultural workers. No court decisions were given. No observations were received from workers' or employers' organisations.

In future reports will be communicated to the Federal Labour Advisory Board, which is a tripartite body.

Malta.

Workmen's Compensation Ordinance No. XXVIII of 1934 — Chapter 128 of Revised Edition.

All agricultural workers, other than persons working on their own account, are covered by the Ordinance. Provision is made for a weekly contribution of twopence, shared equally by employers and workers, and for the payment of compensation upon injury, life pensions for permanent total incapacity and widows' and orphans' pensions in the event of death by accident.

Mauritius.

Workmen's Compensation Ordinance No. 13 of 1931, as amended by Nos. 7 of 1932, 13 of 1935, 32 of 1937 and 64 of 1947.
Government Notices Nos. 210 of 1931 and 108 of 1941.

The Convention is applied by the legislation in force. Agricultural workers are covered by the same general system as all other workers. Supervision is under the Labour Department. No court decisions were given concerning the application of the Convention. No observations were received from organisations of employers and workers.

Reports have been communicated to the Sugar Producers' Association and the Mauritius Amalgamated Labourers' Association.

Nigeria.

Workmen's Compensation Ordinance No. 51 of 1941.
Order in Council No. 31 of 1941.

The application of the Workmen's Compensation Ordinance to agricultural workers has been limited by § 22 of the Order in Council to those employed on plantations or estates maintained for the purpose of growing cocoa, bananas, citrus fruits, palm produce, rubber or other produce, and on which not less than 25 persons are employed. This limitation has been made in consideration of the economic state of the industry, which is largely undeveloped,

but the possibility of effecting an improvement is being examined. The application of the Ordinance is entrusted to the Commissioner of Labour. The Judicial Department provides returns of determinations under the Ordinance, while returns of injuries and compensation paid are furnished by employers and insurers. These returns are prescribed by law, and are rendered to the Commissioner of Labour at regular intervals. Labour officers are required where necessary in the course of their visits of inspection to advise workers and employers on their rights and obligations under the Ordinance. Arrangements are also made for them to visit hospitals for the purpose of giving such advice to injured workmen. On the notification of fatal accidents, the administrative officers are required to trace the dependants of the workmen involved, with a view to providing any necessary assistance in the matter of claiming compensation. There were no court decisions in regard to the application of the Convention itself, though many have been made in connection with claims lodged by individuals under the terms of the Ordinance. Reliable statistics are at present only available in respect of the number of accidents involving Government service, which for the period under review was 680.

North Borneo.

Straits Settlements Workmen's Compensation Ordinance, 1933.

Workmen's compensation legislation for the whole colony does not yet exist, but is, however, under consideration and the requirements of the Convention are being kept in view in its drafting. In Labuan, the above Ordinance applies to persons employed on any estate or plantation on which not less than 25 persons are employed on any one day of the year, to persons employed as toddy tappers, and those employed in felling or burning jungle or in felling timber.

Northern Rhodesia.

Chapter 188 of revised edition of laws.

There is no differentiation between agricultural workers and other workmen in workmen's compensation; this question is covered by the application of Chapter 188 of the revised edition of laws. The legislation is applied by the Labour Department and the Workmen's Compensation Commissioner. There were no decisions by courts of law or other courts.

Nyasaland.

Workmen's Compensation Ordinance No. 22 of 1944, as amended by Ordinance No. 15 of 1946.

Government Notice No. 40 of 1946 (brought the Ordinance into operation as from 1 July 1946).

Government Notice No. 41 of 1946, as amended by Government Notice No. 30 of 1948 (applied the Ordinance to specific occupations).

Government Notice No. 175 of 1946 (publishes the Rules of Court made under § 30 of the Ordinance).

Government Notice No. 41 of 1946, paragraph 2, sub-paragraph X, applies Article 1 of the Convention. The Workmen's Compensation Ordinance applies to any person employed on any plantation or estate which is maintained for the purpose of growing tea, coffee, tung, sisal, citrus fruit, tobacco, cotton, rubber or other produce. As regards the system of workmen's compensation, there is no difference between the worker described above and any other worker in a specified occupation. The Governor in Council may make rules prescribing procedure, forms and fees for the purpose of giving effect to the Ordinance. The Chief Justice may make rules of court for regulating proceedings before the court under the provisions of the Ordinance and for the fees payable thereof. The application of the above-mentioned legislation is entrusted to the officers of the provincial and district administration, the police and the Labour Department. Regular inspections are hampered at present by lack of staff in the Labour Department. No agricultural accidents have been brought to the notice of the Government. No observations were received from organisations of employers or workers.

Sarawak.

No legislation has been enacted to give effect to the Convention.

St. Helena.

Workmen's Compensation Ordinance No. 3 of 1946.

The application of the legislation is entrusted to the factory inspector. There is appeal to the Commissioner for Workmen's Compensation in the case of dispute. No cases were dealt with during the year. There are no industrial associations.

St. Lucia.

Workmen's Compensation Ordinance No. 7 of 1941.

Workmen's Compensation (Amendment) Ordinance No. 4 of 1942.

Workmen's Compensation Regulations — Statutory Rules and Orders No. 58 of 1942.

The legislation applying the Convention is supervised by the Commissioner for Workmen's Compensation, who is the magistrate.

St. Vincent.

Compensation for Injuries Ordinance (Cap. 75, Revised Edition, 1926).

The Workmen's Compensation Ordinance, No. 21 of 1939, as amended by Ordinance No. 8 of 1943.

The application of the legislation applying the Convention is entrusted to the Commissioner for Workmen's Compensation (the registrar and additional magistrate).

Seychelles.

Legislation covering workmen's compensation has not yet been enacted, but is under active consideration. When such legislation has been introduced, the provisions of the Convention will be applied.

Sierra Leone.

Workmen's Compensation Ordinance No. 35 of 1939 and amendments in Ordinances Nos. 28 of 1940, 5 of 1941, 12 of 1942 and 30 of 1942.

Workmen's Compensation (Application to Certain Employments) Order in Council, 1940 (Public Notice No. 79 of 1940).

Workmen's Compensation (Notification of Injuries) Rules, 1940 (Public Notice No. 118 of 1940).

The national legislation is not yet fully in harmony with the Convention, as compensation has not been extended to all agricultural workers. The provisions of Article 1 of the Convention are at present applied only to a limited section of the agricultural industry. A revision of the existing workmen's compensation laws is to be undertaken shortly, and opportunity will be taken to include all agricultural workers. There are comparatively few wage earners in agriculture, which is mainly in the hands of peasant farmers. Supervision is under the Labour Department. No court decisions were given. There are no organisations of employers or workers in the agricultural industry.

Singapore.

The Workmen's Compensation Ordinance, 1933.

The Ordinance applies to persons employed on any estate or plantation on which not less than 25 persons are employed on any one day of the year, to persons employed as toddy tappers and those employed in felling or burning jungle or in felling timber.

Solomon Islands.

A King's Regulation to provide for workmen's compensation is under consideration. Meanwhile, the matter can be controlled, if necessary, by the application of the Imperial Workmen's Compensation Acts.

Swaziland.

There is no legislation, and there are no representative organisations of employers or workers.

Tanganyika.

Master and Native Servants Ordinance, Sections 29 and 30 (Cap. 51 of the 1929 Edition of Laws).

This Ordinance applies only to Native workers. A draft Workmen's Compensation Bill was being presented at the November 1948 session of the Legislative Council. The provisions of this Bill will apply the Convention to all manual workers irrespective of trade, race or nationality. The application

of the legislation is ensured by the Labour Department and is enforced by regular inspections. There were no court decisions. The Convention has been administered satisfactorily and there have been no instances of failure to pay compensation as assessed by the Labour Department. Statistical information is not available regarding compensation paid to agricultural wage earners, as distinct from industrial workers. No observations were received from organisations of employers or workers.

Trinidad and Tobago.

Workmen's Compensation Ordinance, Chapter 22, No. 12, as amended by Ordinance No. 20, 1943, and Ordinance No. 12, 1945. Workmen's Compensation (Transfer of Funds) Ordinance, Chapter 22, No. 13.

Workmen's compensation legislation applies to agricultural workers except those employed (otherwise than in connection with any engine or machine worked by mechanical power) on agricultural holdings not exceeding 30 acres. The application of the legislation is entrusted to the judges of the Supreme Court, who are deemed to be Commissioners for Workmen's Compensation. No decisions were given by courts of law. The terms of the Convention are well observed. No observations were received from organisations of employers or workers.

Uganda.

Workmen's Compensation Ordinance No. 14 of 1946.

By Order (L.N.234 of 1946) made under § 2 (2) of the Ordinance, the general scheme of workmen's compensation is applied to employment in agriculture on all plantations and estates where commercial crops are grown. The application of the legislation is ensured by the Labour Commissioner and district commissioners. Under § 14 (1) of the Ordinance, all accidents likely to result in a claim for compensation must be reported to district commissioners. The Labour Commissioner must approve all settlements for compensation under § 16 (3) of the Ordinance. Inspection is carried out by the Labour Department staff who also investigate complaints by employees. There were no court decisions. As, in addition to the larger agricultural under-

takings, many agricultural employees work in very small groups for small peasant cultivators, who are themselves frequently illiterate and live in isolated districts, it is not yet possible to ensure that the terms of the Ordinance are strictly observed. Generally speaking, accidents are reported by the more important employers and, in other cases, the employees seem to be aware of their rights and themselves report the accidents. No observations were received from organisations of employers or workers. There are in this territory at present one employers' organisations and one registered trade union. Neither of these bodies can be considered as representing all the workers or employers.

Zanzibar.

Labour Decree No. 11 of 1946.

There is no legislation specifically applying the provisions of the Convention. The law applicable to workmen's compensation is contained in the Labour Decree of 1946. New legislation on the subject, of wider scope and with extended benefits, is under consideration. The Convention is applied by Part V of the Labour Decree, 1946. One class of agricultural worker is excluded from the application of these provisions, namely, plantation workers engaged on piece work from day to day. Apart from this class, agricultural wage earners are in the same position as other wage earners. The application of the legislation is entrusted to the labour officers and administrative officers. There were no court decisions. Notification of injury is very rarely made by agricultural wage earners; the matter of compensation is settled by negotiation between the employer and employee, with or without the intervention of a labour officer or administrative officer. No statistics of accidents are available. There were no observations from organisations of employers or workers.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

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	Reports received
Afghanistan	12. 6. 1939	
Argentina	26. 5. 1936	28. 1. 1949
Austria	12. 6. 1924	7. 12. 1948
Belgium	19. 7. 1926	29. 11. 1948
Bulgaria	6. 3. 1925	
Chile	15. 9. 1925	2. 4. 1949
Colombia	20. 6. 1933	
Cuba	7. 7. 1928	30. 3. 1949
Czechoslovakia	31. 8. 1923	26. 12. 1948
Estonia	8. 9. 1922	
Finland	5. 4. 1929	26. 10. 1948
France	19. 2. 1926	9. 12. 1948
Greece	22. 12. 1926	4. 1. 1949
Hungary ¹	4. 1. 1928	
Latvia	9. 9. 1924	
Luxembourg	16. 4. 1928	19. 11. 1948
Mexico	7. 1. 1938	3. 12. 1948
Netherlands	15. 12. 1939	27. 12. 1948
Nicaragua	12. 4. 1934	
Norway	11. 6. 1929	3. 2. 1949
Poland	21. 6. 1924	13. 12. 1948
Rumania	4. 12. 1925	
Spain	20. 6. 1924	
Sweden	27. 11. 1923	2. 12. 1948
Uruguay	6. 6. 1933	23. 12. 1948
Venezuela	28. 4. 1933	
Yugoslavia	30. 9. 1929	

¹ Conditional ratification registered.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Argentina.

- Act No. 9,688 of 11 October 1915 concerning industrial accidents.
 Act No. 11,317 of 30 September 1925 regulating the employment of women and young persons (L.S. 1924, Arg. 1).
 Decree of 11 July 1927 concerning prohibition of the use of white lead in the agencies subordinated to the Ministry of Public Works.
 Municipal Order of 30 December 1927 (Buenos Aires), prohibiting the manufacture, sale and use of paints with a lead base.

Austria.

- Order of 8 March 1923 issued under § 74 (a) of the Industrial Code and issuing regulations for the protection of the life and health of persons employed in painting, varnishing and decorating carried on by way of trade (L.S. 1923, Aus. 1 D).
 Order of 4 February 1928 of the Minister of Social Affairs respecting the notification of cases of lead poisoning due to painting work in building, varnishing and artistic painting (L.S. 1928, Aus. 1).
 Federal Act of 3 July 1947 respecting labour inspection.

Belgium.

- Act of 30 March 1926 concerning the use of white lead and other pigments containing lead (L.S. 1926, Bel. 2 A).
 Act of 24 July 1927 concerning compensation for injury caused by occupational diseases (L.S. 1927, Bel. 7).

Royal Order of 16 September 1926 to regulate the purchase, sale, transport and use of white lead and other white compounds containing lead intended for trade purposes (L.S. 1926, Bel. 2 B).

Ministerial Order of 16 September 1926 in pursuance of §§ 2, 4, 5 and 7 of the Royal Order to regulate the purchase, sale, transport and use of white lead and other white compounds containing lead (L.S. 1926, Bel. 2 D).

Royal Order of 17 September 1926 concerning the use in painting of white lead, other white pigments containing lead and white pigments the lead content of which in the metallic state exceeds 2 per cent. (L.S. 1926, Bel. 2 C).

Royal Order of 15 November 1927 to supplement the Royal Order of 16 September 1926 to regulate the purchase, sale, transport and use of white lead and other white compounds containing lead intended for trade purposes (L.S. 1927, Bel. 9).

Royal Order of 31 October 1928 prohibiting the employment of young persons under eighteen years of age and women in painting work involving the use of white lead and other white lead pigments (L.S. 1928, Bel. 6).

Royal Order of 14 April 1930 laying down special Regulations for the application of paint by the compressed-air spraying gun or pneumatic painting (L.S. 1930, Bel. 3).

General Regulations of 11 February 1946, relating to the protection of workers.

Chile.

- Decree of 30 April 1926 to approve the Regulations respecting industrial hygiene and safety (L.S. 1926, Chile 2).
 Regulations of 21 April 1927 respecting occupational diseases (L.S. 1927, Chile 2).
 Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L.S. 1931, Chile 1).
 Decree No. 655 of 25 November 1940 (§§ 234 and 245) to issue new Regulations concerning industrial hygiene and safety.

Cuba.

- Legislative Decree No. 215 of 16 May 1934 to prohibit the use of white lead in painting (L.S. 1934, Cuba 13).
 Legislative Decree No. 105 of 25 July 1935, amending the above Decree (L.S. 1935, Cuba 8).

Finland.

- Act of 1 March 1929 prohibiting the use of white lead and sulphate of lead in certain kinds of painting (L.S. 1929, Fin. 1 A).
 Order of 1 March 1929 concerning the implementing of the Convention.
 Decision of the Ministry of Social Affairs dated 22 June 1929 laying down detailed provisions concerning the use of white lead in painting (L.S. 1929, Fin. 1 B).
 Resolution of the Council of State of 14 March 1919 specifying the trades and branches thereof which must be deemed to be specially dangerous, and issuing detailed Regulations concerning the employments liable to injure the health of children and young persons or to hinder their physical development (L.S. 1924, Fin. 5, Appendix 1).
 Sanitary Regulations of 24 September 1929 for workers employed in painting work in which

the use of white lead, sulphate of lead and products containing those pigments is necessary.

Factory Inspection Act of 4 March 1927 (L.S. 1927, Fin. 1).

Decision of the Council of State of 4 March 1927 concerning the application of the above Act.

France.

Decree of 10 July 1913, as amended, respecting general protective and hygiene measures applying to all undertakings concerned (Article 8a, 8b, 8c).

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

Order of 4 December 1934, in pursuance of the Decree of 8 August 1930, to determine the text of the notice pointing out the dangers of lead poisoning and the measures to be taken to avoid them.

Order of 4 December 1934 to determine the text of the recommendations for the medical examinations made in pursuance of the Decree of 8 August 1930.

Order of 23 July 1947, as amended on 31 July 1948, to determine the conditions under which showers must be provided for personnel engaged in unhealthy or unclean work.

Decree of 23 August 1947 respecting special measures in regard to the protection of workers engaged in painting or varnishing by means of spraying (Title I).

Act No. 48-1106 of 10 July 1948 concerning the sale and the use of noxious substances in industrial operations, superseding the provisions of Chapter IV (§§ 78 to 80) of Book II of the Labour Code concerning special provisions for the use of lead compounds in painting work.

Greece.

Royal Decree of 17 December 1921 respecting the prohibition of the use of white lead, red lead, litharge and of all other compounds of these oxides in the painting of buildings, ships, etc. (L.S. 1921, Gr. 2 B).

Act No. 2654 of 6 August 1921 respecting the prohibition of the use of white lead, red lead and litharge in the building industry and other work (L.S. 1921, Gr. 2 A).

Ministerial Order No. 7059 of 1922 exempting certain products from the prohibitions provided for in Act No. 2654.

Act No. 2994 for the ratification of the international Convention concerning the use of white lead in painting.

Act No. 6011 of 29 January 1934 (promulgated on 6 February 1934) to amend Act No. 2654 (L.S. 1934, Gr. 2).

Act No. 6080 of 1934 respecting the prohibition of certain organic colouring matters.

Luxembourg.

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

Mexico.

Political Constitution of the United States of Mexico of 1917.

Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).

Regulations of 24 October 1934 concerning industrial hygiene.

Netherlands.

Decree of 25 September 1933 (L.S. 1933, Neth. 4) to promulgate the text of the Labour Decree of 1920 (L.S. 1920, Neth. 8), as last amended by the Royal Decree of 12 July 1933.

Norway.

Act of 24 May 1929 partially prohibiting the use of white leads, etc., in painting (L.S. 1929, Nor. 1).

Royal Decree of 6 December 1929 concerning the putting into force of the above Act.

Regulations concerning the use of white lead, etc., in painting, issued under § 6 of the Act of 24 May 1929.

Poland.

Decree of the President of the Republic of 30 June 1927 concerning the manufacture, importation and use of white lead, sulphate of lead and all other lead compounds (L.S. 1927, Pol. 7).

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

Order of the Minister of Social Welfare, dated 3 October 1935, in agreement with the Ministers of Industry and Commerce, the Interior, War, Finance, Agriculture and Agrarian Reform, Communications and Posts and Telegraphs, respecting the occupations prohibited for young persons and women (L.S. 1935, Pol. 4).

Ministerial Decree of 25 November 1937 relating to conditions for the manufacture and application of lead.

Sweden.

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

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

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

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

Uruguay.

Resolution dated 3 March 1937 to regulate the use and manipulation of lead and its derivatives with a view to reducing lead poisoning (L.S. 1937, Ur. 1).

SUMMARY OF OTHER INFORMATION

Argentina. There are no new developments to report for the period under review.

Copies of the report have been communicated to the General Confederation of Labour and the Argentine Association of Production, Industry and Commerce.

Austria. The report repeats the information previously given. Statistical data on occupational diseases were submitted to the Office.

Copies of the report have been communicated to the Federal Chamber of Industry, the Austrian Chamber of Labour, and the Austrian Federation of Trade Unions.

Belgium. There are no cases for which the use of white lead, sulphate of lead, or other products containing these pigments

has been declared necessary by the competent authorities. These products remain prohibited within the limits fixed by the legislation. No use has been made of the exception provided for in Article 2, paragraph 1, of the Convention. There were two cases of lead poisoning. Two decisions were given by courts of law regarding the application of the Convention, one concerning a paint merchant (sale of white lead without permit), and the other a painter (purchase of white lead without permit). Permits for the purchase and use of white lead numbered 5,400. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Federation of Belgian Industries, to the General Federation of Labour of Belgium, to the Confederation of Christian Trade Unions, and to the General Association of Liberal Trade Unions.

Chile. The report repeats information previously given and adds that there were no decisions by courts of law or administrative decisions. There are 5,000 persons engaged in painting work; about 300 among them are employed in paint factories. According to the inspection services, there were no cases of lead poisoning or breaches of the relevant legislation. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers.

Cuba. The report refers to information previously given and indicates that Legislative Decree No. 215 of 1934 makes any further regulations unnecessary. The General Directorate of Hygiene and Social Welfare did not detect any cases of lead poisoning among paint workers. No statistics of sickness and deaths due to this disease are available. There were no decisions by courts of law and no observations from employers' or workers' organisations.

The International Labour Questions Department of the Ministry of Labour holds the annual reports at the disposal of the employers' and workers' organisations.

Czechoslovakia. The report refers to the information previously given.

Copies of the report have been communicated to the Central Committee of Trade Unions and to the Federation of Czechoslovak Employers' Organisations.

Finland. No statistics are available regarding cases of lead poisoning in painting work; it does not appear that any such cases have occurred. There are no statistics regarding the number of workers employed in the occupations covered by the Convention. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been commu-

nicated to the Confederation of Finnish Employers' Organisations, and to the Confederation of Finnish Trade Unions.

France. The Act of 10 July 1948 introduces a new Chapter IV, general in scope, which provides in particular for the possible prohibition, through public administrative regulations, of the use of certain poisonous substances for industrial purposes. Pending the publication of the Decree prohibiting the use of white lead and of sulphate of lead in painting, which Decree will repeat the provisions of the former § 79 of the Labour Code, the Act keeps in force provisionally the repealed § 79. Decree No. 47-1619 of 23 August 1947, concerning special measures relating to the protection of workers engaged in the application of paint or varnish by spraying, came into force on 1 January 1948.

No exemptions have been granted concerning the provisions of Article 1 of the Convention. Article 2 is applied through the existing legislation. Act No. 46-2426 of 30 October 1946 provides for the compulsory declaration of any sickness of an occupational nature. The statistics of declarations of occupational diseases make no mention of any cases of white lead or lead sulphate poisoning during the period under review. The labour inspection services have detected no breaches of the prohibitions provided for by the Convention. No decisions were given by courts of law, and no observations were received from employers' or workers' organisations.

The measures recommended for the application of the provisions of the Convention are first studied by an Industrial Hygiene Committee, which sits at the Ministry of Labour and Social Security, and on which the most representative employers' and workers' organisations are represented. Furthermore, copies of the report have been communicated to these organisations.

Greece. The report refers to information previously given and adds that no complete statistics of lead poisoning are available. While a report of the Social Insurance Institute indicates four cases of occupational disease, the actual number is no doubt higher, but no detailed enquiry was made of all the cases.

Copies of the report have been communicated to the Federation of Greek Industries and to the Greek General Confederation of Labour.

Luxembourg. The report repeats the information previously supplied. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the representative organisations of employers and workers.

Mexico. The only provisions in the Mexican legislation prohibiting the use of white lead in painting are those appearing under Title 31, § 326 of the Federal Labour Act.

This article does not prohibit the use of white lead, despite the existence of white lead poisoning as an occupational disease among workers using white lead. § 15, paragraph 2, of the new Industrial Hygiene Regulations provides for a compulsory monthly medical examination of workers using white lead. These Regulations have been declared unconstitutional, and will have to be revised. The attention of the Directorate of Social Welfare of the Secretariat of State for Labour was called to this question in 1940, in a note indicating the necessity of introducing into the Industrial Hygiene Regulations the prohibition of the use of white lead provided for by the Convention. The Secretariat of Labour and, in particular, the Directorate of Social Welfare and the Safety Committees mentioned in § 324 of the Federal Labour Act and Chapter II of the Regulations for the prevention of industrial accidents, are responsible for ensuring the application of the legislation. There were no decisions by courts of law, and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the most representative organisations of employers and workers.

Netherlands. The report repeats the information previously given. No breaches of the legislation were reported.

Norway. The report refers to information previously furnished.

Copies of the report have been communicated to the General Confederation of Trade Unions in Norway and to the Norwegian Employers' Confederation.

Poland. The report repeats the information previously given. No decisions were given by courts of law, and no observations were received from employers' or workers' organisations.

Sweden. The Government refers to its previous report and submits copies of instructions concerning lead poisoning and its prevention, protection from the occupational hazards of spray-painting, and hygienic conditions in factories.

Copies of the report have been communicated to the Swedish Employers' Association, to the Swedish Confederation of Trade Unions, and to the Central Organisation of Salaried Employees.

Uruguay. The report for 1947-1948 indicates that the Resolution of 3 March 1937 satisfies all the requirements of the Convention with the exception of Article 5, para-

graph (iii) (a). No observations were received from employers' or workers' organisations.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

France

Territories of the French Union.

The Decree of 2 March 1939 extended to *French Guiana* (now a Department of Overseas France) and to *New Caledonia* the application of Title II of Book II of the Labour Code, § 79 of which relates to the subject matter of the Convention. On the other hand, Decree No. 47-2,034 of 17 October 1947 established a Labour Code for the territories, other than Indo-China, under the jurisdiction of the Ministry of Overseas France. This Decree provides that hygienic and safety conditions at workplaces shall be regulated by ordinance. The eventual application in the colonies of the provisions concerning the use of white lead and of sulphate of lead in painting operations is entrusted to the labour inspectorate in the colonies, organised by Decree of 17 August 1944 and under the joint jurisdiction of the Ministry of Labour and Social Welfare and the Ministry of Overseas France.

Netherlands

Indonesia.

White Lead Ordinance No. 509 of 1931.

The Convention has not been applied to Indonesia. The above-mentioned legislation deals with protection against the dangers resulting from the use of white lead as a raw material. The painting trade is in the hands of independent workers or small craftsmen. For this reason regulations as required by the Convention are considered to be impracticable for Indonesia.

Netherland West Indies.

As all oil paint is imported from the United States of America, where the Government controls paint containing white lead, it is not necessary to enact legislation.

Surinam.

The Convention has not been published or promulgated. As the Safety Ordinance of 1947 will come into force on 1 November 1948, there is no objection to the formal application of the Convention from that date.

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	Reports received
Afghanistan	12. 6.1939	
Argentina	26. 5.1936	28. 1.1949
Belgium	19. 7.1926	29.11.1948
Bulgaria	6. 3.1925	
Burma ¹	11. 5.1923	
Canada	21. 3.1935	24.11.1948
Chile	15. 9.1925	2. 4.1949
China	17. 5.1934	
Colombia	20. 6.1933	
Czechoslovakia	31. 8.1923	26.12.1948
Denmark	30. 8.1935	20.11.1948
Estonia	29.11.1923	
Finland	19. 6.1923	26.10.1948
France	3. 9.1926	9.12.1948
Greece	11. 5.1929	4. 1.1949
India	11. 5.1923	29.11.1948
Ireland	22. 7.1930	9. 3.1949
Italy	8. 9.1924	28. 1.1949
Latvia	9. 9.1924	
Lithuania	19. 6.1931	
Luxembourg	16. 4.1928	19.11.1948
Mexico	7. 1.1938	3.12.1948
New Zealand	29. 3.1938	26.12.1948
Nicaragua	12. 4.1934	
Norway	7. 7.1937	3. 2.1949
Pakistan ²	11. 5.1923	11. 1.1949
Peru	8.11.1945	
Poland	21. 6.1924	13.12.1948
Portugal	3. 7.1928	10.12.1948
Rumania	18. 8.1923	
Spain	20. 6.1924	
Sweden	22.12.1931	2.12.1948
Switzerland	16. 1.1935	30.11.1948
Turkey	8. 7.1946	
Uruguay	6. 6.1933	23.12.1948
Venezuela	20.11.1944	
Yugoslavia	1. 4.1927	

¹ See footnote 2 to Convention No. 1.

² See footnote 3 to Convention No. 1.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Argentina.

National legislation in force in the Federal capital and in the national territories:

Act No. 4,661 of 6 September 1905 concerning the weekly rest (French text, B.B., 1905, Vol. IV, page 343), as amended by Act No. 9,104 of 12 August 1913.

Act No. 11,640 of 7 October 1932 concerning the five-and-a-half-day week (L.S. 1932, Arg. 2).

Various Decrees to issue Regulations in the territory of the Federal capital and in the national territories.

Provincial legislation:

Acts and Administrative Regulations enacted by the Provincial Governments.

Belgium.

Act of 17 July 1905 relating to the Sunday rest in industrial and commercial undertakings (French text in B.B., 1905, Vol. IV, p. 212) as amended by the Acts of 25 May 1914 and

24 July 1927 (L.S. 1927, Bel. 6), and by the Order of the Regent of 14 July 1947, and Orders issued in pursuance thereof.

Canada.

See under summary of other information.

Czechoslovakia.

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

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

Notification No. 1,191 of 21 November 1947 concerning measures to ensure a smooth electricity supply.

Chile.

Regulations No. 101 of 16 January 1918 respecting holidays and Sunday rest supplemented by Decrees Nos. 757 and 759 of 5 October 1939, 369 of 14 June 1941, 513 of 5 August 1941 and 42 of 7 January 1947.

Denmark.

Act of 29 April 1913 relating to work in factories, etc. (B.B., 1913, Vol. VIII, p. 324).

Act of 18 April 1925 respecting the employment of children and young persons (L.S. 1925, Den. 1).

Notification of the Act respecting work in bakeries and confectionery businesses, as amended by the Act of 9 June 1920 (L.S. 1920, Den. 3).

Finland.

Order of 1 June 1923 bringing the Convention into force in Finland.

Act of 4 March 1927 on industrial inspection (L.S. 1927, Fin. 1).

Decision of the Council of State of 4 April 1927, applying the Act of 4 March 1927.

Act of 2 August 1946 respecting hours of work (L.S. 1946, Fin. 4).

France.

Labour Code, Book II, §§ 30 and following, amended by Legislative Decree of 30 October 1935.

Decree of 24 August 1906, as amended by the Decree of 13 July 1907, relating to the supervision of the enforcement of the Act relating to the weekly day of rest (B.B., 1906, Vol. I, p. 291, and 1907, Vol. II, p. 284).

Decree of 14 August 1907, as amended by Decrees of 10 September 1908, 30 April 1909 and 19 June 1930, completing the schedule of establishments permitted to give weekly rest by rotation (B.B., 1908, Vol. III, p. 69).

Decree of 31 August 1910 determining relaxations of the general regulations for the weekly rest as regards special workers employed in works where continuous furnaces are used (B.B., 1911, Vol. VI, p. 166).

Decree of 29 April 1913 determining the schedule of establishments in which the weekly rest of women and children may be suspended in virtue of §§ 45, 46 and 47 of Book II of the Labour Code (B.B., 1913, Vol. VIII, p. 290).

Greece.

Decree of 8 March 1930 to consolidate the Acts respecting Sunday rest (L.S. 1930, Gr. 3).
Legislative Decree of 2 November 1935 to supplement § 2 of the above Decree of 8 March 1930.

India.

Indian Railways Act, 1890, as amended in 1930 (L.S. 1930, Ind. 1 A).
Indian Factories Act, 1934 (L.S. 1934, Ind. 2), as subsequently consolidated and amended by the Factories (Consolidation) Act of 1946 (L.S. 1946, Ind. 1).
Indian Mines Act, 1923 (L.S. 1923, Ind. 3), as subsequently amended in 1928 and 1935 (L.S. 1928, Ind. 1, and 1935, Ind. 3).
Railways Servants' (Hours of Employment) Rules, 1931.

Ireland.

Road Traffic Act, 1933 (L.S. 1933, I.F.S. 4).
Conditions of Employment Act, 1936 (L.S. 1936, I.F.S. 1).

Italy.

Act No. 370 of 22 February 1934 concerning Sunday and weekly rest (L.S. 1934, It. 3).
Decree of 22 June 1935 specifying the occupations covered by § 5 of the Decree of 22 February 1934, as amended by Legislative Decrees of 7 November 1936, 18 January, 3 March, 26 March and 3 April 1940.
Act No. 1109 of 16 July 1940 unifying the legislative provisions respecting the protection of workers during the period of the war.

Luxembourg.

Act of 21 August 1913 concerning the weekly day of rest for employees and workmen (B.B., 1914, Vol. IX, p. 106).
Resolution of 21 August 1914 in pursuance of the above Act (B.B., 1916, Vol. XI, p. 16).
Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference in the course of its first ten sessions (1919-1927).
Grand-Ducal Order of 30 March 1932 concerning the application of certain Conventions adopted by the International Labour Conference in the course of its first ten sessions (L.S. 1932, Lux. 1), as amended by the Grand-Ducal Order of 6 January 1933 (L.S. 1933, Lux. 1).
Grand-Ducal Order of 24 January 1939, to amend § 3 of the Order of 21 August 1914.

Mexico.

Political Constitution of the United States of Mexico, 1917.
Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1), as amended by the Decree of 18 February 1936 (L.S. 1936, Mex. 1).

New Zealand.

Coal Mines Act, 1925 (L.S. 1925, N.Z. 2), as amended by the Acts of 1927, 1935, 1936, 1937 (L.S. 1937, N.Z. 2) and 1941.
Mining Act, 1926 (L.S. 1926, N.Z. 1), as amended by the Acts of 1927, 1931, 1934, 1935, 1937 and 1941.
Factories Act, 1921-22, as amended by the Factories (Consolidation) Act, No. 43 of 1946 (L.S. 1946, N.Z. 4).
Industrial Conciliation and Arbitration Amendment Act, 1936.
Transport Licensing Act, 1931, as amended by the Transport Licensing Amendment Law of 1939.

Various Orders, Regulations and Awards made in virtue of the above Acts between 1926 and 1942.

Norway.

Workers' Protection Act dated 19 June 1936 (L.S. 1936, Nor. 1).

Pakistan.

Indian Mines Act, 1923, as subsequently amended.
Indian Railways (Amendment) Act, 1939.
Railway Servants Hours of Employment Rules, 1931.
Indian Factories Act, 1934 (L.S. 1934, Ind. 2), as amended and consolidated by the Factories (Consolidation) Act, 1946 (L.S. 1946, Ind. 1).

Poland.

Act of 18 December 1919 regarding hours of work in industry and commerce (L.S. 1920, Pol. 1), as amended by the Decree of 19 September 1946 (L.S. 1946, Pol. 6).

Portugal.

Legislative Decree No. 24,402 of 24 August 1934 regulating hours of work in industrial and commercial undertakings (L.S. 1934, Port. 5 A).
Legislative Decree No. 36,173 of 6 March 1947, standardising the form of collective labour agreements.
Various Resolutions of the Under-Secretary of State for Corporations and Social Welfare, dated 14 April 1942, 19 July 1943, 8 January 1945, 26 April 1945, 28 April 1945.

Sweden.

Act No. 206 of 29 June 1912 respecting the protection of workers (B.B., 1913, Vol. VIII, p. 84), as amended by the Acts of 12 June 1931 (L.S. 1931, Swe. 5 B) and of 12 June 1936 (L.S. 1936, Swe. 2).

Switzerland.

Federal Act of 26 September 1931 respecting weekly rest (L.S. 1931, Switz. 9), as amended by the Federal Act of 30 September 1943.
Regulations and Orders in pursuance of the above Act:
Administrative Regulations of the Federal Council of 11 June 1934.
Order of the Federal Department of Public Economy of 14 January 1935 concerning the weekly rest of persons employed in cinematograph establishments.
Order of the aforesaid Department of 3 August 1935 concerning the weekly rest of workers employed by gardeners.
Order of the aforesaid Department of 3 August 1935 concerning the weekly rest of workers employed by dairy contractors and in dairies.
Order of the aforesaid Department of 11 June 1937 concerning the weekly rest of staff employed by owners of horse-drawn vehicles and other persons utilising horses.
Order of the aforesaid Department of 20 December 1937 concerning the weekly rest of persons employed in newspaper kiosks.
Order of the aforesaid Department of 17 June 1938 concerning the weekly rest of the technical staff of power stations not covered by the Federal Factory Act.
Order of the Federal Council of 16 July 1943 concerning the weekly rest of workers employed in mines.
Federal Factory Act of 18 June 1914/27 June 1919 (B.B., 1914, Vol. IX, p. 269, and L.S. 1919, Switz. 3).

Order promulgated by the Federal Council on 3 October 1919/7 September 1923 in pursuance of the above Act (L.S. 1919, Switz. 4, and 1923, Switz. 3).

Federal Factory Act of 6 March 1920 regulating the hours of work of persons employed on railways and in other services connected with transport and communications (L.S. 1920, Switz. 1).

Administrative Orders Nos. I and II of the Federal Council of 12 August 1921.

Federal Act of 15 March 1932 concerning the circulation of motor vehicles and cycles.

Order of the Federal Council of 4 December 1933 regulating the hours of work and rest of professional drivers of motor vehicles (L.S. 1933, Switz. 8).

Order of the Federal Council of 9 October 1936 regulating work in the watch and clock-making industry not carried on in factories, extended by Order of the Federal Council of 29 December 1937.

Various Federal Orders, Circulars and Instructions concerning the application of the weekly rest.

Uruguay.

Act No. 7,318 of 10 December 1920 concerning weekly rest (L.S. 1920, Ur. 2).

Decree of 26 June 1935 to issue regulations in pursuance of the above Act.

Act No. 7,586 of 31 May 1923 to explain the meaning of "the workers' half holiday."

Legislative Decree of 18 December 1933 to exempt from the obligation to grant a weekly rest employers of establishments which are not subject to the legislation concerning the closing of shops.

SUMMARY OF OTHER INFORMATION

Argentina. The Directorate of Labour Policy of the Secretariat of Labour and Social Welfare and, in the provinces the regional delegations, are responsible for the application of the legislative and administrative provisions. There were no important decisions by courts of law during the period under review. During the same period, the inspection services visited 36,545 undertakings. The number of breaches of the legislation relating to the Sunday rest amounted to 498; the inspection services received reports of 109 breaches of the Act respecting the Sunday rest and of 244 breaches of the Act respecting the 5½-day week.

Copies of the report have been communicated to the General Confederation of Labour and to the Argentine Association of Production, Industry and Commerce.

Belgium. The report repeats the information previously furnished. The legislation has been supplemented by an Order of the Regent of 30 March 1948 authorising work on Sundays for certain cinema operators, for photography of current and topical events, and on condition that the workers concerned receive compensatory rest and do not work more than six days out of seven. The inspection services reported 19 breaches of the Act of 17 April 1905 relating to the Sunday rest. Legal decisions have been based on judicial precedents; no observations have been received from employers' or workers' organisations.

Copies of the report have been communicated to the Federation of Belgian Industries, to the General Federation of Labour, to the Confederation of Christian Trade Unions and to the General Association of Liberal Trade Unions.

Canada. Since the last report, there have been no changes in the provincial legislation concerning the questions covered by the Convention. The Government has no information as to whether the legislative programmes of the Provinces will involve such changes.

The report will be communicated to the representative organisations of employers and workers.

Chile. The report repeats information previously given. Most of the decisions given by courts of law do not relate directly to the provisions of the Convention. A copy of one decision is appended to the report. The Sunday rest legislation covers approximately 1,500,000 persons, 423,205 of whom (52,050 employees and 371,155 workers) are employed in industrial undertakings. The labour inspection service made 1,850 inspection visits in 1948 and reported 170 breaches. The Convention is generally applied without difficulty. There were no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers.

Czechoslovakia. The report refers to information supplied for previous periods and adds that the Notification of 21 November 1947 provides for certain exceptions permitting work on Sundays and other days of rest in order to ensure even supplies of electricity. During the period under review, no decisions were given by courts of law or other courts. See under Convention No. 1 for information relating to inspection.

The report has been communicated to the Central Council of Trade Unions and to the Confederation of the Czechoslovak Employers' Organisations.

Denmark. The report refers to information previously given. No new legislative measures were adopted during the period under review. The report contains a list of exemptions granted during this period to various undertakings. Proceedings were instituted in three cases for breaches of the legislative provisions.

Finland. The report repeats the information previously given and adds that the Act of 2 August 1946 concerning hours of work is, as regards weekly rest, wider in scope than the Convention. No line of division has been fixed between industry on the one hand and commerce and agriculture on the other. However, the Labour Council is empowered to take decisions in doubtful cases. No statistical data are available. There were no decisions by courts of law.

Copies of the report have been communicated to the Confederation of Finnish Employers' Organisations and to the Confederation of Finnish Trade Unions.

France. The report refers to information supplied for the period 1946-1947. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the representative employers' and workers' organisations.

Greece. The report states that § 1 of the Decree of 8 March 1930 prohibits work on Sundays and holidays. No line of division has been fixed between industry on the one hand and commerce and agriculture on the other; however, work in agriculture, hunting and fishing is excluded from the application of the Sunday rest provisions. The report contains particulars on the application of the various Articles of the Convention. Articles 2 and 3 are applied in a satisfactory manner, since Sunday is the normal day of weekly rest. Under Article 4, it is stated that there are exceptions as regards work in connection with maintenance, cleaning supervision and guarding, repairs and *force majeure*. The residents of houses and the proprietors of industrial, handicraft and commercial enterprises are exempted from the administrative regulations if the work in question is not performed in public and if no auxiliary staff is employed. In case of public necessity, the Ministry of Labour may, after decision by the Council of Ministers, promulgate a Decree authorising certain categories of industries or undertakings to work during part or all of Sunday. This Decree must apply to all industries or undertakings of one category; it must be posted by the police authorities in the undertakings concerned. Upon request of the organisations concerned, and after concurrent advice from the Consultative Labour Council, a decision of the Council of Ministers may also authorise Sunday work in case of public necessity, during four Sundays at the most, in the undertakings located in towns having a population of less than 40,000. Exceptions are provided for work carried out the day before Christmas, New Year and Assumption Day. Under Articles 6 and 7, it is stated that all exceptions of all kinds to the legislation must be submitted for approval to the labour inspectorate. The application of the Convention is entrusted to the labour inspectorate (see under Convention No. 5 as regards the organisation of the inspection service), and to the police authorities. A report of the Athens labour inspection service states that a total of 1,509 exceptions to the Sunday rest provisions were authorised; this figure includes also authorisations granted to commercial undertakings. The number of breaches reported is small.

Copies of the report have been communicated to the Greek Federation of Industries

and to the Greek General Confederation of Labour.

India. The report refers to the information previously furnished. There were no decisions by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Employers' Federation of India, to the All-India Organisation of Industrial Employers and to the Indian National Trade Union Congress.

Ireland. The report repeats information previously supplied and adds that the Regulations of 1946 provide that a notice be posted conspicuously in the establishment, giving the days and hours of rest. Ordinance No. 1 of 1936 stipulates that hours of work shall be posted in workplaces. The weekly rest period is normally from 1 p.m. on Saturday to 8 a.m. or 9 a.m. on Monday. There were no contraventions during the period under review. With few exceptions, a weekly rest of 24 consecutive hours is customary. No decisions were given by courts of law.

Copies of the report have been communicated to the Congress of Irish Unions, to the Irish Trade Union Congress and to the Federated Union of Employers.

Italy. The report repeats information previously given. The judicial authorities have not pronounced a decision on any question of principle relating to the application of the Convention.

Luxembourg. The report repeats the information previously given and adds that the Convention is strictly applied. There were no decisions by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the representative organisations of employers and workers.

Mexico. The report repeats the information previously given and adds that there were no decisions by courts of law.

No observations were received from employers' or workers' organisations.

A copy of the report has been communicated to the most representative among these organisations.

New Zealand. The report repeats the information previously given. During the year 1947, 36 offences of the provisions relating to the Sunday rest legislation have been reported. There were no decisions by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the New Zealand Employers' Federation and to the New Zealand Federation of Labour.

Norway. The report refers to information previously supplied.

Copies of the report have been communi-

cated to the General Confederation of Trade Unions in Norway and to the Norwegian Employers' Confederation.

Pakistan. The legislative and administrative regulations applying the provisions of the Convention are those which were in force in India at the time of partition, i.e., 15 August 1947, subject to the formal modifications effected by the Pakistan (Adaptation of Existing Pakistan Rules) Order of 1947.

The definition of "industrial undertakings" contained in Article 1 of the Convention is subject to national exceptions contained in the Hours of Work (Industry) Convention, 1919 (No. 1), in so far as such exceptions are applicable. In the case of Pakistan, these exceptions are contained in Article 10 of Convention No. 1, which limits provisionally the field of application to workers in the industries at present covered by the Factories Act, in mines and in such branches of railway work as are specified for this purpose by the competent authority. The definitions of "factories" and "mines" are contained in the Factories Act and the Indian Mines Act.

§ 71-B of the Indian Railways Act, 1890, as amended by the Railways (Amendment) Act, 1930, lays down that the latter Act applies to such railway workers or classes of railway workers as the Governor General in Council may prescribe. The Railway Servants' (Hours of Employment) Rules, 1931 have been extended to all State-owned railways in Pakistan, and in practice the weekly rest is observed by almost all classes of railway employees except the running staff and persons engaged in essentially intermittent duties of a specially light character, such as gatemen and men employed on maintenance of the permanent way and bridges, for whom periods of rest are also arranged which, although not strictly in accordance with Article 2 of the Convention, approximate to the principle involved. An Order of the Governor-General, dated 2 March 1945, amended the Rules and provided that mates, keymen and gangmen employed on the maintenance of the permanent way shall enjoy a calendar day's rest in each week, or an equivalent number of consecutive days up to a limit of three. In July 1946, this concession was extended to artisans and unskilled labour employed temporarily on open lines. No decisions have been made in regard to the dividing line between industry and commerce and agriculture, as the question does not arise in the case of Pakistan.

Under Article 2 of the Convention, the report states that § 35 of the Factories Act provides for a weekly rest and § 35 (a) of the Act, which came into force on 1 January 1946, provides for compensable rest periods for those lost owing to the grant of exemption from the provisions of § 35. (§ 22-A of the Indian Mines Act limits employment to six days a week, it being permissible to select any day as the day of rest.)

In virtue of the national exceptions provided for under Convention No. 1, the provisions of the present Convention apply only to such branches of railway work as may be specified for that purpose by the competent authority. § 71-D of the Indian Railways Act, 1890, provides, subject to restrictions, etc., contained therein, for a weekly rest of not less than 24 consecutive hours for railway servants, with the exceptions referred to under Article 1.

The question of the application of Article 3 of the Convention does not arise in Pakistan. As regards Article 4, the report states that various exemptions are provided for under §§ 43 and 44 of the Factories Act, 1934, §§ 24, 25 and 46 of the Indian Mines Act and in the relevant legislation relating to railway workers.

Compensatory periods of rest (Article 5) are provided for under the Factories Act, the Indian Mines Act, the Indian Railways Act, and the Railway Servants' (Hours of Employment) Rules. §§ 43 and 44 of the Factories Act specify classes of work for which exemptions are authorised from the provisions relating to the weekly rest laid down in Article 6 of the Convention. As regards mines, the only exceptions allowed from the provisions of Article 2 are those contained in §§ 24 and 25 of the Indian Mines Act. On railways, exemptions may be total or partial. The total exemptions provided under § 71 of the Indian Railways (Amendment) Act, 1930, apply to "essentially intermittent" staff. However, the "intermittent" staff shall receive adequate consideration and every effort shall be made to limit, under normal conditions, their daily hours of duty, and their applications for leave shall receive special consideration. Partial exceptions are also provided for in the Indian Railways (Amendment) Act, 1930 and by the Railway Servants' (Hours of Employment) Rules, 1931. These provisions are also referred to under Article 1. The Act of 1930 also authorises temporary exemptions in cases of exceptional pressure of work and if there is serious interference with the ordinary working of the railway, in case of accidents, actual or threatened, or when urgent work is required, or in an emergency which could not have been prevented. In these cases, periods of rest should, however, be granted as far as possible for the periods forgone; a railway servant exempted from the weekly rest shall not be required to work for 21 days without a rest of at least 24 consecutive hours.

The necessary provisions under Article 7 are contained in § 39 of the Factories Act, § 28 of the Indian Mines Act and Rules 9 and 10 of the Railway Servants' (Hours of Employment) Rules, 1931.

The Factories Act is administered by the provincial Governments through their factory inspectors. The Mines Act is administered by the Government of Pakistan through a chief inspector of mines; district magistrates may also act as inspectors, subject

to Government orders. No decisions by courts of law have come to the notice of the Government and no observations have been received from employers' and workers' organisations.

The report has been communicated to the following workers' organisations: Eastern Pakistan Trade Union Federation, Narayan-ganj, the Pakistan Trade Union Federation, Lahore, and the Pakistan Federation of Labour, Karachi. There are as yet no representative organisations of employers in Pakistan and copies of the report have been forwarded to the provincial Governments for transmission to the most important chambers of commerce.

Poland. The report contains detailed information concerning the exceptions permitted under Article 4 of the Convention. The Minister of Labour and Social Welfare is entrusted with the supervision of the application of weekly rest provisions; this function is carried out by the inspection services under his jurisdiction. Furthermore, this Ministry remains in constant touch with the Central Committee of Polish Trade Unions as well as with individual trade unions, as regards all questions relating to weekly rest. No decisions were given by courts of law during the period under review.

Portugal. The report refers to the promulgation of the Act of 5 July 1948, which specifies that Sunday is the day of weekly rest for the whole country. Only the Government may authorise exceptions which are not specifically provided for in the legislative provisions. During the period under review, 1,789 breaches of the main provisions relating to weekly rest were notified in the district of Lisbon. There were no noteworthy decisions by courts of law. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the following organisations: Association of Employers in the Ceramics Industry, Association of Employers in the Woollen Textile Industry (South), Association of Employers in the Baking Industry (Lisbon), National Association of Graphical Industries, Federation of Chauffeurs' Trade Unions, Confederation of Trade Unions of the Workers of the Port of Lisbon, National Trade Union of Bank Employees, National Trade Unions of Workers in the Metallurgical and Mechanical Industries and the National Trade Union of Railway Workers.

Sweden. The report states that the legislative provisions concerning the weekly rest are in conformity with the Convention, and adds that such provisions also cover commerce. Supervision of the application of the provisions concerning weekly rest is entrusted to the labour inspection authority.

The report has been communicated to the Swedish Employers' Association, the Swedish Trade Union Federation and the Federation of Salaried Employees' Unions.

Switzerland. The report refers to the information previously given and adds that the scope of application of the Federal Act concerning weekly rest has continued to increase considerably because of favourable economic conditions. The number of undertakings covered increased from 11,003 on 1 October 1947 to 11,376 on 30 September 1948. During the period under review, 20 breaches of the provisions of the Federal Act were reported; a fine was imposed in each case, the maximum amount being 50 francs. As in previous years, the majority of the convictions were of proprietors of hotels, restaurants and cafés, bakers and pastrycooks and dairymen. The Convention continues to be strictly applied. The report is accompanied by an appendix containing the report of the Federal Council to the Federal Assembly on its administration in 1947 which gives a general outline of the provisions which ensure the implementation of the Convention in Switzerland. No decisions by courts of law have come to the notice of the Government.

Copies of the report have been communicated to the following organisations: the Central Federation of Swiss Employers' Associations, the Swiss Federation of Commerce and Industry, the Swiss Federation of Arts and Crafts, the Swiss Federation of Trade Unions, the Federation of Swiss Associations of Salaried Employees, the Swiss Federation of Christian National Trade Unions, the Swiss Association of Protestant Workers and Salaried Employees and the Swiss Federation of Independent Trade Unions.

Uruguay. § 1 of Act No. 7318 covers all the undertakings mentioned in the Convention. The national legislation applies to commerce as well as to industry. However, Act No. 8,977 of 22 October 1931, established a line of division between industry and commerce and resulted in an increase from 29 to 36 hours in the weekly rest for employees of commercial undertakings. The legislation contains no exceptions for members of the employer's family except in cases where such undertakings are not covered by the legislative or administrative provisions. Total exemptions from the regulations regarding the weekly rest are provided for in § 5 of Decree of 26 June 1935. Other exceptions, which do not relate directly to the weekly rest but to cases where this rest may be taken on a day other than Sunday, are contained in the same Decree, which also provides for possibilities of shifting the weekly rest.

The control posters of the National Labour Institute and the work books issued to persons employed on the public highway ensure the application of Article 7 of the Convention. (See under Convention No. 1 for information regarding the organisation of the inspection service.) There were no decisions by courts of law during the period under review. The number of workers

covered by the legislation is 173,000, 10,000 of whom work part-time. The following information is supplied regarding breaches of the provisions relating to the weekly rest. In 1945, there were 45,320 inspection visits and 112 breaches of the legislation were reported; the amount imposed in fines was 2,295 pesos. In 1946, there were 45,900 inspection visits; 59 breaches of the legislation were reported and 1,470 pesos imposed in fines. In 1947, there were 43,260 inspection visits; 68 breaches of the legislation were reported and 1,625 pesos imposed in fines.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

New Zealand

Western Samoa; Tokelau Islands; Cook Islands.

There is no legislation applying the Convention, but in practice Saturday or Sunday is strictly adhered to as a universal day of rest on religious grounds.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

15. Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers

This Convention came into force on 20 November 1922

Countries	Date of registration of ratification	Reports received
Argentina	26. 5.1936	28. 1.1949
Australia	28. 6.1935	21.10.1948
Belgium	19. 7.1926	29.11.1948
Bulgaria	6. 3.1925	
Burma ¹	20.11.1922	16.12.1948
Canada	31. 3.1926	9.11.1948
Chile	18.10.1935	2. 4.1949
China	2.12.1936	
Colombia	20. 6.1933	
Cuba	7. 7.1928	30. 3.1949
Denmark	12. 5.1924	10.11.1949
Estonia	8. 9.1922	
Finland	10.10.1925	26.10.1948
France	16. 1.1928	26.11.1948
Germany	11. 6.1929	
Greece	14. 6.1930	4. 1.1949
Hungary	1. 3.1928	
India	20.11.1922	11. 1.1949
Ireland	5. 7.1930	9. 3.1949
Italy	8. 9.1924	8. 4.1949
Japan	4.12.1930	
Latvia	9. 9.1924	
Luxembourg	16. 4.1928	24. 9.1948
Netherlands	17. 6.1931	27.12.1948
Nicaragua	12. 4.1934	
Norway	7.10.1927	7. 2.1949
Pakistan ²	20.11.1922	11. 1.1949
Poland	21. 6.1924	14. 1.1949
Rumania	18. 8.1923	
Spain	20. 6.1924	
Sweden	14. 7.1925	2.12.1948
United Kingdom	8. 3.1926	7.12.1948
Uruguay	6. 6.1933	23.12.1948
Yugoslavia	1. 4.1927	

¹ See footnote 2 to Convention No. 1.

² See footnote 3 to Convention No. 1.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Argentina.

Decree of 12 September 1927 concerning registration of seamen.

Decree of 31 March 1941 approving the regulations concerning registration, departures and arrivals of vessels.

Australia.

The Navigation Act 1912-1942.

Belgium.

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

Burma.

Burma Merchant Shipping Act.

Canada.

Canada Shipping Act, 1934 (L.S. 1934, Can. 7), as amended by the Act of 30 June 1948.

Chile.

Legislative Decree No. 678 of 27 November 1925 concerning recruitment for the military and naval forces.

Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L.S. 1931, Chile 1). Commercial Code, Book III, § 823.

Cuba.

Legislative Decree No. 592 of 16 October 1934 (concerning, in particular, the minimum age of admission of young persons to employment as trimmers or stokers) (L.S. 1934, Cuba 9).

Denmark.

Seamen's Act No. 181 of 1 May 1923 (L.S. 1923, Den. 2).

Act No. 76 of 31 March 1937 concerning placing and registration of seamen, and supervision of their engagement and discharge.

Finland.

Seamen's Act of 8 March 1924 (L.S. 1924, Fin. 1), as amended by Act of 26 May 1925 (L.S. 1925, Fin. 2) and Act of 11 May 1928 (L.S. 1928, Fin. 2).

Order of 19 September 1925 concerning the entry into force of the Convention.

Act of 4 June 1937 concerning the registration of seamen and the supervision of their engagement and discharge.

France.

Act of 13 December 1926 to issue a Seamen's Code (L.S. 1926, Fr. 13).
 Regulations of 27 April 1931 issued under the above Act.
 Legislative Decree of 19 March 1852 concerning the list of crew and the particulars regarding seagoing vessels and craft.
 Act of 11 April 1942 amending §§ 111, 114, 115 and 116 of the Maritime Labour Code, and establishing a new § 116 B of the Code.

Greece.

Act 4505 of 7 April 1930 ratifying the Convention.

India.

Indian Merchant Shipping (Amendment) Act, 1931 (L.S. 1931, Ind. 1).
 Notification of the Government of India (Department of Commerce, No. 80-M, II/31 of 5 December 1931) (L.S. 1931, Ind. 3).

Ireland.

Merchant Shipping (International Labour Conventions) Act, 1933 (L.S. 1933, Ire. 2).

Italy.

Regulations for seamen's employment exchanges approved in 1920 by the Royal Maritime Commission set up by Royal Decree of 14 August 1919.
 Royal Decree of 27 December 1925 bringing the Convention into force in Italy.
 Decree No. 327 of 30 March 1942 approving the setting up of a Shipping Committee.

Luxembourg.

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

Netherlands.

Labour Act, 1919, as subsequently amended (L.S. 1922, Neth. 1), amended by the Act of 14 June 1930 (L.S. 1930, Neth. 2 A).
 Decree of 16 November 1946 concerning the employment of young persons at sea (L.S. 1946, Neth. 1).

Norway.

Seamen's Act of 16 February 1923 (L.S. 1923, Nor. 1).
 Act of 29 June 1888 concerning the registration and the supervision of the engagement of seamen, and supplementary Acts No. 2 of 28 May 1892 and No. 2 of 16 June 1927.

Pakistan.

Indian Merchant Shipping (Amendment) Act, 1931 (L.S. 1931, Ind. 1).
 Notification of the Government of India (Department of Commerce, No. 80-M, II/31 of 5 December 1931) (L.S. 1931, Ind. 3).

Poland.

Act of 2 July 1924 relating to the employment of women and young persons (L.S. 1924, Pol. 2), amended and completed by the Act of 7 November 1931 (L.S. 1931, Pol. 2 A).
 Order of the Minister of Social Welfare of 3 October 1935, to replace, as from 26 April 1936, the Order of 29 July 1925 (L.S. 1925,

Pol. 2), enumerating the occupations in which young persons and women may not be employed.

Instruction of the Maritime Office.

Sweden.

Seamen's Act of 15 June 1922 (L.S. 1922, Swe. 1), amended by the Act of 27 February 1925 (L.S. 1925, Swe. 1).
 Royal Decree of 13 July 1911 concerning seamen's employment offices and the signing on and off of seamen, etc., as amended by the Decree of 22 December 1922.

United Kingdom.

Merchant Shipping (International Labour Conventions) Act, 1925 (L.S. 1925, G.B. 5).

Uruguay.

See under summary of other information.

SUMMARY OF OTHER INFORMATION

Argentina. There is nothing new to report during the period under review. As regards the practical application of the Convention, the Government refers to previous reports.

Copies of the reports have been communicated to the General Confederation of Labour and to the Argentine Association of Production, Industry and Commerce.

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

Copies of the report have been communicated to the Australasian Steamship Owners' Federation and to the Maritime Transport Council.

Belgium. The provisions of Articles 1-6 of the Convention are applied by the Act of 5 June 1928, which covers all merchant and fishing vessels. The authorities entrusted with the application of the legislation are, in Belgium, the Maritime Superintendent and, for recruitment abroad, the Belgian Consuls. There were no decisions by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Federation of Belgian Industries, to the General Federation of Labour of Belgium, to the Federation of Christian Trade Unions and to the General Association of Liberal Trade Unions.

Burma. Articles 1 to 6 of the Convention are applied under the Burma Merchant Shipping Act (§ 37-E). A short summary of the provisions of Articles 1, 2, 3, 5 and 6 of the Convention is included in every agreement with the crew. No young persons under 18 years of age have been employed on board vessels as trimmers or stokers. The Nautical Adviser and Principal Officer, Mercantile Marine Department, and the Shipping Master, Rangoon, are responsible for supervising application of the legislation. No decisions were given by courts of law and no breaches of the legislation were reported.

Canada. The situation remains unchanged since the submission of the report for 1945-1946.

Chile. The report repeats information previously given as regards legislation and the application of the Convention. Decree No. 100 of 31 January 1948, published in the Official Journal of 20 April 1948, approves Regulations laying down the functions of the Labour Service, the Maritime Authority and the Maritime Health Service, and organising the collaboration among these bodies as regards the provisions of the laws and regulations which apply to maritime work. There were no decisions by courts of law and no observations from employers' and workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers, which are the most representative organisations of employers and workers.

Cuba. The report repeats information previously given. There were no decisions by courts of law and no observations from employers' and workers' organisations.

The annual reports communicated to the International Labour Office are at the disposal of those organisations of employers and workers registered with the Labour Ministry.

Denmark. The report repeats the information previously furnished. There were no decisions by courts of law and no observations were received from employers' or workers' organisations.

Finland. The report repeats the information given for the period 1946-1947. No statistics are available regarding the number of persons covered by the Convention. The Government has no knowledge of any decisions.

The report has been communicated to the Confederation of Finnish Employers' Associations and to the Confederation of Finnish Trade Unions.

France. The report refers to information previously furnished; the new § 114 of the Maritime Labour Code (Act of 11 April 1942) strictly prohibits the employment of seamen under 18 years of age as trimmers or stokers. The Departments of the Mercantile Marine have no knowledge of any court decisions and have received no observations from employers' or workers' organisations regarding the practical application of the Convention or of the relevant articles of the Maritime Labour Code. No breaches have been reported.

Copies of the report have been communicated to the Central Committee of French Shipowners and to the National Federation of Maritime Trade Unions affiliated with the General Confederation of Labour.

Greece. The report repeats the information given for previous years. No decisions by courts of law or infringements of the legisla-

tion were reported during the period under review.

India. The report repeats the information given for the period 1946-1947. No decisions by courts of law have come to the notice of the Government and no observations were received from employers' or workers' organisations. No breaches of the legislation were reported.

Copies of the report are being forwarded to the Employers' Federation of India, the All-India Organisation of Industrial Employers, and the Indian National Trade Union Congress.

Ireland. The report refers to information previously given. There were no breaches of the legislation, no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Congress of Irish Unions, to the Irish Trade Union Congress and to the Federated Union of Employers.

Italy. The report repeats information previously given. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Luxembourg. The Convention was ratified in a spirit of international solidarity and calls for no practical application in the Grand Duchy.

Netherlands. The Decree of 16 November 1946, concerning the employment of young persons aboard seagoing vessels, provides that young persons under 18 years of age may not be employed on board as trimmers or stokers; however, an exception is made as regards vessels which are not primarily steam-driven.

Norway. The report repeats information previously given.

Copies of the report have been communicated to the Norwegian Seamen's Union and the Norwegian Shipping Employers' Association. These organisations made no observations and confirmed that the Convention is fully applied in Norway.

Pakistan. The legislation giving effect to the Convention is that which was in force in India at the time of partition, i.e., 15 August 1947. The application of the legislative and administrative regulations is entrusted to the shipping masters at ports of recruitment. No breaches of the relevant legislation have been reported and no decisions by courts of law have come to the notice of the Government. No observations were received from occupational organisations.

Copies of the report have been communicated to the following workers' organisations: the Eastern Pakistan Trade Union Federation, the Pakistan Trade Union Federation and the Pakistan Federation of Labour. There are as yet no organisations of employers, but copies of the report have been forwarded to the provincial governments for transmission to important chambers of commerce.

Poland. The report repeats the detailed information previously furnished. There were no decisions by courts of law and no observations have been received from employers' or workers' organisations.

Copies of the report have been communicated to the Social and Economic Department of the Ministry of Industry and to the Central Committee of Polish Trade Unions.

Sweden. The report repeats the information previously furnished.

Copies of the report have been communicated to the Swedish Employers' Association, to the Swedish Confederation of Trade Unions and to the Central Organisation of Salaried Employees.

United Kingdom. The report repeats the information furnished for the period 1946-1947.

Copies of the report have been communicated to the British Employers' Confederation and to the Trades Union Congress.

Uruguay. There is no legislation on the subject of the Convention, as Uruguay has no merchant marine. A Bill to amend the Child Labour Code, incorporating the provisions of the Convention, was prepared in 1937, but so far has not resulted in legislative action.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

France

Territories of the French Union.

The maritime registration scheme in force in metropolitan France has not as yet been instituted and the question is under consideration by the Assembly of the French Union.

Netherlands

Indonesia.

Convention No. 87 of 1926.

The Convention has been applied. Vessels under 500 m³ are not covered by the legislation, on the ground that they are deemed to be family undertakings. The other provisions of the legislation are in conformity with the requirements of the Convention. The Department of Shipping supervises observance of the legislation. No observations have been received regarding the practical application of the legislation.

Surinam.

The Convention has been published. Young persons over 12 years of age are usually employed as apprentices. As there exists no other possibility of training these young persons and it would be a waste of time to wait until they reach the age mentioned in the Convention, enforcement of statutory measures on this matter will not be taken into consideration.

Netherland West Indies.

There is no legislation, as persons under the age of 18 years are not employed at sea.

United Kingdom

Aden.

Ordinance No. 20 of 1938.

Indian Merchant Shipping Act XXI of 1923.

The Convention is applied by the legislation in force. The port officer is the Government-appointed officer under the Indian Merchant Shipping Act, and he administers the regulations. All persons engaged in any ship in this port are required by an Administrative Act of the Government to be selected from a waiting list of seamen kept by the port officer, and to "sign on articles" before the port officer. There are no young persons on the waiting list. The port officer is satisfied that the Convention is observed in detail, and that, as a general practice, no persons under 18 years of age are engaged in Aden for employment on board ship. No court decisions have been reported. There are no representative organisations of employers or workers in Aden.

Barbados.

The Convention has not been applied.

Basutoland.

The Convention is inapplicable to Basutoland, which is an inland territory.

Bechuanaland.

There are no trimmers and stokers in Bechuanaland.

Bermuda.

No legislation or administrative provisions apply the Convention, which is of no practical importance by reason of conditions in Bermuda.

British Guiana.

The Merchant Shipping (International Labour Conventions) (British Guiana) Order, 1942.

This Order applies the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925, with certain modifications. The Convention is fully applied. The necessity for the appointment of officers to whom the application of the law would be entrusted has not yet arisen. The question, however, is under consideration. No decisions were given by any court regarding the application of the Convention. No observations were received from organisations of employers or workers.

British Honduras.

The Convention is not applied because trimmers and stokers have not been and

are unlikely to be engaged in the colony. Should the circumstances change, there would be no obstacle to the application of the Convention.

Brunei.

No legislation has been enacted to give effect to the provisions of the Convention. Relevant labour legislation is being drafted and the requirements of the Convention will be borne in mind.

Cyprus.

Cyprus Registration of Ships (International Labour Conventions) Law, No. 24 of 1939.

The Convention is applied. The shipping registration service and the customs authorities supervise the application of the legislation. There were no decisions by courts of law; there were no cases in which young persons were employed.

Dominica.

No legislation has been enacted, since in practice trimmers and stokers are not engaged in the colony.

Falkland Islands.

Ordinance No. 4 of 1939.

The minimum age laid down is 14 years. There are no coal burning ships and the Convention is therefore inapplicable in practice.

Fiji.

Labour Ordinance No. 23 of 1947, Part IX.

Vessels engaged in the coastal trade are mainly Diesel-powered and trimmers or stokers are not employed. Enforcement of the Convention is therefore rarely necessary. The Commissioner of Labour and the Marine Board supervise the enforcement of the provisions of the legislation.

The report has been communicated to the Fiji Seamen's Union.

Gambia.

Merchant Shipping (International Labour Conventions) Ordinance No. 16 of 1940.
§§ 1-6 are embodied in § 4 of the Ordinance.

Trimmers and stokers are seldom engaged in maritime navigation in the Gambia. No occasion has therefore arisen for the enforcement of the provisions of this Convention. The harbour master and marine superintendent is responsible for inspections, and also for prosecutions in the event of any contravention of the law.

Gibraltar.

Employment of Women, Young Persons and Children Ordinance No. 16 of 1932, as amended by Ordinance No. 5 of 1948.

The Convention is applied by the legislation in force, which is administered by the

Director of the Labour and Welfare Department with immediate supervision entrusted to the shipping master of the Port Department. No contraventions were reported and no observations were received from organisations of employers or workers.

Gilbert and Ellice Islands.

The Convention does not yet appear to have been applied, as the Order in Council published on 5 May 1939 extended the relevant provisions of the Merchant Shipping (International Labour Conventions) Act, 1925, to the Solomon Islands, but did not extend it to the Gilbert and Ellice Islands. The question of the further extension is still under consideration.

Gold Coast.

The United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925.

Supervision of the application is ensured by the Commissioner of Labour and the shipping masters at ports, as well as by periodical inspection by labour officers. There were no court decisions. The Convention has no practical application in the Gold Coast.

Grenada.

The Merchant Shipping (International Labour Conventions) Act, 1925, of the United Kingdom, has been applied to the colony by the Merchant Shipping (Colonies) (Amendment) Order in Council in March 1940.

The legislation is applied by the Colonial Treasurer in his capacity as shipping master.

Hong Kong.

The Merchant Shipping (Hong Kong) Order, 3 March 1936.
The United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925.

The Convention is applied in respect of United Kingdom registered ships and Hong Kong registered ships. The legislation defines the terms "ship" and "young person". A list of young persons must be entered in the articles of agreement for the crew, which contain a brief summary of the provisions of the Convention. The standard form articles of agreement contains the following provisions. The employment of a person under the age of 18 years as trimmer or stoker is prohibited. This provision does not apply to school or training ships or to ships which are mainly propelled otherwise than by means of steam, or to ships exclusively engaged in the Indian or Japanese coasting trade.

The provisions of Article 4 of the Convention are not incorporated in the agreement. However, the agreement with the crew must contain a list of all members of the crew under 18 years of age. The Mercantile Marine Office is entrusted with the enforcement of legislation. There is no specific inspection of ships. No decisions were

given by courts of law. It is difficult to ensure the application of the legislation to foreign ships. Where seamen who are supplied to ships by contractors are found, at the time of signing the articles, to be, or suspected to be, under the age of 16 years, the engagement is withheld and if necessary cancelled.

No observations were received from workers' or employers' organisations.

Jamaica.

Imperial Order in Council of 25 July 1927.

A copy of the report has been sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica and the Jamaica Manufacturers' Association.

Kenya.

Ordinance No. 70 of 1948.

As regards the application of Article 5 of the Convention, no particular form of registration has been prescribed as the practice does not occur. The application of the legislation mentioned above is entrusted to the labour commissioner. Officers of the Labour Department carry out regular inspections. There were no court decisions and no observations were received from organisations of employers or workers. Mombasa is the only port in Kenya where vessels other than Native vessels call. This port is under the strict control of the port manager of the East African Railways and Harbours Administration, who works closely with the Labour Department in prohibiting the employment of children at sea.

Copies of the report are communicated to members of the Labour Advisory Board and are available for perusal by chambers of commerce and registered trade unions.

Leeward Islands.

Merchant Shipping (International Labour Conventions) Act, 1925.

No special action has been taken as no cases have been recorded of persons being employed in this capacity.

Federation of Malaya.

Chapter 150 (Merchant Shipping) of the Laws of the Straits Settlements (also applicable to the ports of Penang and Malacca).

"Vessel" includes any ship or boat or any other description of vessel used in navigation. "Young person" means a person who is under the age of 18 years. The legislation is in harmony with the provisions of the Convention; no young person shall be employed as trimmer or stoker. The exceptions authorised under (a) and (b) of Article 3 of the Convention

are included in the local legislation. A register must be kept of all young persons employed on board each ship. The articles of agreement contain a brief summary of the provisions of the Convention. No young person shall be employed on any ship unless in possession of a medical certificate. These provisions do not apply in the case of a ship in which only members of the same family are employed; in urgent cases, and subject to certain conditions, the port or consular officer may authorise young persons to be employed on board ships. The medical certificate shall remain in force for a period of 12 months. If a young person is employed in contravention of the legislation, the master of the ship shall be liable to a fine. The application of legislation is entrusted to the port officers. No decisions were given by courts of law. No observations were received from workers' or employers' organisations.

In future, reports will be communicated to the Federal Labour Advisory Board, which is a tripartite body.

Malta.

Malta Merchant Shipping Act (Act IX of 1929)
—Chapter 101 of Revised Edition.

§ 4 of the Act gives effect to the Convention.

Mauritius.

Ordinance No. 37 of 1934, as amended by Ordinance No. 43 of 1945.

The Convention is applied by the legislation in force. Supervision is by the Labour Department and harbour master. No court decisions were given. No observations were received from organisations of employers and workers.

The report has been communicated to the Federation of Port and Harbour Employers, and the General Port and Harbour Workers' Union.

Nigeria.

Labour Code Ordinance No. 54 of 1945, Chapter X.

§ 171 of the Labour Code Ordinance prohibits the employment of juveniles under the age of 14 years on any vessel. Articles 1, 2, 4, 5, and 6 of the Convention are covered by the Labour Code Ordinance, the application of which is entrusted to the Commissioner of Labour, assisted by a staff of labour officers. In the course of their visits of inspection, these officers advise employers and workers, if necessary, in regard to the provisions of the law. There were no contraventions and no court decisions during the period under review.

Nyasaland.

The Convention applies only to ships engaged in maritime navigation and is therefore inapplicable to Nyasaland. Legis-

lation, however, is now under consideration providing similar safeguards in relation to the employment of young persons in lake shipping.

North Borneo.

Shipping Ordinance, 1914, § 32, applied by Gazette Notification 90 of 1931.

In September 1948, there were five ships on the colony's register of shipping, all under 100 tons net register. The application of the legislation is entrusted to the Superintendent of Shipping. There were no court decisions, and no observations from organisations of employers or workers.

St. Helena.

United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925.

The Convention is applied without modification by the Act in so far as British vessels calling at the colony are concerned. There are no local vessels engaged in maritime navigation and St. Helena is not a port of registry. In the case of St. Helenians engaging on a British vessel, the law would be enforced by the Government Secretary.

St. Lucia.

The Merchant Shipping (International Labour Conventions) Act, 1925, of the United Kingdom as given effect to by the Merchant Shipping (Colonies) (Amendment) Order of 1940.

The legislation applying the Convention is supervised by the harbour master.

St. Vincent.

The Merchant Shipping (International Labour Conventions) Act, 1925, of the United Kingdom has been applied to this colony by the Merchant Shipping (Colonies) (Amendment) Order in Council of 7 March 1940.

The application of the legislation applying the Convention is entrusted to the Colonial Treasurer in his capacity as shipping master.

Sarawak.

Labour Conventions Ordinance.

The legislation in force prohibits the employment of young persons as trimmers or stokers. When under specified conditions a young person over the age of 16 is so employed, provision must be made for two young workers to do the work otherwise performed by a person 18 years of age or over.

Seychelles.

Order in Council of 25 July 1927, published under Governor's Order 131 of 1927 applying the Merchant Shipping Act to Seychelles (with certain reservations), following the amendment made in 1925 to § 158 of the Merchant Shipping Act (1894) included in the Merchant Shipping (International Labour Conventions) Act, 1925.

Ordinance No. 12 of 1932.

Articles 1-6 of the Convention are applied to Seychelles by the application of the Merchant Shipping Act. Supervision of legislation is entrusted to the port officer as shipping master, but there are no steam vessels owned in the colony. There are no organisations of employers or workers.

Sierra Leone.

Employers and Employed Ordinance No. 30 of 1934, as amended by Ordinance No. 32 of 1947.

Merchant Shipping (International Labour Conventions) Act, 1925, as applied by the Merchant Shipping (Colonies) (Amendment) Order, 1941 (Public Notice No. 40 of 1941).

Articles 1, 2, 3, 4 and 6 of the Convention are applied by the legislation in force. No local legislation exists embodying the provisions of Article 5, but the requirements of the Merchant Shipping Act, 1925, which has been applied to Sierra Leone (Public Notice No. 40 of 1941), are regarded as adequate. Supervision is by the harbour and shipping master. There have been no local engagements for some time. There were no contraventions during the year and no court decisions were given. No observations were received from organisations of employers and workers.

Solomon Islands.

King's Regulation No. 5 of 1947.

The Convention is applied by the legislation in force, and supervision is by labour officers and district commissioners, and also by other authorised officers. It is considered that no persons of 18 years of age or under have ever been employed as trimmers or stokers in this protectorate. At present there are no trimmers or stokers in employment.

Swaziland.

The Territory of Swaziland has no coast line, and therefore has no responsibility for the control of navigation or employment at sea.

Singapore.

The Merchant Shipping Ordinance (Cap. 150), § 34.

Tanganyika.

Employment of Women and Young Persons Ordinance No. 5 of 1940, as amended by Ordinance No. 10 of 1946.

As regards Article 1 of the Convention, the report states that there is no definition of the term "vessel" in local legislation and no provisions corresponding to those of Articles 3, 4, 5 and 6 of the Convention. These articles are not applicable, since no young persons are employed as trimmers or stokers. The application of the legislation is ensured by the Government Labour Department and by port officers. The application of Article 2 is ensured by routine

inspections. There were no court decisions. The Convention has been administered satisfactorily and no contravention has been reported. No observations were received from organisations of employers or workers.

Trinidad and Tobago.

Merchant Shipping (International Labour Conventions) Act, 1925, as applied to Trinidad and Tobago by Order in Council, Merchant Shipping (Colonies) Order, 1927.

The application of the legislation is supervised by the harbour master of the colony, who is also shipping master for the Ministry of Transport. No court decisions were given. The provisions of the Convention are enforced when applicable. No contraventions were reported. No observations were received from organisations of employers or workers.

Uganda.

Employment of Children Ordinance No. 19 of 1938 as amended by Ordinance No. 27 of 1946.

Ordinance No. 27 of 1946 applies the provisions to all vessels. The application of the Convention is ensured by the Labour Commissioner. Inspection may be undertaken by European and African officers of the Labour Department. Apart from lake

steamers calling at lake ports, only local fishing craft operate. There were no court decisions and no observations from organisations of employers or workers. There are in the territory at present one employers' organisation and one registered trade union. Neither of these bodies can be considered as representing all the workers or employers.

Zanzibar.

Employment of Women, Children and Young Persons (Restriction) Decree (Chap. 132 of the Revised Laws of Zanzibar, 1934).

The application of Article 6 of the Convention is not at present provided for by local legislation, but new legislation covering this Article is shortly to be introduced. The application of the legislation is entrusted to the port officer. Ships' crews are signed on by the port office staff, and close attention is paid to the question of age. There were no court decisions. The Convention has been fully applied in the ships of His Highness the Sultan, and no instance of contravention in other ships registered was reported.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

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	Reports received
Argentina	26. 5.1936	28. 1.1949
Australia	28. 6.1935	3.12.1948
Belgium	19. 7.1926	29.11.1948
Brazil	8. 6.1936	
Bulgaria	6. 3.1925	
Burma ¹	20.11.1922	16.12.1948
Canada	31. 3.1926	9.11.1948
Chile	18.10.1935	2. 4.1949
China	2.12.1936	
Colombia	20. 6.1933	
Cuba	7. 7.1928	30. 3.1949
Denmark	23. 4.1938	10.11.1948
Estonia	8. 9.1922	
Finland	10.10.1925	26.10.1948
France	22. 3.1928	26.11.1948
Germany	11. 6.1929	
Greece	28. 6.1930	4. 1.1949
Hungary	1. 3.1928	
India	20.11.1922	11. 1.1949
Ireland	5. 7.1930	9. 3.1949
Italy	8. 9.1924	8. 4.1949
Japan	7. 6.1924	
Latvia	9. 9.1924	
Luxembourg	16. 4.1928	24. 9.1948
Mexico	9. 3.1938	3.12.1948
Netherlands	9. 3.1928	27.12.1948
Nicaragua	12. 4.1934	

¹ See footnote 2 to Convention No. 1.

Countries	Date of registration of ratification	Reports received
Pakistan ¹	20.11.1922	11. 1.1949
Poland	21. 6.1924	14. 1.1949
Rumania	18. 8.1923	
Spain	20. 6.1924	
Sweden	14. 7.1925	2.12.1948
United Kingdom	8. 3.1926	7.12.1948
Uruguay	6. 6.1933	23.12.1948
Yugoslavia	1. 4.1927	

¹ See footnote 3 to Convention No. 1.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Argentina.

Decree of 20 March 1913 approving the maritime and river sanitary regulations.

Decree of 12 September 1927 approving the regulations relating to the registration of the crew of the mercantile marine, as amended by Decree No. 112,924 of 25 August 1937.

Order No. 9 of 2 December 1930 concerning the medical examination of the crew of the mercantile marine.

Australia.

The Navigation (Maritime Conventions) Act, 1934 (L.S. 1934, Austral. 10).
The Navigation (Health) Regulations (Amendment, 1935, No. 76).

Belgium.

Act of 5 June 1928 relating to seamen's articles of agreement (L.S. 1928, Bel. 5 A).

Burma.

Burma Merchant Shipping Act.

Canada.

Canada Shipping Act, 1934 (L.S. 1934, Can. 7), as supplemented by the Act of 30 June 1948.

Chile.

Legislative Decree No. 678 of 27 November 1925 concerning recruitment for the army and navy.
Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L.S. 1931, Chile 1), amended by Act No. 5405 of 8 February 1934 (L.S. 1934, Chile 1 A).
Decree No. 1682 of 21 December 1935 to issue general Regulations concerning the registration of seamen.
Commercial Code, Book III, § 823.

Cuba.

Legislative Decree No. 592 of 16 October 1934 concerning, in particular, the compulsory medical examination of children and young persons employed at sea (L.S. 1934, Cuba 9).

Denmark.

Notification of 8 January 1938 (in force 1 March 1938) respecting medical examination of ships' crews, issued by the Ministry of Commerce, Industry and Shipping under § 1 (2) of the Ships Officers' and Engineers' Act of 28 February 1916, as subsequently amended, and § 26 (2) of the Seamen's Act of 1 May 1923.

Finland.

Seamen's Act of 8 March 1924 (L.S. 1924, Fin. 1), as amended by the Acts of 26 May 1925 (L.S. 1925, Fin. 2) and 11 May 1928 (L.S. 1928, Fin. 2).
Order of 19 September 1925 bringing the Convention into force.
Act of 4 June 1937 concerning the registration of seamen and the supervision of their engagement and discharge.

France.

Act of 13 December 1926 to issue a Seamen's Code (L.S. 1926, Fr. 13).
Legislative Decree of 19 March 1852 concerning the list of crew and the particulars regarding seagoing vessels and craft.

Greece.

Act No. 4674 of 12 May 1930 to ratify the Convention.

India.

Indian Merchant Shipping (Amendment) Act, 1931 (L.S. 1931, Ind. 1).
Notification No. 80-M of the Department of Commerce of 8 August 1931.

Ireland.

Merchant Shipping (International Labour Conventions) Act, 1933 (L.S. 1933, I.F.S. 2).

Italy.

Act No. 244 January 1934 to issue Regulations concerning the physical capacity of persons requesting registration or re-registration in the Seamen's Register, as well as of persons seeking employment on board vessels of the mercantile marine (former Royal Decree No. 1773 of 14 December 1933).

Luxembourg.

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

Mexico.

Political Constitution of the United States of Mexico, 1917.
Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).
Act of 30 December 1939 concerning general lines of communication.

Netherlands.

Labour Act, 1919, as subsequently amended (L.S. 1922, Neth. 1), amended by the Act of 14 June 1930 (L.S. 1930, Neth. 2 A).
Decree of 25 September 1933 to promulgate the text of the Labour Decree, 1920, as last amended by the Royal Decree of 12 July 1933 (L.S. 1933, Neth. 4).
Seamen's Decree dated 15 May 1937 (L.S. 1937, Neth. 4); a Decree to issue public administrative Regulations as provided, *inter alia*, in § 451 *d* of the Commercial Code, amended by the Act of 14 June 1930 (L.S. 1930, Neth. 1).
Decree of 16 November 1946 respecting the employment of young persons on board vessels.

Pakistan.

Indian Merchant Shipping (Amendment) Act, 1931.
Notification of the Government of India (Commerce Department) No. 80-M dated 8 August 1931 (L.S. 1931, Ind. 3).

Poland.

Act of 28 May 1920 concerning the Polish mercantile marine.
Order of the Minister of Trade and Industry, dated 20 August 1936, respecting the medical examination of persons employed on board merchant vessels.
Decree of 25 June 1946 respecting the scope and activities of the maritime and port health offices.

Sweden.

Royal Order No. 263 of 22 May 1925 concerning the standard of health and physique required of seamen before engagement for certain voyages.
Royal Order of 31 December 1917 relating to medical certificates for seamen, amended by the Royal Order No. 264 of 22 May 1925.

United Kingdom.

Merchant Shipping (International Labour Conventions) Act, 1925 (L.S. 1925, G.B. 5).

Uruguay.

Act No. 9,342 of 6 April 1934.

SUMMARY OF OTHER INFORMATION

Argentina. The report refers to information previously given and adds that there is nothing new to report.

Copies of the report have been communicated to the General Confederation of Labour and to the Argentine Association of Production, Industry and Commerce.

Australia. The report gives supplementary information concerning legislative provisions ensuring the application of the Convention. The administration of the legislation and the regulations is entrusted to the superintendents of mercantile marine offices, under the control and direction of the Director of Navigation through his Deputy Directors of Navigation in each State. These officers are subject to inspection at any time by the office of the Director of Navigation and the public service inspectors. There were no decisions by courts of law and no observations have been received from employers' or workers' organisations. The report contains statistical data regarding medical examination of young persons.

Copies of the report have been submitted to the Australasian Steamship Owners' Federation and the Maritime Transport Council.

Belgium. The legislation is applied generally and does not provide for the exceptions allowed under the Convention. The maritime superintendent must ascertain that young persons have passed the prescribed medical examinations before they are accepted for registration. These examinations are conducted regularly before the seaman is permitted to sign his contract. There were no decisions by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Belgian Industries, to the General Confederation of Labour of Belgium, to the Confederation of Christian Trade Unions, and to the General Association of Liberal Trade Unions.

Burma. The report repeats information given for 1946-1947.

Canada. The report indicates no change from the position given in the preceding report with the exception of one point: under the Act of 30 June 1948, which amended the Canada Shipping Act of 1934, the minimum age for admission of children to employment at sea has been raised from 14 to 15 years. The amendment imposes a penalty for violation of this provision. There were no contraventions or decisions by courts of law. No observations have been received from employers' or workers' organisations.

Chile. The report repeats information previously given and adds that the Decree No. 100 of 31 January 1948 approves regulations laying down the functions of the Labour Service, the Maritime Authority and the Maritime Health Service and organises the collaboration among these bodies as regards the application of legislative and administrative decisions. The Labour Inspection Service supervises the implementation of laws and regulations. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers.

Cuba. The report repeats information previously given. There were no decisions by courts of law and no observations from employers' and workers' organisations.

The annual reports are at the disposal of those organisations registered with the Ministry of Labour.

Denmark. The report refers to the information previously furnished. There were no decisions by courts of law and no observations were received from employers' or workers' organisations.

Finland. The report repeats the information given for 1946-1947. There were no decisions by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Finnish Employers' Organisations, and to the Confederation of Finnish Trade Unions.

France. The report refers to information previously furnished. No breaches were reported of the provisions of the Maritime Labour Code, which have now become customary and are not objected to either by the shipowners or the seamen. There were no decisions by courts of law and no observations were received from the organisations concerned. The number of cabin boys and apprentices covered by the Convention on 1 July 1948 was 7,220 and 5,260 respectively. The maritime registration system existing in the metropolitan territory will apply in future also to Algeria and to the new Departments of Guadeloupe, Guiana, Martinique and Reunion.

The reports and documents relating to the application of the Convention have been communicated to the Central Committee of French Shipowners, and to the Federations of Officers' and Seamen's Trade Unions affiliated with the General Confederation of Labour.

Greece. The report states that the port authorities are responsible for applying the provisions of the Convention. Medical examinations are carried out by committees of medical practitioners appointed for this purpose.

India. The report repeats information given for the period 1946-1947.

Copies of the report have been communicated to the Employers' Federation of India, to the All-India Organisation of Industrial Employers and to the Indian National Trade Union Congress.

Ireland. The situation described in previous reports remains unchanged.

Copies of the report have been communicated to the Congress of Irish Unions, to the Irish Trade Union Congress and to the Federated Union of Employers.

Italy. The report repeats information previously given. There were no decisions by courts of law.

Luxembourg. The Convention was ratified in a spirit of international solidarity and calls for no application in the Grand Duchy.

Mexico. The report repeats the information previously given. There were no decisions by courts of law. The Directorate of Social Welfare has advised the committee responsible for revising the Industrial Hygiene Regulations that the provisions of the Convention should be incorporated in these Regulations.

Copies of the report have been communicated to the most representative employers' and workers' organisations.

Netherlands. The report states that the provisions of § 3 *bis*, paragraph 1, of the Decree of 1920 respecting labour have been repealed: these provisions related to the medical certificate to be issued by the labour inspection physicians. With the coming into force on 1 January 1947 of the Decree of 16 November 1946, the medical examinations of young persons are carried out by the doctors of the maritime inspection service. This service is also entrusted with the application of the legislative provisions in force. No information is available regarding the results of the medical examinations.

Pakistan. The report gives particulars as regards the legislation applying the various provisions of the Convention. The legislative texts and regulations are the same as were in force in India at the time of partition, i.e., on 15 August 1947.

Under Articles 1-4 of the Convention, the report states that § 37 D of the Merchant Shipping Act as well as § 2 of the Merchant Shipping (Amendment) Act, 1931, give effect to the provisions of these Articles. Notification No. 80-M of 8 August 1931 prescribes the authorities who issue certificates of physical fitness. The port health officers are entrusted with the application of the legislative provisions and regulations, and all persons covered by the Convention are medically examined before proceeding to sea. No court decisions have come to the notice of the Government. There were no contraventions or observations by employers' or workers' organisations.

Copies of the report have been communi-

cated to the provincial Governments for communication to the important chambers of commerce.

Poland. The report repeats the information supplied for the period 1946-1947. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report for the year under review have been communicated to the Economic and Social Department of the Ministry of Labour and the Central Commission of Trade Unions.

Sweden. The report repeats the information previously given. No statistics are available showing the number of seamen covered by the regulations but application of the Convention is guaranteed by the fact that a seaman who is unable to produce a medical certificate is not permitted to sign on.

Copies of the report have been communicated to the Swedish Employers' Association, to the Swedish Confederation of Trade Unions, and to the Central Organisation of Salaried Employees.

United Kingdom. The report repeats the information previously furnished. There were no decisions by courts of law and no observations have been received from employers' or workers' organisations.

Copies of the report have been communicated to the British Employers' Confederation, and to the Trades Union Congress.

Uruguay. The national legislation prohibits the employment of young persons under 18 years of age unless they are provided with a medical certificate attesting their physical fitness. This is a general provision which covers all professions, including maritime professions. The medical certificate must be issued by a fully qualified doctor. No exemptions are provided for vessels or undertakings in which only members of the same family work. The annual renewal of the medical examination is required only for young persons under 18 years of age who are employed in industrial or commercial establishments. The Bill to amend the Child Labour Code contains a provision applicable to young persons employed on board vessels flying the national flag, which would bring the Code into harmony with the provisions of the Convention.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

France

The maritime registration system existing in metropolitan France has not yet been put into force in the territories of the French Union. The question is under consideration by the Assembly of the French Union.

*Netherlands**Indonesia.*

Ordinance No. 87 of 1926.

The Convention is applied as far as local conditions permit. Vessels under 500 m³ are not covered by the legislation, on the ground that they are deemed to be family undertakings. Owing to the early maturing of the Indonesian child, no medical certificate is required for young workers between 16 and 18 years of age. The other requirements of the Convention are met by the legislation. During the period under review, no use has been made of the exemption allowed by Article 4 of the Convention. The Department of Shipping supervises observance of the legislation. No observations were received regarding the practical application of the legislation.

Surinam.

The Convention has not been published or promulgated (see under Convention No. 15).

Netherland West Indies.

No persons under the age of 18 years are employed at sea. All the shipping companies have their own medical service, and before engagement seafarers have to pass a medical examination.

*United Kingdom**Barbados.*

The Convention has not been applied.

Basutoland.

The Convention is inapplicable to Basutoland, which is an inland territory.

Bechuanaland.

The Convention is not applicable to the Bechuanaland Protectorate.

Bermuda.

No legislation or administrative provisions apply the Convention, which is of no practical importance by reason of conditions in Bermuda.

British Guiana.

The Merchant Shipping (International Labour Conventions) (British Guiana) Order, 1942.

This Order applies the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925, with certain modifications. The Convention is fully applied in the colony. It is estimated that the number of workers covered by the relevant legislation is small. The necessity for the appointment of officers to whom the application of the law would be entrusted has not yet arisen. The question, however, is under consideration. No decisions were

given by any court regarding the application of the Convention and no contraventions were reported during the year under review. No observations were received from any organisations of employers or workers.

British Honduras.

Employment of Women, Young Persons and Children Ordinance No. 12 of 1943.

The Ordinance prohibits the employment of children under the age of 14 years except those employed on vessels on which only members of the same family are employed. The Convention has in practice never been applied, as the shipping trade is carried on by small coastal boats which do not employ children.

Brunei.

No legislation has been enacted to give effect to the provisions of the Convention. Relevant labour legislation is being drafted and the requirements of the Convention will be borne in mind.

Cyprus.

Cyprus Registration of Ships (International Labour Conventions) Law, No. 24 of 1939.

The Convention is applied. The Shipping Registration Service and the customs authorities supervise the application of the legislation. There were no decisions by courts of law; there were no cases in which young persons were employed.

Dominica.

Legislation to cover the Convention has not yet been enacted. Few cases arise, and the necessity for legislation is being considered by Government.

Falkland Islands.

The British Merchant Shipping Act is applied in the Falkland Islands.

Fiji.

Labour Ordinance No. 23 of 1947, Part IX.

The enforcement of Article 3 of the Convention is impracticable in present circumstances. The other requirements of the Convention are covered by the legislation. The Commissioner of Labour and the Fiji Marine Board supervise the observance of the legislation.

The report has been communicated to the Fiji Seamen's Union.

Gambia.

Merchant Shipping (International Labour Conventions) Ordinance No. 16 of 1940.

The harbour master and marine superintendent is responsible for inspections and for prosecutions in the event of any contravention of the law. No occasion has arisen for the enforcement of its provisions.

Gibraltar.

Employment of Women, Young Persons and Children Ordinance No. 16 of 1932, as amended by Ordinance No. 5 of 1948.

The Convention is applied by the legislation in force, which is administered by the Director of the Labour and Welfare Department, while the medical examinations are carried out by the port medical officer. The number of young persons employed in locally registered ships is approximately 20 and they have all been medically examined during the past year. No contraventions were reported and no observations were received from organisations of employers or workers.

Gilbert and Ellice Islands.

As there are only a very small number of ships within the colony, the Convention has not been applied. The matter is, however, now under consideration.

Gold Coast.

The United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925.

Supervision of the application of the legislation is ensured by the Commissioner of Labour and the shipping masters at ports, as well as by periodical inspection by labour officers. There were no court decisions. The Convention has no practical application in the Gold Coast.

Grenada.

The Merchant Shipping (International Labour Conventions) Act, 1925, of the U.K., has been applied to the colony by the Merchant Shipping (Colonies) (Amendment) Order in Council of March 1940.

The legislation is applied by the Colonial Treasurer in his capacity as shipping master.

Hong Kong.

The United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925.

The Merchant Shipping (Hong Kong) Order of 3 March 1936.

The Convention has been applied. A definition of "ship" and "young persons" is given in the legislation. "Qualified medical practitioner" means a person registered as a medical practitioner under the Medical Registration Ordinance, 1935. The provisions of Articles 2, 3 and 4 of the Convention are incorporated in the legislation. The application of the legislation is entrusted to the Mercantile Marine Office. No decisions were given by courts of law. It is not possible to ensure compliance with the legislation in the case of young persons who serve on board ships of other nations. A special register is not considered necessary, but names are entered in the general register. An effort is being made to provide statistics for the next report. No contraventions of the laws were reported and no observations were received from workers' or employers' organisations.

Jamaica.

Imperial Order in Council of 25 July 1927.

A copy of the report has been sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica and the Jamaica Manufacturers' Association.

Kenya.

There is no special legislation which embodies the provisions of the Convention, but no child may be employed in any ship except with the permission of the approved authority, which would only be granted after medical examination. Under § 30 (e) of the Employment Ordinance, 1938, provision is made for the medical examination of juveniles, a juvenile being any person who has not reached the apparent age of 16 years. The application of the Ordinance is entrusted to the Labour Commissioner and officers of the Labour Department. There were no court decisions. Apart from work on Native vessels plying locally, persons are allowed to engage in employment at sea only upon written articles under the British Merchant Shipping Act; in this case medical examination is necessary. There were no observations from organisations of employers or workers.

Copies of the reports on the application of the Convention are communicated to members of the Labour Advisory Board and are available for perusal by chambers of commerce and registered trade unions.

Leeward Islands.

Merchant Shipping (International Labour Conventions) Act, 1925.

No special action has been taken as no cases have been recorded of persons being employed in this capacity.

Federation of Malaya.

Chapter 150 (Merchant Shipping) of the Laws of the Straits Settlements.

The definition of "vessel" and "young person" has already been given in previous reports. No young person may be employed on any ship without a medical certificate, provided that this provision shall not apply if the crew consist only of members of the same family or in the case of urgency. A medical certificate remains in force for a period of 12 months. If any young person is employed in contravention of the legislation, the master of the ship shall be liable to a fine. The master of the ship shall register the young persons employed. Articles 3 and 4 of the Convention are covered by §§ 35 (2) and 35 (1 (b)) of the legislation. The application of the legislation is entrusted to the port officers and the Government health officer. No court decisions were

given. No observations were received from employers' or workers' organisations.

In future reference will be made to the Federal Labour Advisory Board, which is a tripartite body.

Malta.

Malta Merchant Shipping Act (Act IX of 1929)
— Chapter 101 of Revised Edition.

§ 5 of the Act gives effect to this Convention.

Mauritius.

Ordinance No. 37 of 1934, as amended by Ordinance No. 43 of 1945.

The Convention is applied by the legislation in force. The minimum age under Article 2 is 15 years. Supervision is by the Labour Department and the harbour master. No court decisions were given. No observations were received from organisations of employers and workers.

The report has been communicated to the Federation of Port and Harbour Employers, and the General Port and Harbour Workers' Union.

Nigeria.

Labour Code Ordinance No. 54 of 1945, Chapter X.

The application of the legislation applying the Convention is entrusted to the Commissioner of Labour, assisted by a staff of labour officers, who in the course of their visits of inspection advise employers and workers, if necessary, in regard to the provisions of the law. There were no court decisions and no contraventions during the year under review.

North Borneo.

Shipping Ordinance, 1914. § 32, applied by Gazette Notification No. 90 of 1931.

The practice of employing children on vessels is rarely encountered in the colony, so that the application of the Convention does not involve elaborate legislative provision or administrative implementation. In September 1948, there were five ships on the colony's register of shipping, all under 100 tons net register. The application of the legislation is entrusted to the Superintendent of Shipping. There were no court decisions and no observations from organisations of employers or workers.

Nyasaland.

The Convention applies only to ships engaged in maritime navigation and is therefore inapplicable to Nyasaland. Legislation is, however, now under consideration providing for medical examination of children and young persons employed in lake shipping.

St. Helena.

United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925.
Education Ordinance, 1941.

The Convention is applied without modification by the United Kingdom Merchant Shipping Act in so far as British vessels calling at the colony are concerned. There are no local vessels engaged in maritime navigation. As regards engagement on any passing seagoing vessels, the Convention is strictly enforced under United Kingdom law and also by virtue of § 3 of the Education Ordinance. In the case of engagement on passing vessels, the Government Secretary is the enforcing authority.

St. Lucia.

The Merchant Shipping (International Labour Conventions) Act, 1925, of the United Kingdom as given effect to by the Merchant Shipping (Colonies) (Amendment) Order of 1940.

The legislation applying the Convention is supervised by the harbour master.

St. Vincent.

The Merchant Shipping (International Labour Conventions) Act, 1925, of the United Kingdom has been applied to this colony by the Merchant Shipping (Colonies) (Amendment) Order in Council of 7 March 1940.

The application of the legislation applying the Convention is entrusted to the Colonial Treasurer in his capacity as shipping master.

Sarawak.

Labour Conventions Ordinance.

The legislation in force makes provision for medical certificates as a prerequisite to employment; except on the ground of emergency, employment may be given subject to the furnishing of such certificate at the first port of call where a medical practitioner is available.

Seychelles.

Order in Council of 25 July 1927, published under Governor's Order 131 of 1927 applying the Merchant Shipping Act to Seychelles (with certain reservations) following the amendment made in 1925 to § 158 of the Merchant Shipping Act (1894) included in the Merchant Shipping (International Conventions) Act, 1925.

Articles 1-4 of the Convention are applied to Seychelles under the application of the Merchant Shipping Act. Supervision of the application of the legislation is entrusted to the port officer as shipping master and to the senior medical officer. No contraventions have been reported and no complaints received. There are no organisations of employers or workers in the colony.

Sierra Leone.

Employers and Employed Ordinance No. 30 of 1934, as amended by Ordinance No. 32 of 1947.

The national law is not in complete harmony with the Convention, Article 3 not having been embodied in legislation. Few, if any, children or young persons are employed at sea and none has been engaged locally during the year. Supervision is under the harbour and shipping master. There were no contraventions during the year and no court decisions were given. No observations were received from organisations of employers and workers.

Singapore.

Merchant Shipping Ordinance (Cap. 150), § 35.

Solomon Islands.

King's Regulation No. 5 of 1947.

The Convention is applied by the legislation in force, and no person under 18 years of age may be employed in any ship unless certified by a qualified medical practitioner as being fit for such work. Supervision is by labour officers and district commissioners, and by other authorised officers. No persons under 18 years of age are employed in ships, except in so far as domestic servants may accompany their employers at sea and perform for them their usual personal services.

Swaziland.

The Territory of Swaziland has no coastline, and therefore has no responsibility for the control of navigation or employment at sea.

Tanganyika.

Employment of Women and Young Persons Ordinance No. 5 of 1940, § 14.

Local legislation contains no definition of the term "vessel". The application of the legislation is ensured by the Government Labour Department and port officers. There were no court decisions. The Convention has been applied satisfactorily and no contraventions were reported. No obser-

vations were received from organisations of employers or workers.

Trinidad and Tobago.

Merchant Shipping (International Labour Conventions) Act, 1925, as applied to Trinidad and Tobago by Order in Council Merchant Shipping (Colonies) Order, 1927.

The application of the legislation is supervised by the harbour master of the colony, who is also shipping master for the Ministry of Transport. No court decisions were given. The provisions of the Convention are enforced when applicable. No contraventions were reported. No observations were received from organisations of employers or workers.

Uganda.

Employment of Children Ordinance No. 18 of 1938, as amended by Ordinance No. 27 of 1946.

Ordinance No. 27 of 1946, § 3, paragraph 7, applies the provisions of the Convention to vessels solely propelled by steam. There are no provisions in the legislation for securing the application of Articles 3 and 4 of the Convention. The general application of the Convention is ensured by the Labour Commissioner. There were no court decisions. As there are no young persons going to sea from Uganda, there is no practical application of this Convention. No observations were received from organisations of employers or workers. There are in the territory at present one employers' organisation and one registered trade union. Neither of these bodies can be considered as representing all the workers or employers.

Zanzibar.

At present there is no legislation in force applying the Convention, but legislation for this purpose is in draft and is expected to be introduced shortly into the Legislative Council.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

SEVENTH 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	Reports received
Austria	21. 8. 1936	7. 12. 1948
Belgium	3. 10. 1927	29. 11. 1948
Bulgaria	5. 9. 1929	
Chile	8. 10. 1931	2. 4. 1949
Colombia	20. 6. 1933	
Cuba	6. 8. 1928	30. 3. 1949
France	17. 5. 1948	1. 12. 1948
Hungary	19. 4. 1928	
Latvia	29. 5. 1928	
Luxembourg	16. 4. 1928	25. 11. 1948
Mexico	12. 5. 1934	3. 12. 1948
Netherlands	13. 9. 1927	27. 12. 1948
New Zealand	29. 3. 1938	26. 12. 1948
Nicaragua	12. 4. 1934	
Poland	3. 11. 1937	13. 12. 1948
Portugal	27. 3. 1929	10. 12. 1948
Spain	22. 2. 1929	
Sweden	8. 9. 1926	2. 12. 1948
Uruguay	6. 6. 1933	23. 12. 1948
Yugoslavia	1. 4. 1927	

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Austria.

German legislation still in force :

Insurance Code of the Reich (Book III) of 19 July 1911, as subsequently amended and completed, in particular, by the Acts of 19 July 1923, 14 July 1925 (L.S. 1925, Ger. 4 C), 15 July 1927 (L.S. 1927, Ger. 6), 17 February 1939 and 9 March 1942.

Various Orders and Decisions relating to the payment of accident compensation, accident insurance and the extension of accident insurance to occupational diseases, issued from 1926 to 1944.

Order of 22 December 1938 respecting the introduction of a social insurance system in Austria, as applied and supplemented by the Orders of 9 February 1939 and 5 February 1940.

Decision of 21 August 1941, issued by the Ministry of Labour of the Reich, respecting accident insurance in Austria.

Austrian legislation :

Federal Act of 12 December 1946 to adapt the benefits from social insurance to the present economic conditions (L.S. 1947, Aus. 5 C), as amended by the Federal Act of 30 July 1947 (L.S. 1947, Aus. 5 B).

Federal Act of 12 June 1947 to make provision for the transition of the new Austrian Social Insurance Law (L.S. 1947, Aus. 5 A), as amended by the Federal Act of 16 June 1948.

Order of 23 October 1947 respecting the establishment of social insurance arbitration tribunals.

Belgium.

Act of 23 July 1927 for the approval of the Convention.

Royal Decree of 28 September 1931 concerning the Act respecting compensation for injuries resulting from industrial accidents. Consolidated Acts of 24 December 1903, 3 August 1926, 15 May 1929, 30 December 1929 and 18 June 1930 (L.S. 1931, Bel. 9).

Legislative Order of 19 May 1945 concerning indemnity for industrial accidents causally connected with war, amended by Legislative Order of 5 July 1945 (L.S. 1945, Bel. 8 A).

Legislative Order of 9 June 1945 to modify the application of the legislation with regard to compensation for industrial accidents (L.S. 1945, Bel. 6 A).

Chile.

Chapter III of Legislative Decree No. 379 of 18 March 1925 concerning accident compensation (L.S. 1925, Chile 4).

Decree No. 238 of 31 March 1925 issuing Regulations under the preceding Legislative Decree, amended by Decree No. 1239 of 22 July 1930.

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

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

Decree No. 903 of 8 June 1927 concerning unclassified partial incapacity.

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

Decree No. 655 of 25 November 1940 to issue new Regulations concerning industrial hygiene and safety.

Act No. 8198 of 14 September 1945 to amend the Sections of the Labour Code relating to compensation for industrial accidents.

Decree No. 8 of 2 January 1946 to approve the Regulations under Act No. 8198 of 14 September 1945.

Cuba.

Decree No. 2687 of 15 November respecting industrial accidents, to repeal and replace the Industrial Accidents Act of 12 June 1916 (L.S. 1933, Cuba 2 A), amended by Decrees Nos. 3156 and 3341 of 16 and 30 December 1933 (L.S. 1933, Cuba 3 B and C), and by Legislative Decree No. 596 of 18 February 1936 (L.S. 1936, Cuba 1).

Presidential Decree No. 223 of 31 January 1935 to issue Regulations in pursuance of the Industrial Accidents Act, amended by Presidential Decrees No. 1252 of 6 May, No. 1653 of 27 June 1936, No. 3103 of 11 November 1936, No. 37 of 31 December 1937 and No. 2663 of 1948.

Decree No. 165 of 1947 containing a new list of accident prevention devices and provisions.

France.

- Act No. 46-2426 of 30 October 1946 respecting the prevention of, and compensation for, industrial accidents and occupational diseases (L.S. 1946, Fr. 12 B), as amended by Acts Nos. 47-1777 of 10 September 1947 (L.S. 1947, Fr. 6) and 48-49 of 12 January 1948.
- Act No. 46-2339 of 24 October 1946 to reorganise the legal departments of the social security system and of agricultural mutual societies.
- Decree No. 46-2959 of 31 December 1946 to make public administrative regulations in pursuance of the Act of 30 October 1946 respecting the prevention of, and compensation for, industrial accidents and occupational diseases.
- Decree No. 46-2957 of 31 December 1946 to make public administrative regulations in pursuance of the Act of 24 October 1946 to reorganise the legal departments.
- Decree No. 47-711 of 15 April 1947 respecting the application of the Act of 30 October 1946 to the special compensation schemes.

Luxembourg.

- Act of 17 December 1925 respecting the Social Insurance Code (L.S. 1925, Lux. 2 A), as amended by the Acts of 6 September 1933 (L.S. 1933, Lux. 3) and 21 June 1946 (L.S. 1946, Lux. 1).
- Act of 20 October 1947 respecting family allowances for employees.
- Various Orders respecting insurance against accidents, issued in particular in 1947.

Mexico.

- Political Constitution of the United States of Mexico, 1917.
- Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).
- Social Insurance Act of 31 December 1942 (L.S. 1942, Mex. 1).

Netherlands.

- Act of 2 January 1901 respecting the statutory insurance of workers against the pecuniary consequences of accidents in specified industries; text of the Decree of 28 June 1921 promulgating the said Act, as amended and supplemented (L.S. 1921, Part II, Neth. 1), amended by the Act of 2 July 1928 (L.S. 1928, Neth. 1 B), 7 February 1929 (L.S. 1929, Neth. 2 B), 18 July 1930 (L.S. 1930, Neth. 3 A), 23 May 1935 (L.S. 1935, Neth. 3), 17 July 1936 (L.S. 1936, Neth. 1) and 27 December 1946 (L.S. 1946, Neth. 2 B).

New Zealand.

- Workers' Compensation Act, 1922 (L.S. 1926, N.Z. 2) as amended in 1936, 1943 (L.S. 1943, N.Z. 2), 1945 (L.S. 1945, N.Z. 3) and 1947 (L.S. 1947, N.Z. 3).
- Law Reform Act, 1936 (Parts III and VI).
- Statutes Amendment Acts, 1939, 1940 and 1944.
- Various Rules and Regulations issued in 1939-1940.

Poland.

- Act of 28 March 1933 (L.S. 1933, Pol. 5), respecting social insurance, as amended by the Decrees of 24 October 1934 (L.S. 1934, Pol. 4) and 14 January 1936, by the Acts of 11 January, 29 March, 9 April and 23 April 1938, by the Decree of 23 October 1944 of the Polish Committee of National Liberation (L.S. 1946, Pol. 2 K), and by the Decree of 29 September 1945 respecting the payment by employers of the entire contribution to social insurance and the Labour Fund (L.S. 1946, Pol. 2 L).

Act of 28 July 1939 respecting social insurance tribunals, as amended by the Decree of 1 March 1946.

Order of the Minister of Social Assistance of 28 December 1933 respecting the procedure of declarations in the matter of social insurance, the payment of contributions and the control of the conduct of the employers.

Order of the Minister of Social Assistance of 14 January 1935 respecting the supervision of the establishment of social insurance and the abolition of regional insurance offices.

Order of 12 May 1947 of the Minister of Labour and Social Welfare to fix provisionally the rates of social insurance pension benefits (L.S. 1947, Pol. 2 A).

Decree of 28 October 1947 respecting family insurance.

Portugal.

Act No. 1942 of 27 July 1936 respecting the right to compensation for the consequences of industrial accidents or occupational diseases, amended by Legislative Decree No. 27,165 of 10 November 1936 (L.S. 1936, Port. 2 A and B).

Decree No. 27,649 of 12 April 1937 issuing Regulations concerning compensation for industrial accidents and occupational diseases under Act No. 1942 of 27 July 1936.

Legislative Decree No. 36,610 of 24 November 1947.

Sweden.

Act of 17 June 1916 respecting insurance against industrial accidents (B.B. 1916, Vol. XI, p. 267), as amended by the Acts of 14 June 1917, 26 April 1918, 19 June 1919, 18 June 1920, 15 June 1922 (L.S. 1922, Swe. 2), 23 May 1924 (L.S. 1924, Swe. 1 A), 18 June 1926 (L.S. 1926, Swe. 5), 24 May 1928 (L.S. 1928, Swe. 1), 14 June 1933 (L.S. 1933, Swe. 1), 26 June 1936 (L.S. 1936, Swe. 5), 11 June 1937 (L.S. 1937, Swe. 9), 10 March 1939 (L.S. 1939, Swe. 1), 17 November 1939 (L.S. 1939, Swe. 1), 28 June 1941 (L.S. 1941, Swe. 2), 19 December 1941 (L.S. 1941, Swe. 2), 19 May 1944 (L.S. 1944, Swe. 1 A), 18 May 1945, 29 June 1946 (L.S. 1946, Swe. 2), 10 July 1947 and 26 June 1948.

Act of 29 June 1917 respecting the National Insurance Council, as amended by the Act of 24 May 1918.

Act of 11 June 1937 respecting war insurance for persons employed on board vessels (L.S. 1937, Swe. 4), as amended by the Acts of 15 December 1939 (L.S. 1939, Swe. 7), 28 June 1941, 30 April 1942, 16 April 1943 and 26 June 1948.

Act of 10 March 1939 respecting State insurance against war risks, etc., as amended by the Acts of 22 November 1940 and 12 June 1942.

Acts of 30 June 1943 and of 26 June 1948 respecting cost-of-living allowances to certain insured persons.

Royal Decree of 9 November 1928 concerning reports on industrial accidents, etc., as amended by the Decrees of 4 December 1930, 24 November 1932, 23 December 1937, 28 June 1941 and 15 June 1944.

Royal Order of 1 December 1933 concerning the application of the insurance legislation against industrial accidents to students in professional schools, as amended by the Orders of 29 November 1946 and 25 April 1947 (Nos. 724 and 150).

Two Royal Orders of 24 March 1938 respecting compensation for industrial accidents and occupational diseases for prisoners, etc., amended by Royal Orders of 18 July 1942 (Nos. 644 and 656).

Royal Decree of 10 June 1938 laying down special provisions relating to the application of these two Orders.

Royal Decree of 3 September 1939 laying down certain provisions relating to the application

of the Act of 10 March 1939 concerning State insurance against war risks, amended by the Royal Decrees of 20 October 1939 and 3 December 1943.

Royal Decree of 13 April 1940 concerning State compensation in certain cases of war risks (No. 213).

Royal Decree of 30 June 1942 laying down certain provisions relating to the application of the Act on insurance against accidents to workers employed by the State, amended by the Royal Decree of 22 June 1944.

Royal Order of 20 June 1947 concerning compensation for injury suffered in fire-fighting.

Uruguay.

Act No. 10,004 of 28 February 1941 respecting industrial accidents and occupational diseases (L.S. 1941, Ur. 1).

Decree of 17 March 1944 defining the meaning of the term "irregular worker" for purposes of Act No. 10,004.

SUMMARY OF OTHER INFORMATION

Austria. The report repeats the detailed information given for the period 1946-1947 and adds that the legislation at present in force in Austria includes, on the one hand, German legislation maintained provisionally in force as Austrian law, with some modifications and, on the other hand, recent Austrian legislation. Further information is supplied regarding the organisation and working of accident insurance institutions which, from 1 January 1948, are entrusted with the application of the legislation relating to workers' compensation for accidents. These institutions are organised on the basis of democratic autonomy and are subject to the control of a supervisory committee. An inspection service is being organised. For further information relating to the nature and policy of medical aid and benefits, reference is made to the report on Convention No. 24.

No decisions were given by courts of law or other courts and no observations were received from employers' or workers' organisations. Owing to the lack of the necessary information, it is not possible to supply extracts from the reports of the inspection services or any statistical data.

The report has been communicated to the Austrian Chamber of Labour, the Austrian Federation of Trade Unions, the Conference of Presidents of Austrian Chambers of Agriculture and the Federal Chamber of Industry.

Belgium. The report refers to information previously furnished. It contains in an appendix the insurance inspection report concerning the application of the Act respecting compensation for industrial accidents during the years 1942 to 1944. There were no decisions by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Federation of Belgian Industries, to the General Federation of Labour of Belgium, to the Confederation of Christian

Trade Unions and to the General Association of Liberal Trade Unions.

Chile. The report repeats information previously given. The Committee of Experts had requested in 1948 to be kept informed as regards the progress made to ensure full conformity between the legislation and Article 5 of the Convention. The report indicates that no new information is available in this respect. There were a number of administrative and court decisions; copies of eighteen such decisions were appended to the report. The latter contains various statistical data on the application of the Convention during the year 1947. The total number of salaried persons covered, with the exception of agricultural workers, seamen and fishermen, is 760,232 (98,457 employees and 661,775 workers); 735,316 of these persons are covered by the general workmen's compensation legislation, while 24,916 (workers and employees of the State railways) are covered by a special scheme. In addition, 442,080 workers in agriculture, 17,537 seamen and 5,817 fishermen are covered by the general workmen's compensation legislation.

Compensation payments in kind amounted to 114,301,966 pesos (71,309,390 for temporary incapacity or partial permanent incapacity and 42,992,576 in lump sum pensions). The total compensation in cash paid during the year 1937 vastly exceeds that paid in 1946, as a consequence of the application of the Act No. 8,198 which increased considerably the amount of compensation. The average cost per accident in 1947 was 945.26 pesos. The amount paid directly by the employers was 19,749,788 pesos, while 51,559,602 pesos were contributed by the social insurance funds. As regards pensions, the corresponding sums were 21,397,853 pesos from the employers and 21,794,722 from the insurance institutions. It is not possible to supply data for payments in cash since the insurance companies consider such information to be of a private commercial nature. In 1947 there were 120,920 accidents; a general statistical table appended to the report contains detailed information in this respect. Data on the administrative costs of the accident insurance scheme are not available. The report contains various appendices relating, in particular, to an analysis of the accidents which occurred in 1947 and giving detailed information on the accidents in the various provinces, the causes of accidents, their distribution by trade, their nature and their gravity, the type of incapacity caused, the age and the nationality of the victims, etc. There were no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers.

Cuba. In addition to referring to previous information, the report includes a copy of Decree No. 2663 of 1948 which modifies

various articles of Decree No. 223 of 1935. Statistical data are appended to the report. The total amount paid in compensation in kind was 444,149 pesos; compensation in cash amounted to 369,727 pesos. There were 25,885 accidents — 15,617 light, 9,847 more serious, 408 serious and 13 fatal. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the annual reports are at the disposal of those organisations registered with the Ministry of Labour.

France. The first report of the Government contains a detailed analysis of the system instituted under Act No. 46-2426 of 30 October 1946.

Article 2 of the Convention: any accident suffered in the course of, or arising out of, employment by any employee or person working in any capacity or in any place on behalf of one or more employers or heads of undertakings shall be deemed to be an industrial accident, including any accident suffered when travelling to the workplace, provided that the journey has not been interrupted or changed for reasons of personal interest not connected with the employment. The persons who may benefit under the Act include, in particular (even if they are not employed in the establishment of the employer, and even if they own all or part of the tools necessary for their work): (a) persons who habitually and regularly work at home, either alone or with their wives (husbands) or dependent children or with an assistant, on behalf of one or more heads of undertakings; (b) commercial travellers and representatives, brokers, inspectors and other unlicensed agents of insurance undertakings, members or managers of producers' co-operative societies or of warehouses of chain stores, companies or other commercial or industrial establishments, hotel, café and restaurant employees; (d) certain drivers of public vehicles where the said drivers do not own their vehicles; (e) luggage porters employed at stations if they are under contract with the undertaking or with a concession-holder; (f) various employees of entertainment undertakings. The report enumerates also certain other categories of persons who benefit from the Act under special conditions: miners' safety inspectors, pupils in vocational educational institutions, etc.

Article 3: with the exception of miners, the following persons are outside the scope of the Act of 30 October 1946 because they are covered by a special system: wage-earning employees, apprentices and day labourers employed in the State naval yards, workers in the State arms factories, and officers and officials of the permanent establishment of the civil service and of the local authorities.

Article 4: the system introduced by the Act of 30 October 1946 does not apply to agriculture.

Article 5: compensation due in case of

accidents resulting in death or accidents causing permanent disability is paid to the injured worker or to his beneficiaries in the form of a pension.

A lump sum payment is made only in the following cases: (1) in the event of remarriage, the surviving husband or wife, if he or she has no child, receives instead of the pension a sum equal to three times the amount of the latter. If he or she has any children the redemption of the pension is postponed until the youngest child has attained the age of 16 years; (2) alien wage-earning employees who have suffered accidents and who cease to reside in France receive a capital sum equal to three times the amount of their annual remuneration as full compensation. The same provision applies to their alien dependants who cease to reside in France; in this case, however, the capital sum shall not exceed the value of the pension according to the scale mentioned below in (3). These provisions may be modified by international treaties or agreements; (3) the pension granted to a person suffering an accident may, on the expiration of a period of five years reckoned from the date of the first instalment of the pension, be converted in whole or in part into a capital sum, but on the condition that the redemption of the whole of the pension is only possible for persons whose degree of incapacity is not more than 10 per cent. As regards other cases, redemption of the pension may relate to only a limited part of the pension, i.e., one quarter at the most if the degree of incapacity is less than 50 per cent. or, if it is higher, the quarter of the capital sum corresponding to the part of the pension allocated up to 50 per cent. The Act also allows, under certain conditions, the constitution, on the basis of the capital sum corresponding to the pension, of a life pension for the injured worker with conversion of not more than half of the value for his wife. This conversion is only possible if the pension is calculated on a degree of incapacity of at least 50 per cent. or for that part of the pension corresponding to a degree of incapacity of 50 per cent. The substitution of a capital sum for the payment of a pension is compulsory in cases (1) and (2) above and has no binding character in case (3). The social security bodies, and in cases of litigation, their judicial authorities, are qualified to decide on the payment of a capital sum. The beneficiaries of an accident victim are also entitled to a lump sum death benefit. An increase in the pension is provided for in the case of inexcusable misconduct on the part of the employer. Additional compensation may be granted under the common law in the case of wilful misconduct of the employer or of one of his agents or a third party; this compensation may be paid in the form of a pension or a capital sum.

Article 6: the daily compensation is due as from the day next after the day upon which work has ceased, and for all

days, without distinction between working days and holidays. It is not payable in respect of non-working days and holidays immediately following the stoppage of work except if the period of incapacity exceeds 15 days. The employer must pay for the working day on which the accident takes place. Compensation is payable by the primary social insurance fund with which the worker is insured. In certain cases, the total or partial obligation as regards compensation may be assumed by private undertakings of considerable importance.

Article 7: in cases where the injury results in total permanent incapacity and the injured workman must have the constant help of another person, the pension shall be increased by 25,000 francs.

Article 8: the social insurance funds have at their disposal various means of investigation as regards injured workers: the Act provides for a procedure of enquiry prior to the decision allocating a pension. This enquiry takes place within 24 hours in case of a serious accident, *i.e.*, one which may be fatal or may result in permanent or even partial incapacity. The examination of the injured worker, as well as the administrative supervision involved, may take place at any time before apparent recovery or before the healing of the injury. After that date examinations of the injured worker may be made at regular intervals. In case of death, an autopsy of the victim may be requested.

The review of the compensation granted may be carried out at any time during the first two years following the date of the apparent recovery or of healing of the injury. After the expiration of this period, a new assessment of the compensation shall only be made at intervals of not less than one year. These intervals may be reduced by mutual agreement. In case of death by accident, a new assessment of the compensation granted may be requested by the beneficiaries. In case of relapse, the injured person receives the same compensation as during the initial period of incapacity.

Article 9: the compensation granted to injured workmen includes medical, surgical and pharmaceutical expenses, the cost of transportation of the worker to his usual domicile or to a hospital and, generally, the expenses involved by the treatment, the rehabilitation and the reclassification of the injured person. These expenses are borne by the primary social insurance fund with which the worker is insured. The injured worker may have to bear a part of the expenses if he wishes to be treated in a private institution where the rates are higher than those of the nearest similar public institution. Assistance is granted without limitation of time until recovery or healing of the injury or until the death of the injured worker.

Article 10: the injured person is entitled to the supply and renewal of such artificial limbs and surgical appliances as are recognised to be necessary and to the repair

and replacement of those which the accident has rendered useless. An administrative regulation of 31 December 1946 lays down the supervisory measures necessary to avoid abuse; a committee for the supply of appliances carries out this control. In principle, the renewal of an appliance is authorised only after the one in use previously has been examined and found to be out of use and unrepairable. There is no possibility of substituting payment in kind for the supply and renewal of appliances, since such a possibility would not be in the interests of the injured worker.

Article 11: the report indicates that the majority of industrial accidents are compensated for by the social insurance organs and that therefore no risks of insolvency exist. The same is true for accidents for which the State, public authorities, or works councils have assumed responsibility, as the social insurance funds are responsible in case of insolvency of these various bodies. The increase in pension provided for in case of inexcusable misconduct of the employer is also paid by the social insurance fund which collects the amount from the employer. In any case, the injured workman receives his legal compensation even if his employer has not fulfilled all his obligations as regards payments of contributions.

The application of the industrial accident legislation is entrusted to the central and regional services of the Ministry of Labour and Social Welfare. Detailed comprehensive supervision is exercised by the general supervisory body for social security which includes controllers and inspectors, by the inspectors and sworn agents of the social insurance funds and by the case-workers and medical practitioners affiliated with these funds.

There were no decisions by courts of law. The report contains various statistical data; the total number of employed persons covered by the general industrial accident legislation is 8,100,000. The number of persons covered by the special scheme under Article 3, paragraph 2 of the Convention is one million, excluding employees of the State and of local authorities, seamen and fishermen. The total cash payments for accidents which occurred after 31 December 1946 amounted to 3,519 million francs, an average of 434.50 francs per employee, and the total expenses for payments in kind were 792 million francs, an average of 97.80 francs per insured person. The total number of accidents reported was 1,577,542, of which 45,580 were serious, *i.e.* fatal or likely to lead to the payment of a pension. The total expenses arising from the application of the Act amounted to approximately 10,873 million francs and the total receipts from contributions were 16,523 millions.

Luxembourg. The report repeats the information previously given. It contains in an appendix the annual report for 1947

of the Accident Insurance Association (Industrial Division). There were no decisions by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the representative organisations of employers and workers.

Mexico. The report refers to information previously given and mentions various decisions given by the Supreme Court in regard to industrial accidents. The workers' organisations are being encouraged to inform their members of their right to claim all the benefits provided by the Convention, in accordance with the effect given to every duly ratified treaty by § 133 of the Constitution. The texts of ratified Conventions are included in recent editions of the Federal Labour Act, as part of that Act.

A copy of the report has been communicated to the most representative employers' and workers' organisations.

Netherlands. The report states that the provisions of the Accident Insurance Act of 1921 are in accordance with the terms of the Convention.

New Zealand. The report refers to the information previously furnished and indicates the changes which the Workers' Compensation (Amendment) Act of 1947 has caused in the existing legislation. The section of the Worker's Compensation Act allowing, under certain conditions, the substitution of the provisions of approved special schemes for the provisions of the Act, has been repealed.

The report replies in detail to the observations of the Conference Committee on the Application of Conventions and Recommendations (31st Session), which expressed the hope that it would receive information on the appropriate utilisation of a lump sum settlement (Article 5 of the Convention), on additional compensation in cases of incapacity requiring the constant help of another person (Article 7) and on the supply and renewal of artificial limbs and surgical appliances (Article 10).

The new scheme of State insurance, inaugurated by the 1947 Amendment Act, is vested in the Government Accident Insurance Office, a branch of the State Fire Insurance Office. The report explains the functions of this new scheme which will come into force on 1 April 1949.

As regards the number of workers covered, see under Convention No. 1. In 1946, the total amount of compensation paid in respect of industrial accidents was £258,621 and the total number of accidents was 11,311, to which must be added 8,609 accidents in mining activities.

There were no decisions by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the New Zealand Employers' Federation and to the New Zealand Federation of Labour.

Poland. The report repeats the information previously furnished and indicates the changes brought about by the Decree of 28 October 1947 concerning family allowances, which came into force on 1 January 1948 and which provides for the payment of family allowances to children up to 16 years of age, extended to 24 years if they continue their studies. This allowance is payable to the children of insured persons and of pensioners of social insurance schemes who are entitled to industrial accident pensions, and to orphans entitled to orphans' pensions under accident insurance schemes. Persons receiving supplements and pensions are not entitled to these family allowances; however, if the amount payable in respect of such supplements or pensions exceeds the family allowance, they are entitled to the difference between the two amounts.

There were no decisions by courts of law. The total number of persons insured against employment injuries, excluding agricultural wage earners, seafarers and members of the fishing fleet, was 3,180,000 in 1947-1948. The total sum expended on benefits was 2,602 million zlotys in cash and other benefits. Compensation was paid in respect of about 28,000 accidents.

The report refers to the agreement concerning social insurance concluded between Poland and Czechoslovakia on 5 April 1948. This agreement, which as far as accident insurance is concerned, is based on the principles of the Convention, came into force on 1 October 1948.

A copy of the report has been communicated to the Central Committee of Polish Trade Unions.

Portugal. The Government refers to the information previously submitted, and indicates the changes brought about by Decree No. 36,610 of 24 November 1947, which stipulates that the Industrial Accident Act shall not apply to public servants and administrative personnel belonging to the General Pensions Fund. However, such personnel continues to be covered by Act No. 1942 in the case of death as the result of industrial accident or occupational disease. The report cites several decisions by courts of law relating to workmen's compensation for accidents. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the following organisations: Association of Employers in the Ceramics Industry; Association of Employers in the Woollen Textile Industry (South); Association of Employers in the Baking Industry (Lisbon); National Association of Graphical Industries; Federation of Chauffeurs' Trade Unions; Confederation of Trade Unions of the Workers of the Port of Lisbon; National Trade Union of Bank Employees; National Trade Unions of Workers in the Metallurgical and Mechanical Industries; National Trade Union of Railway Workers.

Sweden. The report repeats the information previously furnished and gives statistical data showing the number of insured persons "working by the year" (2,091,984 in 1945), the total and average payments in kind and in cash, the total number of industrial accidents, which was 248,844 in 1947-1948, and the administrative expenses of the social insurance system.

Copies of the report have been communicated to the Swedish Employers' Association, to the Swedish Confederation of Trade Unions and to the Central Organisation of Salaried Employees.

Uruguay. The workmen's compensation legislation applies, in particular, to domestic servants and agricultural workers, but not to fishermen and seamen. Compensation is paid in the form of a pension. Commutation of such periodical payment into a lump sum is permitted only when a surviving spouse remarries (two years' payments) or when the beneficiary ceases to live in Uruguay (three years' payments). The compensation is payable from the day after that on which the accident occurs. The pensions of totally incapacitated victims, who need the constant assistance of another person, are increased to 100 per cent. Review of compensation rates is possible through court proceedings within one year following the date of the award or the agreement between the parties and may be renewed each year. The legislation provides for the payment of medical expenses for the necessary appliances, etc. Insurance is voluntary except for officials of the State, of municipalities, and of autonomous and other corporate bodies. The sums due to victims are preferential.

The administration of the legislation is entrusted to the National Labour Institution and its branch services, the justices of the peace, and the State Insurance Bank. Numerous court decisions have been given in connection with the application of the Convention. The report contains statistical data on the number of workers insured and the total amount paid in compensation.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

Decree of 20 December 1945, providing for workmen's compensation for injuries resulting from occupational accidents of non-indigenous workers, as amended by the Decrees of 31 December 1946 and 28 February 1947.

Decree of 10 October 1945 concerning insurance against premature death of employees, as amended by the Decree of 28 February 1947.

The report refers to information previously given, according to which the Convention was accepted for the non-metropolitan territories only on the condition that the words "non-manual" in Article 2, para-

graph 2 (d) are disregarded. The application of the Decree of 20 December 1945 is entrusted, in Belgium, to the Minister of Colonies assisted by the Colonial Committee on Occupational Accidents, and in Africa, to the Governor General of the Congo and to the Governor of Ruanda-Urundi. Since 1 January 1948, 158 occupational accidents were reported. No observations concerning the application of the provisions of the Convention in these territories were received from employers' or workers' organisations.

Copies of the report have been communicated to the Federation of Belgian Industries, the General Federation of Labour of Belgium, the Confederation of Christian Trade Unions and the General Association of Liberal Trade Unions.

New Zealand

Western Samoa ; Tokelau Islands ; Cook Islands.

Workmen's compensation legislation for the above territories is at present being prepared. The enactment of this legislation should enable extension of the Convention.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

Netherlands

Indonesia.

Ordinances Nos. 255, 256, 292 and 693 of 1939.

The Convention has been partially applied. Compensation is granted to a workman, a volunteer or an apprentice, who suffers from injury due to an accident in an industrial undertaking which is obliged to insure its workers. The exceptions allowed by the legislation are narrower in scope than those allowed by Articles 2, 3 and 4 of the Convention. A special category of outworkers is covered by the legislation. Casual labourers and non-manual workers whose remuneration exceeds a certain limit are not excluded from the workmen's compensation legislation. A lump sum is paid instead of periodical payments, as required by the Convention in case of death. In case of permanent incapacity, the form of periodical payments is prescribed. In some undertakings, compensation is paid as from the day after the accident took place; in others, as from the fifth day. If the injured worker needs the constant help of another person, no additional compensation is provided. The safety inspection service supervises compliance with the legislation. Review of the prescribed compensation or of the period for which it is allowed is not provided for. The law does not require medical and pharmaceutical aid to be continued beyond one year after the accident. Such aid is provided by the employer. The supply of artificial limbs is not covered by the legislation. The view is taken that the cost of such appliances is included in the compen-

sation paid to the worker. In the event of insolvency of the employer, the Government takes over his responsibility. No important decisions were given by courts of law. Owing to existing circumstances, the total number of workers covered by the legislation cannot be given. In 1940, this number was 660,000, distributed over 8,800 undertakings.

Netherland West Indies.

Accident Regulation, 1936.

The provisions of the Convention are covered by the Accident Regulation, 1936.

Surinam.

The Convention has not been published or promulgated. In the Accident Regulation, 1947, the requirements of the Convention are taken into account. Draft legislation is before the legislature to extend the provisions of the legislation to office workers and persons employed in the hotel industry.

18. Convention concerning workmen's compensation for occupational diseases

This Convention came into force on 1 April 1927

Countries	Date of registration of ratification	Reports received
Austria ¹	29. 9.1928	7.12.1948
Belgium	3.10.1927	29.11.1948
Bulgaria	5. 9.1929	
Burma ²	30. 9.1927	
Chile	31. 5.1933	2. 4.1949
Colombia	20. 6.1933	
Cuba ¹	6. 8.1928	30. 3.1949
Czechoslovakia	19. 9.1932	7. 2.1949
Denmark	18. 6.1934	10.11.1949
Finland	17. 9.1927	26.10.1948
France ¹	13. 8.1931	2.12.1948
Germany	18. 9.1928	
Hungary ¹	19. 4.1928	
India	30. 9.1927	29.11.1948
Iraq ¹	26.11.1938	
Ireland ³	25.11.1927	
Italy	22. 1.1934	23. 2.1949
Japan	8.10.1928	
Latvia	29.11.1929	
Luxembourg	16. 4.1928	25.11.1948
Netherlands ³	1.11.1928	
Nicaragua	12. 4.1934	
Norway ¹	11. 6.1929	3. 2.1949
Pakistan ⁴	30. 9.1927	11. 1.1949
Poland	3.11.1937	13.12.1948
Portugal	27. 3.1929	10.12.1948
Spain	29. 9.1932	
Sweden ³	15.10.1929	
Switzerland	16.11.1927	30.11.1948
United Kingdom ³	6.10.1926	
Uruguay	6. 6.1933	23.12.1948
Yugoslavia	1. 4.1927	

¹ Has ratified Convention No. 42 (revised) but has not denounced this Convention.

² See footnote 2 to Convention No. 1.

³ Has denounced this Convention and ratified Convention No. 42 (revised).

⁴ See footnote 3 to Convention No. 1.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Austria.

See under Convention No. 42.

Belgium.

Act of 24 July 1927 respecting compensation for injury caused by occupational diseases (L.S. 1927, Bel. 7).

Ministerial Order of 27 October 1944 specifying the medical conditions that persons suffering from pneumoconiosis must satisfy in order to be entitled to compensation for occupational diseases.

Order of the Regent of 13 November 1944 (L.S. 1944, Bel. 5) supplementing the Royal Order of 22 December 1938 (L.S. 1938, Bel. 8) to issue the list of occupational diseases and specifying in respect of each the industries or occupations in which the victim is entitled to compensation, supplemented by Ministerial Order of 20 February 1943 (L.S. 1943, Bel. 1) and by Order of the Regent of 17 August 1946 specifying the list of industries and occupations subject, as regards the risk of pneumoconiosis, to the Act of 24 July 1927 concerning compensation for injury caused by occupational diseases and by the Order of the Regent of 23 June 1947 and of 29 December 1947.

Ministerial Order of 6 December 1944 supplementing the Order of 5 May 1939 specifying the categories of workers exposed to occupational diseases in respect of which compensation is payable, as amended by Ministerial Order of 6 December 1944.

Order of the Regent of 17 January 1945 fixing the rates of compensation to be paid during 1944 by heads of undertakings, subject to the Act of 24 July 1927 concerning compensation for injury caused by occupational diseases.

Order of the Regent of 30 May 1945 fixing the rates of compensation to be paid during 1944 by heads of undertakings in the lead and zinc industries, subject to the Act of 24 July 1927 concerning compensation for occupational diseases.

Order of the Regent of 27 October 1945 fixing the rates of compensation to be paid during 1945 by heads of undertakings subject to the Act of 24 July 1927.

Legislative Order of 24 February 1947 respecting transfer and seizure of benefits granted in virtue of the legislation concerning compensation for injuries caused by occupational diseases (L.S. 1947, Bel. 6 A).

Legislative Order of 25 February 1947 extending the rights under the legislation concerning compensation for injuries caused by occupational diseases (L.S. 1947, Bel. 6 B).

Order of the Regent of 27 May 1947 fixing the rates of contributions for the year 1946 payable by heads of lead and zinc factories subject to the Act of 24 July 1927 concerning compensation for injuries caused by occupational diseases.

Ministerial Order of 23 June 1947, supplementing the Ministerial Order of 22 December 1938 to draw up the list of occupational diseases in respect of which compensation is payable.

Ministerial Order of 23 June 1947 supplementing the Ministerial Order of 5 May 1939 specifying the categories of workers treated on the same footing, exposed to the risks of an occupational disease in respect of which compensation is payable.

Order of the Regent of 5 January 1948, fixing the rate of contribution to be paid during 1947 by the heads of undertakings subject to the Act of 24 July 1927.

Order of the Regent of 3 March 1948, fixing the amount of special compensation for therapeutic expenses.

Order of the Regent of 17 March 1948, supplementing the Order of 5 January 1948.

Chile.

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

Decree No. 581 of 21 April 1927 concerning occupational diseases (L.S. 1927, Chile 2), as amended by Decree No. 389 of 6 April 1948.

Decree No. 655 of 25 November 1940 to issue new Regulations concerning industrial hygiene and safety.

Act No. 8198 of 14 September 1945 to amend the Sections of the Labour Code relating to compensation for industrial accidents and occupational diseases (L.S. 1945, Chile 1), amended by Decree No. 8 of 2 January 1946, to issue Regulations under the Act of 14 September 1945.

Cuba.

§ 65 of the Constitution (L.S. 1940, Cuba 1).

Decree No. 2687 of 15 November 1933 to repeal and replace the Act of 12 June 1916 on industrial accidents (L.S. 1933, Cuba 3 A), amended by Decrees Nos. 3156 and 3341 of 16 and 30 December 1933 respectively (L.S. 1933, Cuba 3 B and C) and Legislative Decree No. 596 of 18 February 1936 (L.S. 1936, Cuba 1).

Presidential Decree No. 223 of 31 January 1935 issuing Regulations under the Act concerning industrial accidents, amended by Presidential Decrees Nos. 1252 and 1653 of 6 May and 6 June 1936.

Legislative Decree No. 596 of 1936, respecting industrial accidents (L.S. 1936, Cuba 1).

Czechoslovakia.

Act No. 99/1948 dated 15 April 1948 concerning the National Insurance.

Denmark.

Act of 23 March 1948 (L.S. 1948, Den. 1) replacing the Act of 20 May 1933 concerning insurance against the consequences of accidents (L.S. 1933, Den. 5), as amended by the Act of 13 April 1938 (L.S. 1938, Den. 6).

Finland.

Act of 12 May 1939 respecting compensation for occupational diseases, to repeal the Act of 12 April 1935 respecting compensation for certain occupational diseases and for inflammation consequent upon friction caused by implements (L.S. 1935, Fin. 2).

France.

See under Convention No. 42.

India.

The Workmen's Compensation Act of 5 March 1923 (L.S. 1923, Ind. 1), as amended by the Acts of 3 September 1926 (L.S. 1926, Ind. 3), 9 September 1933 (L.S. 1933, Ind. 2), 5 April 1938 (L.S. 1938, Ind. 2), 28 March 1939 (L.S. 1939, Ind. 2 A), 29 September 1939 (L.S. 1939, Ind. 2 B), 2 March 1942 (L.S. 1942, Ind. 3) and Act No. II of 1948.

Iraq.

See under Convention No. 42.

Ireland.

See under Convention No. 42.

Italy.

Royal Decree No. 1765 of 17 August 1935 to issue new provisions for compulsory insurance against occupational accidents and diseases (L.S. 1935, It. 8) and repealing Royal Decree No. 928 of 13 May 1929 instituting insurance against occupational diseases and also the Regulations issued thereunder, approved by Royal Decree No. 1665 of 5 October 1933.

Royal Decree No. 2276 of 15 December 1936 to supplement Royal Decree No. 1765 of 17 August 1935 concerning compulsory insurance against industrial accidents and occupational diseases.

Royal Decree No. 200 of 25 January 1937 approving the Regulations for the enforcement of Royal Decrees No. 1765 of 17 August 1935 and No. 2276 of 15 December 1936 concerning compulsory insurance against industrial accidents and occupational diseases.

Royal Decree No. 2012 of 5 November 1937 containing Regulations for giving effect to the provisions of Royal Decree No. 1765 of 17 August 1935 concerning disputes relating to insurance for industrial accidents and occupational diseases.

Ministerial Decree of 16 February 1938 approving the table of coefficients for the calculation of the present capital values of disability pensions and survivors' pensions.

Royal Decree No. 1054 of 10 March 1938 containing provisions concerning the liquidation of compensation and pensions for industrial accidents and occupational diseases to the established and temporary staff of the State railways and for the settlement of disputes in this connection.

Ministerial Decree of 19 January 1939 concerning insurance for industrial accidents and occupational diseases of the salaried employees of State administrations.

Act No. 1012 of 1 June 1939 amending Royal Decree No. 1765 of 17 August 1935 concerning compulsory insurance against industrial accidents and occupational diseases (L.S. 1939, It. 3).

Act No. 45 of 12 April 1943, to extend compulsory insurance against occupational diseases to silicosis and asbestosis (L.S. 1943, It. 3).

Legislative Decree No. 238 of 19 April 1946 to determine the amount of wages to be taken into account in calculating premiums and benefits for temporary incapacity under compulsory insurance for accidents and occupational diseases.

Provisional Legislative Decree No. 202 of 23 August 1946 to declare as an Act the Administrative Regulations of June 1942 respecting increases in benefits under compulsory insurance for industrial accidents and occupational diseases.

Decree of the Provisional Head of State No. 757 of 20 October 1946 to amend Royal Decree No. 255 of 17 March 1938 regarding the institution of a badge of honour for persons disabled by industrial accidents or occupational diseases.

Legislative Decree of the Provisional Head of State No. 14 of 25 January 1947, containing provisions regarding compulsory insurance against accidents and occupational diseases (L.S. 1947, It. 1).

Legislative Decree of the Provisional Head of State No. 804 of 29 July 1947 concerning the legal recognition of the Social Welfare and Social Assistance Institution.

Legislative Decree of the Provisional Head of State No. 919 of 29 July 1947 regulating the

grant of medical and cash benefits to Italian citizens entitled to compensation for industrial accidents or occupational diseases from German insurance institutions.
Legislative Decree No. 254 of 19 February 1948 raising compensation payments for industrial accidents.

Luxembourg.

§ 94 of the Act of 17 December 1925 respecting the Social Insurance Code (L.S. 1925, Lux. 2 A), as amended by the Act of 6 September 1933 (L.S. 1933, Lux. 3).
Grand-Ducal Order of 30 July 1928 concerning the extension of compulsory insurance against accidents to occupational diseases (L.S. 1928, Lux. 1), as amended by Grand-Ducal Order of 31 March 1939.

Netherlands.

See under Convention No. 42.

Norway.

See under Convention No. 42.

Pakistan.

Indian Workmen's Compensation Act of 5 March 1923 (L.S. 1923, Ind. 1), amended by the Acts of 3 September 1926 (L.S. 1926, Ind. 3), 9 September 1933 (L.S. 1933, Ind. 2 E), 5 April 1938 (L.S. 1938, Ind. 2), 2 March 1942 (L.S. 1942, Ind. 3) and 20 February 1946.

Poland.

Act of 28 March 1933 on social insurance (L.S. 1933, Pol. 5), amended by Presidential Order of 24 October 1934 (L.S. 1934, Pol. 4), as subsequently amended in 1936, 1938, 1944 and 1945.
Order of the Minister of Social Assistance of 28 December 1933 concerning the procedure relative to social insurance, the payment of subscriptions by and the control of the procedure adopted by employers.
Order of the Minister of Social Assistance of 28 December 1933 concerning the procedure relative to benefits for industrial accidents with relation to occupational diseases.
Order of the Minister of Social Assistance of 14 January 1935 respecting the scope of the control of the Social Assistance Institution in relation to the social insurance offices and the suppression of regional insurance offices.
Order of the Council of Ministers dated 29 September 1937 concerning the extension of the schedule of occupational diseases subject to workmen's compensation for accidents and occupational diseases.
Act of 28 July 1939 respecting social insurance tribunals, amended by the Decree of 1 March 1946.
Order of the Minister of Labour and Social Welfare of 12 May 1947 to fix provisionally the rates of social insurance pension benefits (L.S. 1947, Pol. 2).
Decree of 28 October 1947 concerning family insurance.

Portugal.

Act No. 1942 of 27 July 1936, respecting the right to compensation for the consequences of industrial accidents or occupational diseases, as amended by Legislative Decree No. 27165 of 10 November 1936 (L.S. 1936, Port. 2 A and B).
Legislative Decree No. 23053 of 23 September 1933 to set up a National Labour and Provident Institution (L.S. 1933, Port. 8).
Legislative Decree No. 24363 of 15 August 1934, to supersede Legislative Decree No. 24194

concerning the procedure and work of the labour courts (L.S. 1934, Port. 3).
Legislative Decree No. 27649 of 12 April 1937 issuing Regulations relative to compensation for industrial accidents and occupational diseases provided under Act No. 1942 of 27 July 1936 (L.S. 1936, Port. 2).

Sweden.

See under Convention No. 42.

Switzerland.

Federal Act of 13 June 1911 respecting sickness and accident insurance (summary in B.B., 1912, Vol. VII, p. 134, amended and supplemented by the Federal Acts of 18 June 1915 and 9 October 1920 (L.S. 1920, Switz. 7).
Orders No. I of 25 March 1916, No. 1 bis of 20 August 1920 (L.S. 1920, Switz. 8), No. 1 ter of 8 December 1922, No. 1 quater of 8 November 1927 (L.S. 1927, Switz. 3 B) and No. 1 quinquies of 25 February 1936 respecting accident insurance.
Order No. II of 3 December 1927 respecting accident insurance.
Order No. III of 2 March 1928 respecting accident insurance (L.S. 1928, Switz. 1).
Federal Decree of 28 March 1917 respecting the organisation of the Federal Insurance Court and the procedure to be followed before the Court.
Order of the Federal Council of 4 December 1944 for the prevention of silicosis in the construction of tunnels and galleries and in mines.
Order No. I of the Federal Department of Public Economy of 23 December 1944 for the prevention of silicosis in the construction of tunnels and galleries and in mines.
Order of the Federal Council of 9 February 1945 concerning accident insurance (to take into account increases in wages).
Federal Act of 17 December 1947 to supplement and amend the Federal Act of 13 June 1941 concerning accident insurance (occupational diseases; to take account of increases in wages).
Order of 3 September 1948 concerning protective and defensive measures against silicosis.
Order of the Federal Department of Public Economy of 8 September 1948 concerning preventive examinations for silicosis disposition (medical expenses; compensation paid to examined persons).
Order I of the Federal Department of Public Economy of 8 September 1948 concerning technical measures for protection and the campaign against silicosis (measures to be taken in the construction of tunnels, underground passages and mines, as well as work in wells and pits, excavation work for dams and similar installations).

United Kingdom.

See under Convention No. 42.

Uruguay.

Act of 26 November 1920 concerning occupational diseases (L.S. 1920, Ur. 1), as amended by Act No. 9196 of 11 January 1934 (L.S. 1934, Ur. 1).
Decree of 9 September 1937.
Act of 17 September 1937.
Decree of 31 August 1939, extending the list of occupational diseases.
Decree of 13 March 1940, requiring the notification of occupational diseases, e.g., of contagious diseases.
Act No. 10,004 of 28 February 1941 concerning compensation for industrial accidents and occupational diseases.
Decrees of 8 February 1943 and 14 September 1945 extending the list of occupational diseases.

SUMMARY OF OTHER INFORMATION

Austria. See under Convention No. 42.

Belgium. An Order of the Regent entitles all workers and assimilated personnel in earthenware and chinaware factories to compensation for pneumoconiosis. The report of the governing body of the welfare fund for victims of occupational diseases gives statistical information covering the period 1939-1947. No observations were received from employers' and workers' organisations. The report also contains detailed data on the application of the legislation implementing the Convention.

Copies of the report have been communicated to the Federation of Belgian Industries, to the General Federation of Labour of Belgium, to the Confederation of Christian Trade Unions and to the General Association of Liberal Trade Unions.

Chile. Decree No. 389 of 6 April 1948, amending Decree No. 581 of 21 April 1927 respecting occupational diseases, establishes a new list of diseases for which compensation is payable. Decisions by courts of law and administrative decisions applying the provisions of the Convention are given frequently; copies of five such decisions are appended to the report. There are no statistical data, but reference is made to the statistics supplied under Convention No. 17. There were 287 cases of occupational diseases during 1948 and compensation is being paid for them in a satisfactory manner. There were no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers.

Cuba. The report repeats information previously given, adding that there were no decisions by courts of law and that no compensation was paid in respect of occupational diseases. No observations were received from employers' or workers' organisations.

The International Labour Questions Department of the Ministry of Labour holds the annual reports at the disposal of the employers' and workers' organisations.

Czechoslovakia. The National Insurance Act of 15 April 1948, which came into force on 1 October 1948, contains the schedule of diseases considered as occupational diseases. For the purpose of this Act, occupational diseases are treated as industrial accidents. As regards application of the Convention, the report refers to information previously given. Statistical data are provided covering the years 1946 and 1947.

Copies of the report have been communicated to the Central Council of Trade Unions and to the Confederation of Czechoslovak Employers' Organisations.

Denmark. The Act of 23 March 1948, which replaces the Act of 1933-1938, does

not change the provisions regarding compensation for occupational diseases. The list of diseases considered as occupational diseases is also left unchanged and covers the diseases listed in the Convention. The Government refers to its previous report and adds that no decisions were given by courts of law. Fifty-three cases of occupational diseases were certified and expenses were defrayed in 76 previously approved cases of occupational diseases, involving a total expenditure of 224,700 kroner.

Finland. The list of occupational diseases is longer than that contained in the Convention. No decisions were given by courts of law. The report contains a summary of occupational diseases during the period 1938-1944.

Copies of the report have been communicated to the Confederation of Finnish Employers' Organisations and to the Confederation of Finnish Trade Unions.

France. See under Convention No. 42.

India. The list of occupational diseases is in conformity with the Convention. Act No. II of 1948 repeals the Act of 2 March 1942 which excluded seamen from its scope. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Employers' Federation of India, to the All-India Organisation of Industrial Employers, and to the Indian National Trade Union Congress.

Iraq. See under Convention No. 42.

Ireland. See under Convention No. 42.

Italy. The report repeats information previously given and adds that the maximum limit of compensation payable in lieu of permanent invalidity pensions and of survivors' pensions to dependants has been raised by the Legislative Decree of 19 February 1948. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Luxembourg. The report repeats the information previously furnished. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the representative organisations of employers and workers.

Netherlands. See under Convention No. 42.

Norway. See under Convention No. 42.

Pakistan. The legislation applying the Convention is the same as that in force at the time of the partition of India, i.e., 15 August 1947, subject to the formal modifications effected by the Pakistan (Adaptation of Existing Pakistan Laws) Order 1947. There were no decisions by courts of law and no statistics are available.

The report has been communicated to the Eastern Pakistan Trade Union Federation; the Pakistan Trade Union Federation;

and the Pakistan Federation of Labour. There are as yet no representative organisations of employers in Pakistan, but copies of the report have been forwarded to the Provincial Governments for submission to the important chambers of commerce.

Poland. Occupational disease insurance benefits are the same as those paid for workmen's accident compensation. The legislation covers all the diseases enumerated in the Convention, as well as various other diseases mentioned in the Ordinance of 29 September 1937. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. On 5 April 1948 a social insurance agreement was concluded between Poland and Czechoslovakia. The agreement is based, in so far as compensation for occupational diseases is concerned, on the principles of the Convention.

A copy of the report has been communicated to the Central Committee of Polish Trade Unions.

Portugal. The report refers to the information previously furnished. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the following organisations: Association of Employers in the Ceramics Industry, Association of Employers in the Woollen Textile Industry (South), Association of Employers in the Baking Industry (Lisbon), National Association of Graphical Industries, Federation of Chauffeurs' Trade Unions, Confederation of Trade Unions of the Workers of the Port of Lisbon, National Trade Union of Bank Employees, National Trade Unions of Workers in the Metallurgical and Mechanical Industries, and National Trade Union of Railway Workers.

Sweden. See under Convention No. 42.

Switzerland. The report contains detailed information on the organisation of the accident insurance system, which provides for compulsory insurance with a single insurance underwriter for all workers and employees employed in Switzerland. Detailed information is given relating to the appli-

cation of the federal legislation, the list of occupational diseases, and the accidents for which compensation was paid, which during the period 1947-1948 were as follows: lead poisoning: 34 cases, costing 24,532 francs for unemployment benefits and 13,711 francs for medical expenses; mercury poisoning: 28,785 francs for unemployment benefits and 15,100 francs for medical expenses, covering 25 cases. The annual report and the financial statement of the Swiss National Accident Insurance Fund are appended to the Government's annual report. Decisions given by courts of law are published in the "Collection of Awards by the Federation Insurance Tribunal" a copy of which has been sent to the Office. No observations were received from employers' and workers' organisations.

Copies of the report have been communicated to the following organisations: Central Union of Swiss Employers' Associations, Swiss Union of Commerce and Industry, Swiss Union of Arts and Crafts, Swiss Trade Union Federation, Federation of Swiss Employees' Associations, Swiss Federation of Christian National Trade Unions, Swiss Association of Protestant Workers and Employees, and Swiss Union of Autonomists' Trade Unions.

United Kingdom. See under Convention No. 42.

Uruguay. The report for 1946-1947, also valid for 1947-1948, indicates that the number of occupational diseases for which compensation is payable is greater than that required by Article 2 of the Convention. There were no decisions by courts of law and no observations from employers' or workers' organisations. No statistical data are available.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

France

Territories of the French Union.

See under Convention No. 19.

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	Reports received
Austria	29. 9.1928	7.12.1948
Belgium	3.10.1927	29.11.1948
Bulgaria	5. 9.1929	
Burma ¹	30. 9.1927	
Chile	8.10.1931	2. 4.1949
China	27. 4.1934	
Colombia	20. 6.1933	
Cuba	6. 8.1928	30. 3.1949
Czechoslovakia	8. 2.1927	7. 2.1949
Denmark	31. 3.1928	10.11.1948
Egypt	29.11.1948	
Estonia	14. 4.1930	
Finland	17. 9.1927	26.10.1948
France	4. 4.1928	21.12.1948
Germany	18. 9.1928	
Greece	30. 5.1936	30. 3.1949
Hungary	19. 4.1928	
India	30. 9.1927	29.11.1948
Iraq	30. 4.1940	27.12.1948
Ireland	5. 7.1930	9. 3.1949
Italy	15. 3.1928	23. 2.1949
Japan	8.10.1928	
Latvia	29. 5.1928	
Lithuania	28. 9.1934	
Luxembourg	16. 4.1928	25.11.1948
Mexico	12. 5.1934	3.12.1948
Netherlands	13. 9.1927	27.12.1948
Nicaragua	12. 4.1934	
Norway	11. 6.1929	3. 2.1949
Pakistan ²	30. 9.1927	11. 1.1949
Peru	8.11.1945	
Poland	28. 2.1928	13.12.1948
Portugal	27. 3.1929	10.12.1948
Spain	22. 2.1929	
Sweden	8. 9.1926	2.12.1948
Switzerland	1. 2.1929	30.11.1948
Union of South Africa	30. 3.1926	27. 1.1949
United Kingdom	6.10.1926	14. 1.1949
Uruguay	6. 6.1933	23.12.1948
Venezuela	20.11.1944	
Yugoslavia	1. 4.1927	

¹ See footnote 2 to Convention No. 1.

² See footnote 3 to Convention No. 1.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Austria.

German legislation still in force:

The Insurance Code of the Reich (Book III) of 19 July 1911, as subsequently amended and completed, in particular, by the Acts of 19 July 1923, 14 July 1925 (L.S. 1925, Ger. 4 C), 15 July 1927 (L.S. 1927, Ger. 6), 17 February 1939 and 9 March 1942 (L.S. 1942, Ger. 2 A).

Various Orders and Decisions relating to the payment of accident compensation, accident insurance and the extension of accident insurance to occupational diseases, issued from 1926 to 1944.

Order of 22 December 1938 respecting the introduction of a social insurance system in Austria, as applied and supplemented by the Orders of 19 February 1939 and 5 February 1940.

Decision of 21 August 1941, issued by the Ministry of Labour of the Reich, respecting accident insurance in Austria.

Austrian legislation:

Federal Act of 12 December 1946 to adapt the benefits from social insurance to the present economic conditions (L.S. 1947, Aus. 5 C), as amended by the Federal Act of 30 July 1947 (L.S. 1947, Aus. 5 B).

Federal Act of 12 June 1947 to make provision for the transition of the new Austrian Social Insurance Law (L.S. 1947, Aus. 5 A), as amended by the Federal Act of 16 June 1948.

Order of 23 October 1947 respecting the establishment of social insurance arbitration tribunals.

Belgium.

Royal Order of 28 September 1931 concerning the Act respecting compensation for injuries resulting from industrial accidents (Consolidated Acts of 24 December 1903, 3 August 1926, 15 May 1929, 30 December 1929 and 18 June 1930) (L.S. 1931, Bel. 9).

Chile.

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

Decree No. 238 of 31 March 1925 to issue Regulations in application of the preceding Legislative Decree, amended by Decree No. 1239 of 22 July 1930.

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

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

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

Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L.S. 1931, Chile 1), amended by Act No. 5405 of 8 February 1934 (L.S. 1934, Chile 1 A).

Decree No. 655 of 25 November 1940 issuing new Regulations concerning industrial hygiene and safety and supplementing previous legislation in this connection.

Act No. 8198 of 14 September 1945 to amend certain provisions of the Labour Code relating to compensation for industrial accidents (L.S. 1945, Chile 1 D).

Decree No. 8 of 2 January 1946 to approve the Regulations under the above-named Act.

Cuba.

Decree No. 2687 of 15 November 1933, to repeal and replace the Act of 12 June 1916 (L.S. 1933, Cuba 3 A), as amended by Decrees Nos. 3156 and 3341 of 16 and 30 December respectively (L.S. 1933, Cuba 3 B and C).

Presidential Decree No. 223 of 31 January 1935, to issue Regulations in pursuance of the Industrial Accidents Act, as amended by Presidential Decrees No. 1653 of 27 June 1936, No. 3103 of 11 November 1936 and No. 37 of 31 December 1937.

Czechoslovakia.

Act of 28 December 1887, No. 1 of the Imperial Code of 1888 respecting workers' accident insurance with the subsequent amending Acts, applicable to the Province of Bohemia and the Moravian-Silesian Province.

Hungarian Act No. XIX of 1907 respecting accident and sickness insurance for workers in industry and commerce (B.B., 1907, Vol. II, p. 269), as amended by subsequent Acts in force for the territories of Slovakia and Sub-Carpathia.

Hungarian Act No. XVI of 1900 respecting accident insurance for agricultural workers and servants, as amended by subsequent Acts in force for the territories of Slovakia and Sub-Carpathia.

Legislative principles issued by the Czechoslovak Republic to supplement the basic legislation mentioned above.

Statutory Order of 21 December 1943 to amend and supplement the Act relating to industrial accident insurance for Bohemia, Moravia and Silesia.

Order No. 28 of 24 March 1939 respecting compulsory accident insurance for forestry workers in Slovakia.

Act No. 15 of 4 February 1943 to amend and supplement the legislation concerning accident insurance for persons employed in industry and commerce in Slovakia.

Presidential Decree No. 11 of 3 August 1944 (as amended and supplemented by Act No. 12 of 19 December 1945) to declare in operation for a short transitional period certain legislation issued during the period of occupation.

Various Acts, Orders and Regulations issued in Slovakia from 1939 to 1945.

Act No. 99 of 15 April 1948 respecting national insurance.

Denmark.

Act of 23 March 1948 (L.S. 1948, Den. 1), replacing the Act of 20 May 1933 concerning insurance against the consequences of accidents (L.S. 1933, Den. 5).

Finland.

Act of 12 April 1935 respecting the insurance of wage-earning employees against accidents (L.S. 1935, Fin. 1), as amended by Acts of 14 December 1935 and 1 September 1944.

Order of 25 October 1935 concerning the application of the Act respecting the insurance of wage-earning employees against accidents, as amended by Order of 29 December 1944.

Resolution of the Council of Ministers of 25 October 1935 respecting the application of the Act of 12 April 1935 to works undertaken by the State.

Act of 12 April 1935 respecting the right of civil servants and other employees of the State to compensation for accidents.

Resolution of the Council of Ministers of 25 October 1935 respecting the application of the above Act.

Act of 12 April 1935 respecting compensation for accidents occurring in the course of life-saving.

Order of 25 October 1935 respecting the application of the above Act.

Act of 12 May 1939 respecting occupational diseases (L.S. 1939, Fin. 3).

Resolution of the Council of Ministers of 26 April 1945 concerning cost-of-living supplements to compensation, as amended by Resolutions of 23 November 1945, 9 May 1946 and 13 February 1947.

Act of 8 February 1946 respecting the increase in the amount of compensation provided by the Act respecting accident insurance for wage-earning employees.

Resolution of the Council of Ministers of 8 February 1946 respecting the increase of the

amount of compensation provided by the Act respecting the insurance of wage-earning employees against accidents.

Various resolutions and Orders issued in 1936, 1938 and 1946 and relating to the technical methods of computing accident compensation benefit.

France.

Act of 30 March 1928 for the ratification of the draft Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents.

Decree of 16 May 1928 promulgating the Convention.

Act of 2 May 1933 to make the accident insurance corporations liable for the cost of the vocational retraining of persons disabled in industry who are entitled to a pension on account of their injuries or infirmities under the terms of the Social Insurance Code in force in the Departments of the Upper and Lower Rhine and of the Moselle.

Publication in the *Journal Officiel* of the French Republic of the names of countries which have ratified the Convention and the date of its coming into force in respect of their nationals (*i.e.*, the date of registration of ratification by the different States at the Secretariat of the League of Nations).

Act of 24 October 1940 respecting compensation for industrial accidents resulting from acts of war (L.S. 1940, Fr. 5 B), amended by the Acts of 12 July 1941 (L.S. 1941, Fr. 13) and 31 December 1942.

Act of 24 December 1940 respecting the maintenance of the guarantee fund provided under § 24 of the Act of 9 April 1898 concerning industrial accidents.

Act of 11 September 1941 relating to the provision of appliances for persons disabled in industry, validated by the Ordinance of 17 November 1944 (L.S. 1944, Fr. 12 B).

Act of 15 February 1942 to institute a priority card for the benefit of persons disabled in industry, validated by the Ordinance of 17 November 1944 (L.S. 1944, Fr. 12 B).

Act of 3 April 1942 to grant increases and allowances to the victims of industrial accidents or to their survivors.

Decree of 26 August 1942 to extend to Algeria the Act of 15 February 1942.

Act of 31 December 1942 to amend § 12 of the Act of 9 April 1898 respecting industrial accidents.

Act of 15 March 1944 to amend the Act of 13 December 1922 respecting the maintenance of the guarantee fund provided for under § 24 of the Act of 9 April 1898 relating to industrial accidents.

Act of 3 July 1944 to lay down certain details with regard to labour legislation as regards unsalaried branch managers of retail food shops.

Ordinance of 17 November 1944 to validate the enactments relating to industrial accidents promulgated since 16 June 1945 (L.S. 1944, Fr. 12).

Decree of 15 December 1944 to lay down conditions for the application of the Ordinance respecting compensation for industrial accidents resulting from acts of war (L.S. 1944, Fr. 10).

Ordinance No. 45-1547 of 13 July 1945 to readjust the pensions and allowances of certain categories of victims of industrial accidents or their survivors.

Order No. 45-2251 of 4 October 1945 to adapt the system for industrial accidents in the Departments of the Upper Rhine, the Lower Rhine and the Moselle to the system in force in other Departments.

Various Ordinances, Decrees and Orders enacted during 1944 to 1946.

Act No. 46-2242 of 16 October 1946 to adjust the rate of annuities and allowances granted to

- persons injured in industrial accidents and to their dependants.
- Act No. 46-2426 of 30 October 1946 respecting the prevention of, and compensation for, industrial accidents (L.S. 1946, Fr. 12), as amended by the Act of 12 January 1948.
- Order of 30 November 1946 to prescribe the first model forms to be used in administering the Act of 30 October 1946.
- Decree No. 46-2959 of 31 December 1946 to issue public administrative regulations for the administration of the Act of 30 October 1946, as amended by the Decrees of 16 March 1948, 2 April 1948 and 25 August 1948.
- Order of 7 January 1947 to prescribe a list of the documents to be furnished to the Commission provided for in § 45 of the Decree of 31 December 1946, to issue public administrative regulations for the administration of the Act of 30 October 1946.
- Decree No. 47-176 of 16 January 1947 to prescribe rules for the administration of Act No. 46-2242 of 16 October 1946.
- Order of 5 February 1947 to fix the scale of medical costs in connection with industrial accidents.
- Order of 7 February 1947 to modify the daily compensation of persons disabled by industrial accidents who are admitted for rehabilitation to schools administered by the National Office for disabled persons, ex-servicemen, war victims and wards of the nation.
- Decree of 14 March 1947 to provide transitional measures for the administration of the new social security system in the Departments of the Upper Rhine, Lower Rhine and Moselle in respect of industrial accidents and occupational diseases.
- Order of 23 March 1947 to prescribe a second series of model forms to be used in administering the Act of 30 October 1946.
- Order of 27 March 1947 in pursuance of Ordinance No. 45-2454 of 19 October 1945 and of Act No. 46-2426 of 30 October 1946, respecting the composition and operations of the regional committees responsible for determining whether applicants for invalidity pensions, old-age pensions under §§ 64 and 65 of the aforesaid Ordinance, widows' or widowers' pensions are invalidated or incapacitated, and also for determining the degree of permanent incapacity for work of persons suffering from industrial accidents.
- Order of 12 May 1947 to fix the maximum amount of funeral expenses payable by the primary social security funds in connection with industrial accidents and occupational diseases.
- Order of 23 June 1947 to prescribe scales for the various fees and allowances payable under Act No. 46-2426 of 30 October 1946.
- Order of 10 September 1947 to amend § 65 of the Act of 30 October 1946.

Greece.

- Royal Decree of 24 July 1920 respecting the codification of the Acts respecting liability for payment of compensation to wage-earning or salaried employees who are victims of accidents (L.S. 1923, Gr. 1, appendix), amended in particular by the Legislative Decree of 20 January 1923 (L.S. 1923, Gr. 1).
- Decree of 23 March 1925 consolidating in a single text the laws concerning assistance to persons who are victims of accidents in mining and metallurgical undertakings and their families (L.S. 1925, Gr. 6), as amended.
- Act No. 6298 of 24 September 1934 respecting social insurance (L.S. 1934, Gr. 7).
- Legislative Decree of 30 October 1935 to ratify the Convention.
- Act No. 649 of 1937 respecting liability for payment of compensation to victims of accidents in public works undertakings.
- Ministerial Decree No. 10703 of 1937 to approve the Regulations respecting the method of affiliation to insurance and the recovery of

contributions by the Social Insurance Institution.

Order No. 28290/1938 regulating the position of foreigners temporarily residing in Greece.

India.

- Workmen's Compensation Act, 1923 (L.S. 1923, Ind. 1), as subsequently amended.
- Workmen's Compensation (Transfer of Funds) Regulations, 1945.
- Notifications No. L.1821 of 28 and 29 January 1937, extending the list of occupational diseases in respect of which compensation is payable.
- Notification No. L.3002 of 27 March 1937, extending the scope of the Workmen's Compensation Act to persons employed in the handling or transport of goods in warehouses.

Iraq.

- Labour Law No. 72 of 1936, § 19, as amended by Law No. 36 of 1942, § 11.
- Law No. 6 of 1940, to ratify the Convention.

Ireland.

- Act No. 9 of 22 March 1934 to consolidate and amend the law relating to compensation to workmen for injuries suffered in the course of their employment and to amend § 18 of the Coal Mines Act of 1911 (L.S. 1934, I.F.S. 1).

Italy.

- § 3 of the Civil Code.
- Act No. 51, of 31 January 1904, respecting industrial accidents (consolidated text: L.S. 1921, It. 1), as amended, *inter alia*, by Legislative Decrees Nos. 2051 of 5 December 1926 (L.S. 1926, It. 1 C) and 264 of 23 March 1933 (L.S. 1933, It. 2 A).
- Legislative Decree No. 1450 of 23 August 1917 concerning compulsory insurance against accidents in agriculture (consolidated text: L.S. 1921, It. 2; amendments: L.S. 1923, It. 5, and 1925, It. 4) [converted into an Act by Act No. 473 of 17 April 1925].
- Act No. 851 of 22 June 1933 to co-ordinate and supplement measures taken to decrease the causes of malaria (L.S. 1933, It. 6).
- Royal Decree No. 1765, of 17 August 1935, to issue provisions respecting compulsory insurance against industrial accidents and occupational diseases (L.S. 1935, It. 8).
- Royal Decree No. 2276 of 15 December 1936 to issue additional provisions respecting compulsory insurance against industrial accidents and occupational diseases (L.S. 1936, It. 8).
- Act No. 2159 of 26 December 1936 to adjourn until 1 April 1937 the coming into force of the above-named Decree.

Luxembourg.

- Social Insurance (Consolidated) Act of 17 December 1925 (L.S. 1925, Lux. 2), as amended by the Acts of 6 September 1933 (L.S. 1933, Lux. 3) and 21 June 1946 (L.S. 1946, Lux. 1).

Mexico.

- Political Constitution of the United States of Mexico of 1917.
- Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).

Netherlands.

- Act of 28 June 1921 (L.S. 1921, Part II, Neth. 1), as amended by the Acts of 2 July 1928 (L.S. 1928, Neth. 1 B), 7 February 1929 (L.S. 1929, Neth. 2 B), 18 July 1930 (L.S. 1930, Neth. 3 A) and 14 July 1936 (L.S. 1936, Neth. 1).

Act of 29 November 1907 promulgating the treaty concluded on 27 August 1907 between Germany and the Netherlands respecting accident insurance.

Decree of 18 May 1915 promulgating the treaty concluded on 30 May 1914 between Germany and the Netherlands supplementing the treaty of 27 August 1907.

Decrees of 4 July 1922, 22 May 1926 and 16 April 1928 promulgating the treaties concluded with Belgium, Norway and Denmark respecting accident insurance.

Act of 3 December 1927 approving the treaty concluded on 27 January 1937 between the Netherlands and Switzerland respecting insurance against industrial accidents (L.S. 1937, Int. 7).

Decree of 16 February 1938 promulgating the treaty concluded on 27 January 1937 between the Netherlands and Switzerland respecting insurance against industrial accidents.

Norway.

Act of 24 June 1931 respecting the accident insurance of industrial employees (L.S. 1931, Nor. 3), as amended by the Act of 13 December 1946 (L.S. 1946, Nor. 4 A).

Royal Decree of 4 July 1947.

Pakistan.

Workmen's Compensation Act, 1923 (L.S. 1923, Ind. 1), as subsequently amended.

Workmen's Compensation (Transfer of Funds) Regulations, 1945.

Notifications No. L.1821 of 28 and 29 January 1937, extending the list of occupational diseases in respect of which compensation is payable.

Notification No. L.3002 of 27 March 1937, extending the scope of the Workmen's Compensation Act to persons employed in the handling or transport of goods in warehouses.

Poland.

Act of 6 July 1923, to extend the legal provisions respecting workmen's compensation for industrial accidents, invalidity, old age, death and unemployment, to the nationals of other States (L.S. 1923, Pol. 3 A).

Act No. 63 of 1928 to ratify the Convention.

Act of 28 March 1933 concerning social insurance (L.S. 1933, Pol. 5), amended by the Decree of the President of the Republic of 24 October 1934 (L.S. 1934, Pol. 4), superseding the previous Acts which dealt with the questions regulated by it.

Portugal.

Act No. 1942 of 27 July 1936 respecting the right to compensation for injury resulting from industrial accidents or occupational diseases (L.S. 1936, Port. 2).

Decree No. 27649 of 12 April 1937 issuing Regulations concerning compensation for industrial accidents and occupational diseases under Act No. 1942 of 27 July 1936 (L.S. 1936, Port. 2).

Sweden.

Act of 17 June 1916 respecting insurance against industrial accidents (B.B., 1916, Vol. XI, p. 267) as amended by the Acts of 14 June 1917, 26 April 1918, 19 June 1919, 18 June 1920, 15 June 1922 (L.S. 1922, Swe. 2), 18 June 1926 (L.S. 1926, Swe. 5), 24 May 1928 (L.S. 1928, Swe. 1), 14 June 1933 (L.S. 1933, Swe. 1), 26 June 1936 (L.S. 1936, Swe. 5), 11 June 1937 (L.S. 1937, Swe. 9), 10 March 1939 (L.S. 1939, Swe. 1), 28 June 1941 (L.S. 1941, Swe. 2 A), 19 December 1941 (L.S.

1941, Swe. 2 B), 19 May 1944 (L.S. 1944, Swe. 1 A), 18 May 1945, 29 June 1946 (L.S. 1946, Swe. 2), 10 July 1947 and 26 June 1948. Declaration of 12 February 1919 between Sweden, Denmark and Norway establishing reciprocity as regards workmen's compensation for accidents (B.B., 1919, Vol. XVIII, p. 69 French text).

Agreement of 11 September 1923 with Finland establishing reciprocity as regards workmen's compensation for accidents (L.S. 1923, Int. 3).

Royal Notification of 22 October 1937 respecting the application, in certain cases, of the accident insurance laws of Sweden, Denmark, Finland, Iceland and Norway (Convention concluded at Oslo on 3 March 1937) (L.S. 1937, Int. 5).

Various Decrees and Notifications granting exemption from certain provisions of the Act of 17 June 1916, as amended, to the nationals of the countries which have ratified the Convention.

Switzerland.

Federal Act of 13 June 1911 respecting sickness and accident insurance (Summary in B.B., 1912, Vol. VII, p. 134), amended and supplemented by the Federal Acts of 18 June 1915, of 9 October 1920 (L.S. 1920, Switz. 7) and of 17 December 1947.

Orders No. 1 of 25 March 1916, No. I *bis* of 20 August 1920 (L.S. 1920, Switz. 8), No. I *ter* of 8 December 1922, No. I *quater* of 8 November 1927 (L.S. 1927, Switz. 3 B), No. I *quinquies* of 25 February 1936 and No. I *series* of 14 April 1938 respecting accident insurance.

Order No. II of 3 December 1917 respecting accident insurance.

Order No. III of 2 March 1928 respecting accident insurance (L.S. 1928, Switz. 1).

Orders of 3 and 8 September 1948 respecting anti-silicosis measures.

Federal Order of 28 March 1917 respecting the organisation of the Federal Insurance Court and the procedure to be followed before it.

Union of South Africa.

Workmen's Compensation Act No. 30 of 1941 (L.S. 1941, S.A. 2), as amended by the Workmen's Compensation Amendment Act, No. 27 of 1945 (L.S. 1945, S.A. 1).

United Kingdom:

Great Britain.

Workmen's Compensation Acts, 1925 (L.S. 1925, G.B. 3) and 1926 (L.S. 1926, G.B. 10).

Workmen's Compensation (Transfer of Funds) Act, 1927 (L.S. 1927, G.B. 2 A).

Workmen's Compensation (Silicosis and Asbestosis) Act, 1930 (L.S. 1930, G.B. 7).

Workmen's Compensation Act, 1931, amending § 9 (4) of the Workmen's Compensation Act of 1925 (L.S. 1931, G.B. 4).

Workmen's Compensation (Coal Mines) Act, 1934 (L.S. 1934, G.B. 2).

The Adoption of Children (Workmen's Compensation) Act, 1934.

Workmen's Compensation (Amendment) Act, 1938 (L.S. 1938, G.B. 4).

Act of 1938 to amend §§ 3 (1) and 5 (2) of the Workmen's Compensation Act of 1925.

Workmen's Compensation (Supplementary Allowances) Act, 1940 (L.S. 1940, G.B. 4).

Part II of the National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941 (L.S. 1941, G.B. 2).

Workmen's Compensation (Temporary Increases) Act, 1941 (L.S. 1943, G.B. 1 B).

National Insurance (Industrial Injuries) Acts 1946 (L.S. 1946 U.K. 2) and 1948.

National Insurance Act, 1946 (L.S. 1946, U.K. 3). Various Orders and Regulations, covering National Insurance (Industrial Injuries).

Northern Ireland.

Workmen's Compensation Act (Northern Ireland), 1931.
 Workmen's Compensation (Amendment) Act (Northern Ireland) 1941.
 Workmen's Compensation (Temporary Increases) Act (Northern Ireland), 1943.
 National Insurance (Industrial Injuries) Act (Northern Ireland) 1946.
 Various Regulations, 1948, covering National Insurance (Industrial Injuries).

Uruguay.

Act No. 10,004 of 28 February 1941 respecting industrial accidents and occupational diseases (L.S. 1941, Ur. 1).

SUMMARY OF OTHER INFORMATION

Austria. A Bill is now before Parliament with a view to amending the social insurance provisions of the Federal Act of 12 June 1947 which provide for the suspension of the right to benefits during the period of residence abroad, so as to introduce complete equality of treatment for Austrian and foreign workers as regards compensation for industrial accidents and industrial diseases.

See also under Conventions Nos. 17 and 24 for general information regarding the application of the Convention. It is not possible to supply statistical information regarding foreign workers in Austria. No observations were made by employers' and workers' organisations.

The report has been communicated to the Austrian Chamber of Labour, the Austrian Federation of Trade Unions and the Conference of Presidents of Austrian Chambers of Agriculture.

Belgium. The report refers to information previously furnished. Since there is no discrimination between Belgian and foreign workers as regards workmen's compensation for accidents, no special information is available concerning the treatment of foreign workers. No observations have been received from employers' or workers' organisations.

Copies of the report have been communicated to the Federation of Belgian Industries, to the General Federation of Labour of Belgium, to the Confederation of Christian Trade Unions, and to the General Association of Liberal Trade Unions.

Chile. The report refers to information previously given and adds that the number of foreign workers is approximately 41,046. During the year 1947, 216 cases of accidents occurred among these workers. The inspection service reports that almost all employers carry accident insurance for their workers and that for this reason no difficulties arise generally as regards payment of compensation. No observations were received from employers' and workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers.

Cuba. The report repeats information previously given. There were no decisions by courts of law and no observations from employers' and workers' organisations. According to statistical information supplied by the insurance companies, sixteen foreign workers are receiving compensation for accidents.

The employers' and workers' organisations registered with the Ministry of Labour have at their disposal the texts of the annual reports.

Czechoslovakia. The report refers to information previously given. There were no decisions by courts of law and no observations from employers' or workers' organisations. Since no distinction is made between nationals and foreigners, no statistical data are available concerning foreign workers.

Copies of the report have been communicated to the Central Council of Trade Unions and to the Federation of Czechoslovak Employers' Organisations.

Denmark. The report refers to the information previously given, and indicates that the Act of 23 March 1948 replaces the Act of 20 May 1933 concerning insurance against the consequences of accidents. No observations were received from employers' or workers' organisations.

Finland. The report repeats the information previously furnished. No statistical data are available concerning the number of foreign workers in Finland. There were no decisions by courts of law.

Copies of the report have been communicated to the Confederation of Finnish Employers' Organisations and to the Confederation of Finnish Trade Unions.

France. The report refers to information previously furnished and states that, during the first six months of the year 1948, special agreements were concluded with Belgium, Italy, Poland and the United Kingdom in the matter of the payment of workmen's compensation where the victim or his survivors reside outside the territory of the country by which compensation must be paid. An agreement with Luxembourg was initialled on 30 June 1948, and negotiations on the same question are taking place with Czechoslovakia. The agreements made with Belgium, Italy and Poland stipulate that workers employed in a country other than that where they usually reside remain covered by the legislation applying in the latter country as long as the employment in the territory of the former does not exceed six months. The number of foreign workers is estimated at between 1,000,000 and 1,100,000. There were no decisions by courts of law, and no observations from employers' or workers' organisations.

Greece. The report refers to information previously given. There were no observations from employers' and workers' organisations. According to the statistics of the Ministry of Labour, there are 50,000 foreign workers

in Greece. During the year 1948, 4,242 industrial accidents were subject to compensation; the proportion of foreign workers in this figure is unknown.

Copies of the report have been communicated to the Greek General Confederation of Labour and to the Federation of Greek Industries.

India. The report repeats the information previously furnished. No decision by courts of law have come to the notice of the Government. There were no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Employers' Federation of India, to the All-India Organisation of Industrial Employers, and to the Indian National Trade Union Congress.

Iraq. The report repeats the information previously furnished. There were no decisions by courts of law, and no observations from employers' or workers' organisations.

The Government states that the communication of the report to representative organisations of employers and workers would be premature owing to present local conditions.

Ireland. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. The Government is unable to supply statistical information concerning foreign workers in Ireland and accidents reported in the case of such workers, owing to the fact that the available statistics do not differentiate between national and foreign workers.

The report has been communicated to the Congress of Irish Unions, the Irish Trade Union Congress and the Federated Union of Employers.

Italy. The report repeats the information supplied in previous years, and adds that bilateral treaties were concluded with France on 31 March 1948 and with Belgium on 30 April 1948. These treaties relate to the methods of applying the insurance system of one contracting party to the nationals of the other. A copy of each of the treaties in question is appended to the report. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Luxembourg. The report repeats the information previously furnished. There were no decisions by courts of law or other decisions and no observations from employers' or workers' organisations.

Copies of the report have been communicated to these organisations.

Mexico. The report repeats the information previously furnished. There were no decisions by courts of law. As no distinction is made between national and foreign workers, no statistical data regarding the latter are available.

A copy of the report has been communicated to the most representative employers' and workers' organisations.

Netherlands. The report states that the accident compensation legislation in force meets the requirements of the Convention.

Norway. The report refers to information supplied in previous years.

The report for the period under review has been communicated to the General Confederation of Trade Unions in Norway and to the Norwegian Employers' Confederation. No observations were received from these organisations, which have reported that the Convention is fully applied.

Pakistan. The report states that the workmen's compensation legislation applies to all workers irrespective of nationality and without any condition as to residence. Prior to the partition of India, special arrangements had been made for the payment of claims outside undivided India with the Governments of the Straits Settlements, the United Kingdom, the Federation of Malaya and Burma, and these arrangements apply to Pakistan also. The report describes methods whereby the application of labour legislation is supervised. The Government has no knowledge of court or other decisions. No observations have been received from employers' or workers' organisations.

Copies of the report have been communicated to the Eastern Pakistan Trade Union Federation; the Pakistan Trade Union Federation and the Pakistan Federation of Labour. As there are as yet no representative organisations of employers in Pakistan, copies of the report have been forwarded to the provincial Governments for communication to the important chambers of commerce.

Poland. The report repeats the information previously furnished. There were no decisions by courts of law or other decisions and no observations from workers' or employers' organisations. As regards the agreement concluded on 5 April 1948, between Poland and Czechoslovakia, see under Convention No. 17.

A copy of the report has been communicated to the Central Committee of Polish Trade Unions.

Portugal. The report refers to the information previously given. The number of foreigners who are permitted to work in Portugal is 1,700. There were no observations by employers' or workers' organisations.

Copies of the report have been communicated to the following organisations: Association of Employers in the Ceramics Industry, Association of Employers in the Woollen Textile Industry (South), Association of Employers in the Baking Industry (Lisbon), National Association of Graphical Industries, Federation of Chauffeurs' Trade Unions, Confederation of Trade Unions of the Workers of the Port of Lisbon, National

Trade Union of Bank Employees, National Trade Unions of Workers in the Metallurgical and Mechanical Industries, National Trade Union of Railway Workers.

Sweden. The report states that a foreign worker who is injured in an industrial accident has the same right to compensation as a Swedish worker, provided he is living in Sweden. In other cases, the insurance institution is entitled to pay him, instead of a sick benefit or a pension, a lump sum in one instalment equal to a certain part of the capital value of the benefit or pension. If the accident has resulted in the death of a foreign worker resident in Sweden, funeral benefit is not paid unless the accident has resulted in death within three months, and a pension or lump sum is not paid to the survivors who are not Swedish citizens unless they were resident in Sweden at the time of the accident. The Swedish Government may, on the basis of reciprocity, authorise foreign workers to be treated like Swedish workers. Such authorisations have been granted for citizens of a number of countries in virtue of special agreements. As regards Article 2 of the Convention, a special agreement was concluded on 3 March 1937 between Sweden, Denmark, Finland, Iceland and Norway. The insurance institutions in these countries usually afford each other mutual assistance in their work. The application of the legislation is entrusted to the National Insurance Office and to the Insurance Council.

Copies of the report have been communicated to the Swedish Employers' Association, to the Swedish Confederation of Trade Unions, and to the Central Organisation of Salaried Employees.

Switzerland. The report repeats the information previously furnished. As regards equality of treatment between foreign insured persons residing in Switzerland and citizens of that country, special agreements were concluded in 1932 with Liechtenstein and in 1937 with the Netherlands. The decisions given by the Federal judicial authorities are published in the "List of Awards of the Federal Insurance Tribunal". Out of a total of 396 fatal accidents, 50 were among foreign workers. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the following organisations: Central Federation of Swiss Employers' Association; Swiss Federation of Commerce and Industry; Swiss Federation of Arts and Crafts; Swiss Federation of Trade Unions; Federation of Swiss Associations of Salaried Employees; Swiss Federation of Christian National Trade Unions; Swiss Association of Protestant Workers and Salaried Employees; and Swiss Federation of Independent Trade Unions.

Union of South Africa. The report repeats some of the information given in preceding years and supplies additional details regard-

ing the provisions applicable to workmen who are only temporarily employed by employers carrying on business chiefly outside the Union. Information is also given regarding the special arrangement concluded with Portugal governing, *inter alia*, the conditions under which the gold mining industry is permitted to recruit Native labour in the territory of Mozambique. This agreement specifies the amount of compensation to be paid to the dependants of deceased Portuguese Natives and lays down that any compensation money due to such workers shall be handed to the Curator and, when the beneficiaries cannot be traced, shall be applied for the welfare of the Native population of Mozambique.

The report also contains information regarding the authorities responsible for the application of the relevant legislation. The inspection service is responsible for checking information in cases of doubtful claims and assists in the collection of assessments from employers. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Very few foreign workers other than Natives are employed. Figures are given showing that the number of non-Union Natives employed (of various nationalities) in labour districts amounted to 260,660 on 31 December 1947. The number of accidents reported in respect of non-Union Natives employed on mines in the Transvaal during the year 1947 is also given.

The report has been communicated to the following employers' and workers' organisations: South African Employers' Committee on International Labour Force; South African Trades and Labour Council; Western Province Federation of Labour Unions; Federal Consultative Committee on South African Railways and Harbours Staff Associations; Co-ordinating Council of South African Trade Unions.

United Kingdom.

Great Britain. The report indicates the provisions introduced by the National Insurance Act, 1946 which superseded previous legislation as of 5 July 1948. All persons in insurable employment are to be insured and are entitled to employment injury benefits without any condition as to nationality or citizenship. Benefits are not payable in respect of accidents occurring while insured persons are outside Great Britain except in certain cases as regards persons in ships and aircraft. In principle, no payment of benefit or increase of benefit is made in respect of a husband or wife while the person concerned is absent from Great Britain. Payment of benefits is suspended in certain cases of absence abroad. Special regulations were issued dealing with mariners and airmen who are not domiciled and have no place of residence in the United Kingdom. A special agreement was concluded with Northern Ireland on the basis of

full reciprocity. An agreement signed with France provides that the employment of a British subject by a British firm in France for a period not exceeding six months is insurable under the British insurance scheme. On the other hand, a French national working in Great Britain under similar circumstances is not insurable under the scheme. The agreement with France also provides that the general disqualification for payment on account of absence abroad shall not apply to absences in France. There were no decisions by courts of law or other decisions.

Copies of the report have been communicated to the Trades Union Congress and the British Employers' Confederation.

Northern Ireland. As regards Northern Ireland the scheme is, with minor exceptions, the same as that in Great Britain. The agreements with France do not, however, apply to Northern Ireland.

Uruguay. The report states that no distinction is made between national and foreign workers. However, beneficiaries leaving the country forfeit their rights to pension and receive by way of total compensation a sum equal to three years' instalments. In order to ensure full conformity, it would be necessary for the State Insurance Bank to enter into arrangements with the corresponding institutions of the countries of destination of workers leaving Uruguay, so as to ensure continuation of pension payments. Such agreements, on a reciprocal basis, would be inappropriate for Uruguay, which is an immigration country with only limited emigration. The application of the legislation is entrusted to the National Labour Institution and its branch offices and the State Insurance Bank. There were no decisions by courts of law or other decisions. As regards statistical data, the report refers to the information given for Convention No. 17.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Netherlands

Indonesia.

Accident Decree No. 255 of 1939.

The Convention has been applied. Equality of treatment is guaranteed to foreign workers without any conditions as to nationality or residence. The Seamen's Accident Regulations exclude seamen who already receive compensation under a foreign workmen's compensation law. The authorities supervising compliance with this legislation are the same as those who supervise the observance of workmen's compensation legislation in respect of national workers.

Surinam.

The Convention has not been published or promulgated. The requirements of the

Convention are contained in the Accident Regulation. There is no objection to the formal application of the Convention.

Netherland West Indies.

The Accident Regulation, 1936, makes no distinction between Netherlands labourers and labourers of foreign nationality.

Union of South Africa

South West Africa.

See under Convention No. 2.

United Kingdom

Aden.

Workmen's Compensation Ordinance No. 40 of 1939, as amended by Ordinance No. 35 of 1940.

The workmen's compensation legislation in force, while not specifically enacting the terms of the Convention, makes no distinction between workmen of any nationality. There are no specific legislative or other provisions relating to the payment of compensation to either national or foreign workers injured in industrial accidents or to their dependants if they reside outside the country from which compensation is due. Special arrangements have been made to facilitate the determination of relationship, and these arrangements apply to any British colony, protectorate or mandated territory in Africa. No workmen's compensation scheme as provided for in Article 3 has been established, but no case has been reported of inability to pay. The Registrar of the Supreme Court is generally entrusted with the enforcement of the legislation. No cases involving seamen of foreign nationality have been reported during the year. No regular inspection services are carried out, but the district commissioner has general responsibility for the supervision of labour matters. There are no representative organisations of employers or workers in Aden.

Barbados.

Workmen's Compensation Act, No. 2 of 1943.
Workmen's Compensation (Amendment) Act, 1943 (1943-40).
Workmen's Compensation Regulations, 1945.

No distinction is made in the legislation between a Barbadian and a non-Barbadian, so that by implication there is equality of treatment irrespective of nationality. Barbadian workers who emigrate under contract with employers in foreign territories are entitled by special provision in those contracts to equality of treatment as regards workmen's compensation. The application of the legislation is entrusted to the judges and Clerk of the Assistant Court of Appeal, the Labour Commissioner, and the Chief Medical Officer. There were no court decisions and no observations from organisations of employers and workers. There is no

single organisation of workers which can be said to represent all workers' organisations in Barbados. The same applies to employers.

Basutoland.

Basutoland Workmen's Compensation Proclamation No. 4 of 1948.

Proclamation No. 4 does not discriminate between persons of Basutoland domicile and nationals of any other Member of the International Labour Organisation, with regard to compensation payable for personal injury due to industrial accidents occurring in the territory. § 37 of the Proclamation provides for the reciprocal transfer of sums awarded under the laws relating to workmen's compensation in the territories concerned between Basutoland and the United Kingdom of Great Britain and His Majesty's Dominions (including British Protectorates and Protected States and Territories in respect of which a mandate has been accepted by His Majesty). There is no differentiation in this respect between the treatment of national workers and foreign workers. In practice, the Union of South Africa Department of Native Affairs and the administration of the territory work in close co-operation in dealing with the transfers of money referred to above. No special agreement has been made with any Member of the Organisation regarding the application of Article 2. The contingency is, however, covered by subsection 4 (1) of the above Proclamation, and no international agreement would seem to be necessary in order to give effect to this provision. With regard to the application of Articles 3 and 4, the Proclamation provides for the compensation of workmen for personal injury by accident arising out of or in the course of their employment. The Proclamation is, however, of no effect until it is applied to any specific employment by High Commissioner's Notice in the *Gazette*. The question as to which kinds of employment it should be applied is now under active consideration. There were no court decisions. As Proclamation No. 4 has not yet been applied to any specific kind of employment, there are as yet no details regarding its practical application. Foreign workers are rarely employed. There are no representative organisations of employers and workers.

Bechuanaland.

Bechuanaland Protectorate Workmen's Compensation Proclamation No. 28 of 1936.
High Commissioner's Notice No. 80 of 1936, applying the Proclamation to mine workers.
Regulations relating to the Proclamation, High Commissioner's Notice No. 182 of 1936.

The legislation mentioned above has been applied to mine workers only. As regards the application of Article 1 of the Convention, Proclamation No. 28 does not discriminate between nationals of the protectorate and aliens. Equality of treatment is accorded to all workers without any condi-

tions of residence in the territory. No special arrangements have been made with other Members of the International Labour Organisation. The supervision of the application of the legislation is entrusted to the district commissioners and the Chief Mining Commissioner. There were no court decisions. No information has been received concerning the application of the Convention. There are no organisations of employers or workers.

Bermuda.

There is no legislation concerning workmen's compensation. However, a Social Security Bill, pending before the legislature, provides for accidents compensation for all employees.

British Guiana.

Accidental Deaths and Workmen's Injuries (Compensation) Cap. 265, as amended by Ordinance No. 9 of 1940.

Workmen's Compensation Ordinance No. 7 of 1934, as amended by Ordinances Nos. 33 of 1935, 14 of 1947 and 38 of 1947.

Workmen's Compensation Regulations, 1937, as amended by Regulations No. 33 of 1943.

The workmen's compensation legislation in force provides for equality of treatment irrespective of nationality; the Convention is fully enforced in the colony. No information is available regarding the number of foreign workers and their occupational distribution or of the number and nature of accidents in which foreign workers were involved. As part of their duties, the inspectors of labour advise employers and workers on accident prevention measures. No decisions were given by any court regarding the application of the Convention. No observations were received from organisations of employers or workers.

British Honduras.

Workmen's Compensation Ordinance No. 4 of 1942.

The Ordinance does not establish any discrimination between national and foreign workers who are victims of industrial accidents. The Labour Department acts as an intermediary in the settlement of disputes between employers and workers. Decisions in the case of litigation are given by the magistrate's court in Belize, subject to the right to appeal to the Supreme Court of the colony. Voluntary agreements are also authorised, and this method is followed in the majority of instances. No court decisions of importance were given relating to the application of the Convention. The system of workmen's compensation has brought much benefit to the workers. The report includes an appendix of statistics concerning the number of accidents in 1947 and the amount of compensation paid. The number of workers covered is estimated at 10,000.

Brunei.

No legislation has been enacted to give effect to the provisions of the Convention. Drafting of workmen's compensation legislation is under consideration and the requirements of the Convention will be borne in mind.

Cyprus.

The Workmen's Compensation Laws, Nos. 30 of 1942, 2 of 1944 and 11 of 1944.

The Convention is applied by the legislation in force in that no distinction is made between foreign and native workers. No special arrangements have been made with other Members. Administration is by the courts of law, with the assistance of the Commissioner of Labour. No decisions were given by courts of law. There are comparatively few foreign workers. No observations were received from organisations of employers and workers.

Dominica.

Workmen's Compensation Act No. 11 of 1937, as amended.

The legislation in force does not provide for any discrimination against foreign workers in cases of compensation for accidents.

Falkland Islands.

Ordinance No. 4 of 1937.
Ordinance No. 7 of 1939.

The Convention is adequately applied. No observations were received.

The report has been communicated to the Labour Federation.

Fiji.

Workmen's Compensation Ordinance (Cap. 81).

The provisions of the Ordinance cover foreign workers employed in the colony and there is no condition requiring a guarantee of reciprocity in favour of Fiji nationals employed in foreign countries. Inter-territorial arrangements are not therefore necessary. Supervision is by the Commissioner of Labour. Detailed statistics are not available, but in 1946 there were 1,698 foreign nationals resident in Fiji.

Gambia.

Workmen's Compensation Ordinance No. 18 of 1940.

The Convention is applied, since there is no discrimination in the Gambia between national and foreign workers, and the Ordinance provides for equality of treatment irrespective of nationality.

Gibraltar.

There is no workmen's compensation legislation in force at present, but a draft Ordinance has been prepared which pro-

vides for equality of treatment irrespective of nationality.

Gilbert and Ellice Islands.

The Convention has not yet been applied. Legislation relating to workmen's compensation is in the course of enactment.

Gold Coast.

The Workmen's Compensation Ordinance, 1940.

The Ordinance is applied without discrimination as to nationality. When necessary, workmen's compensation payments are paid in the territories in which foreign applicants reside. A workmen's compensation system exists but no special agreements have been made. At the Anglo-French-Belgian Labour Conference in 1948, it was agreed that the West African Council should be responsible for circulating any material relating to labour matters. Supervision of the application is entrusted to the Commissioner of Labour and officers of the political administration. Almost all reported claims are supervised by labour officers. There are no statistics of the number of foreign workers. There were no court decisions and no observations from organisations of employers or workers.

Grenada.

The workmen's compensation legislation in force does not provide for any discrimination against foreign workmen as regards compensation.

Hong Kong.

The Convention has not been applied. However, compliance with the terms of the Convention is guaranteed inasmuch as the draft Workmen's Compensation Ordinance makes no distinction between workers of different nationalities.

Jamaica.

Workmen's Compensation Law (Chapter 408 of the Revised Laws).

The law provides for equality of treatment inasmuch as no discrimination is made between national and foreign workers. § 13 of the Workmen's Compensation Law provides that if a workman receiving a half-monthly payment by way of compensation ceases to reside in Jamaica, he shall thereupon cease to be entitled to receive any half-monthly payments unless a medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature. If the medical referee so certifies, and if the injury is likely to result in a diminished earning capacity, the half-monthly payments must be redeemed by a lump sum. No special agreement has been made under Article 2. All claims for compensation under the Workmen's Compensation Law are determined by the resident magistrate's court for the parish

in which the accident occurred. A resident may submit any question of law for the decision of a judge of the Court of Appeal sitting in chambers. There were no court decisions and no observations from organisations of employers or workers.

A copy of the report has been communicated to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica and the Jamaica Manufacturers' Association.

Kenya.

Workmen's Compensation Ordinance No. 54 of 1946.

The definition of "workman" does not discriminate between national and foreign workers. No restriction has been imposed on the payment of compensation due to injured workmen or their dependants who reside outside Kenya. The application of the legislation mentioned above is entrusted to the Labour Commissioner and all labour officers, who carry out regular inspections. Reporting of accidents is compulsory and accident and compensation registers are maintained in all labour offices. There were no court decisions. No observations were received from organisations of employers or workers. No accidents have been reported in the case of foreign workers, except for 250 Banya Ruanda African Natives engaged in the tea-planting industry. Foreign workers in the colony are of European and Asian origin, the majority of whom will be engaged on non-manual occupations at a salary higher than the prescribed limit of £360 per annum for non-manual workers, and do not therefore come under the provisions of the Ordinance.

Copies of the reports on the application of the Convention are communicated to members of the Labour Advisory Board and are available for perusal by chambers of commerce and registered trade unions.

Leeward Islands.

Workmen's Compensation Act No. 11 of 1937.

The Act makes no distinction between foreign and national workers.

Malta.

Workmen's Compensation Ordinance No. XXVIII of 1934 — Chapter 128 of Revised Edition.

The provisions of the Ordinance apply irrespective of the nationality of the worker.

Federation of Malaya.

Chapter 155 of the Laws of the Federated Malay States (Workmen's Compensation) and rules made thereunder.

The above-named legislation indicates the intention of the Federal Government to grant to the nationals of any other

Member which has ratified the Convention the same accident insurance compensation as that accorded to its own nationals. There are no conditions as to residence. It is the duty of the authorities to make arrangements for the payment of benefits to dependants living outside the Federation. No special arrangements have been made under Article 2. The requirements of Article 3 are contained in the legislation. During the period under review, no modifications were made under Article 4 of the Convention. The application of the legislation is entrusted to the Federal Labour Department and the Commissioner for Workmen's Compensation. No court decisions were given. No statistics are available. No observations were received from workers' or employers' organisations.

In future, reports will be communicated to the Federal Labour Advisory Board, which is a tripartite body.

Mauritius.

Workmen's Compensation Ordinance No. 13 of 1931.

The Convention is applied by reason of a provision in the Ordinance for equality of treatment, irrespective of nationality or residence. Supervision is under the Labour Department. No court decisions were given. The number of foreign workers in Mauritius is negligible.

Reports will be communicated to the Sugar Producers' Association, the Mauritius Engineering and Technical Workers' Union, and the Federation of Port and Harbour Employers.

Nigeria.

Workmen's Compensation Ordinance No. 51 of 1941.

Workmen's Compensation (Employment) Order in Council No. 31 of 1941, as amended by Order in Council No. 4 of 1942.

The Workmen's Compensation Ordinance provides for equality of treatment irrespective of nationality. Articles 2 and 4 are not applicable to Nigeria. The application of the Ordinance is entrusted to the Commissioner of Labour. The Judicial Department provides returns of determinations under the Ordinance, while returns of injuries and compensation paid are furnished by employers and insurers. These returns are prescribed by law, and are rendered to the Commissioner of Labour at regular intervals. Labour officers are required, where necessary, in the course of their visits of inspection, to advise workers and employers of their rights and obligations under the Ordinance. Wherever possible, arrangements are also made for them to visit hospitals for the purpose of giving such advice to injured workmen. On the notification of fatal accidents, administrative officers are called upon to trace the dependants of the workmen involved, with a view to providing any necessary assistance in the matter of claiming compensation.

There were no court decisions in regard to the application of the Convention itself, though there have been many in connection with claims lodged by individuals under the terms of the Ordinance. The Ordinance provides for the payment of compensation in fatal cases and in cases of total or partial permanent incapacity, and in addition makes provision for periodical payments in cases of temporary incapacity. Reliable statistics are at present only available in respect of the number of accidents involving Government service; for the period covered by the report this number was 680.

North Borneo.

Straits Settlements Workmen's Compensation Ordinance, 1933.

There is no workmen's compensation legislation as yet for the whole colony, but such legislation is being considered and the requirements of the Convention are being kept in view. In Labuan, the above Ordinance provides for equality of treatment irrespective of nationality.

Northern Rhodesia.

Chapter 188 of Revised Edition of Laws.

There is no differentiation between foreign workers and national workers as regards workmen's compensation for accidents and this question is covered by the application of Chapter 188 of the Revised Edition of Laws. The legislation is applied by the Labour Department and the Workmen's Compensation Commissioner. There were no decisions by courts of law or other courts.

Nyasaland.

Workmen's Compensation Ordinance No. 2 of 1944, as amended by Ordinance No. 15 of 1946.

Government Notice No. 40 of 1946 (brought the Ordinance into force as from 1 July 1946).

Government Notice No. 41 of 1946, as amended by Government Notice No. 30 of 1948 (applies the Ordinance to specific occupations).

Government Notice No. 175 of 1946 (gives the Rules of Court made under § 30 of the Ordinance).

Article 1 of the Convention is applied by § 2 (1) of Ordinance No. 2 of 1944 and by § 20 (5) of the same Ordinance. Foreign workers are not excluded from the operation of Ordinance No. 2 of 1944. However, if the claimant removes outside the jurisdiction of the territory, remedies might not be available. Claims by the dependants of a deceased worker, if the former were outside the jurisdiction of the territory, would only be possible if they were resident in a "colony" as defined in the Ordinance. No special arrangements have been made with the other Members of the International Labour Organisation. As regards Article 3, Ordinance No. 2 of 1944 makes legislative provision for workmen's compensation for industrial accidents for workers in specified occupations. As regards the application of Article 4, the only modification which

has been made during the period under review has been the inclusion in the schedule of the Workmen's Compensation (Application) Order, 1946, of certain new categories of persons eligible to receive compensation. The Governor in Council may make rules prescribing procedure, forms and fees and, generally, for the purpose of giving effect to this Ordinance. The Chief Justice may make Rules of Court for regulating proceedings before the court under the provisions of the Ordinance and for the fees payable in respect thereof. The application of the above-mentioned legislation is entrusted to the officers of the provincial and district administration, the police and the Labour Department. Regular inspections are hampered at present by lack of staff in the Labour Department. No decisions were given by the courts. Statistics of foreign workers are not available. No accidents to foreign workers have been brought to the notice of the Government during the period under review. No observations were received from organisations of employers or workers.

St. Helena.

Workmen's Compensation Ordinance No. 3 of 1946. Interpretation and General Law Ordinance, 1895 (§ 24 applies the United Kingdom law in the colony).

The legislation is enforced by the factory inspector and, in the event of dispute, by the Commissioner for Workmen's Compensation.

St. Lucia.

Workmen's Compensation Ordinance No. 7 of 1941.

The Ordinance provides compensation for all workers, local and foreign.

St. Vincent.

The workmen's compensation legislation in force in the colony does not discriminate against foreign workers in cases of compensation.

Sarawak.

No legislation has been enacted to give effect to the Convention.

Seychelles.

Legislation covering equality of treatment as regards workmen's compensation has not yet been enacted but is under active consideration. When such legislation has been introduced, the provisions of the Convention will be applied.

Sierra Leone.

Workmen's Compensation Ordinance No. 35 of 1939.

Workmen's Compensation (Notification of Injury) Rules, 1940.

The national law is not yet in complete harmony with the Convention. Ratification

has modified existing law in virtue of Article 1, paragraph 2, and Articles 2 and 4, of the Convention. The Ordinance is to be completely revised in the near future and steps will be taken to include all the provisions of the Convention. Workers resident in any part of His Majesty's Dominions may receive payments awarded in Sierra Leone and *vice versa*, but no similar arrangement has been made so far for workers resident outside the Dominions. When workers are engaged for foreign service under written contract, the Labour Department stipulates that a clause requiring the employer to observe the Sierra Leone workmen's compensation laws should be inserted. Authority for determining all claims rests with the courts. In practice, advice is sought by many employers and workers from the Labour Department; under the Notification of Injuries Rules, employers are required to send returns of all compensation cases annually to the Commissioner of Labour. There is no inspection under the Ordinance. No court decisions are known to have been given. No cases of discrimination against foreign workers have been reported. Approximately, 2,000 Liberian citizens are resident in Freetown, where they are engaged to work cargo on ships proceeding down the coast of West Africa. Small numbers of other Africans from neighbouring territories (*e.g.*, French Guinea, the Gold Coast and Nigeria) seek employment in Sierra Leone in a variety of occupations, such as motor drivers, domestic servants or general labourers. No observations were received from organisations of employers and workers.

Solomon Islands.

A King's Regulation to provide for workmen's compensation is under consideration. Meanwhile the matter can be controlled, if necessary, by the application of the Imperial Workmen's Compensation Acts.

Singapore.

Workmen's Compensation Ordinance, 1933.

The Ordinance provides for equality of treatment irrespective of nationality.

Swaziland.

There is no special legislation to ensure equality of treatment in workmen's compensation for national and foreign workers; none is necessary at present, since the only existing legislation is the Swaziland Workmen's Compensation Proclamation No. 25 of 1939 which has hitherto been applied only to employment at or about a mine. This Proclamation makes no distinction between the employees of different nationalities, and foreigners are also eligible for the benefits conferred by the Proclamation to Natives of Swaziland. As regards the application of Article 1 of the Convention, there has hitherto been no necessity for special regulation for payments to foreigners or their dependants residing outside the territory.

Tanganyika.

The Convention has not yet been applied in Tanganyika. A draft Workmen's Compensation Bill was being submitted to the November 1948 session of the Legislative Council. The provisions of this Bill conform to those of the Convention and provide for compensation for all manual workers irrespective of nationality or race.

Trinidad and Tobago.

Workmen's Compensation Ordinance Chapter 22, No. 12, as amended by Ordinance No. 20, 1943, and Ordinance No. 12, 1945.

Workmen's Compensation (Transfer of Funds) Ordinance, Chapter 22, No. 13.

All workmen enjoy the same rights under the above legislation irrespective of nationality. Under the Workmen's Compensation (Transfer of Funds) Ordinance, provision has been made for the transfer of any money paid to commissioners under the Workmen's Compensation Ordinance, Chapter 22, No. 12, for the benefit of any person residing in or about to reside in any part of the British Empire with which a reciprocal arrangement has been made, and for the receipt and administration by commissioners of any money which, under such an arrangement, has been transmitted from that part of the British Empire for the benefit of any person residing or about to reside in the colony. This provision is effective for all workmen irrespective of nationality; no arrangement or reciprocal agreements have been made affecting the colony. No modifications have been made in the laws and regulations in force on workmen's compensation and their application during the year under review. The application of the legislation is entrusted to the judges of the Supreme Court, who are deemed to be commissioners of workmen's compensation. No decisions were given by the courts of law. There is very little migration of workers to or from the colony and no difficulties have been experienced on the question of payment of workmen's compensation. There were no observations from organisations of employers or workers.

Uganda.

Workmen's Compensation Ordinance, No. 14 of 1946.

The Ordinance applies equally to foreign nationals and to persons domiciled in Uganda. There are no special legislative provisions for payment to persons outside Uganda, except in the case of the United Kingdom. In those cases where compensation is due to persons in the neighbouring territory, payment is effected through administrative officers in those territories. The application of the Convention is ensured by the Labour Commissioner and district commissioners. There were no court decisions. The number of persons not Natives of Uganda suffering accidents during the

period was 159 and final settlement and payment of compensation has been effected in 63 cases. The remainder are still under consideration. There were no observations from organisations of employers or workers. There are in the territory at present one employers' organisation and one registered trade union. Neither of these bodies can be considered as representing all the workers or employers.

Zanzibar.

Labour Decree No. 11 of 1946.

There is no law specifically applying the provisions of the Convention. The provisions of the Labour Decree, 1946, Part V, neither discriminate on the ground of nationality, nor impose conditions as to residence. No special agreements have been made under Article 2. As regards the application of Article 3, new legislation on the subject, of wider scope and with extended benefits, is under consideration. The application of the legislation is entrusted to

labour officers and administrative officers. There were no court decisions. If an injury occurs in a factory, notification of injury is given to the Factories Board, and the matter of compensation is settled by negotiation between the worker and the employer, with or without the intervention of a labour officer. If the injury occurs elsewhere, it is probable that notification would be made to an administrative officer or labour officer, who would take steps to ensure that equitable compensation was paid. There were no observations from organisations of employers or workers. One accident occurred during the past year, but no blame attached to the manager of the undertaking, who promptly reported the accident and voluntarily paid substantial compensation.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

20. Convention concerning night work in bakeries

This Convention came into force on 26 May 1928

Countries	Date of registration of ratification	Reports received
Bulgaria	5. 9.1929	
Chile	31. 5.1933	2. 4. 1949
Colombia	20. 6.1933	
Cuba	6. 8.1928	30. 3.1949
Estonia	23.12.1929	
Finland	26. 5.1928	26.10.1948
Ireland	15. 3.1937	9. 3.1949
Luxembourg	16. 4.1928	19.11.1948
Nicaragua	12. 4.1934	
Spain	29. 8.1932	
Sweden	5. 1.1940	2.12.1948
Uruguay	6. 6.1933	23.12.1948

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Chile.

- Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L.S. 1931, Chile 1), amended by Act No. 5405 of 8 February 1934 (L.S. 1934, Chile 1 A).
- Decree No. 356 of 30 March 1932 to approve the Regulations for the employment of operative bakers (L.S. 1932, Chile 4 A).
- Decree No. 13 of 24 June 1932 to provide for the appointment of operative bakers and bakers' roundsmen for the purpose of supervising the observance of the Act respecting the abolition of night work in bakeries (L.S. 1932, Chile 4 B).
- Decree No. 1000 of 21 November 1945 to fix regulations for the issue of books relating to the physical fitness of workers in bakeries, as amended and supplemented by Decrees Nos. 747 of 27 August 1946, 1132 of 18 March 1947 and 659 of 16 July 1947.

Decree No. 276 of 24 February 1947 to issue new regulations respecting work in bakeries and similar industries.

Cuba.

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

Finland.

Order of 11 May 1928 respecting the coming into force of the Convention.
Act of 4 March 1927 respecting industrial inspection (L.S. 1927, Fin. 1 A).
Resolution of the Council of State of 4 March 1927 concerning the administration of the above Act (L.S. 1927, Fin. 1 B).
Act of 19 July 1940 (L.S. 1940, Fin. 3) respecting employment in bakeries.
Act of 2 August 1946 respecting hours of work (L.S. 1946, Fin. 4).

Ireland.

Night Work (Bakeries) Act of 14 August 1936 (L.S. 1936, Ire. 3).
Order of 9 January 1937, bringing the above Act into operation on 1 February 1937.
Night Work (Bakeries) (Exceptional Work for Limited Periods) Regulations, 1948.

Luxembourg.

Act of 5 March 1928 to approve the Conventions adopted by the International Labour Conference in the course of its first ten sessions (1919-1927).
Order of 30 March 1932, as amended on 6 January 1933, respecting the application of certain

Conventions adopted by the International Labour Conference in the course of its first ten sessions (L.S. 1932, Lux. 1).
Order of 9 July 1938 concerning night work in bakeries.

Sweden.

Act No. 206 of 29 June 1912, respecting the protection of workers (B.B., 1913, Vol. VIII, p. 84), as amended by the Acts of 12 June 1931 (L.S. 1931, Swe. 5 B) and 12 June 1936 (L.S. 1936, Swe. 2).
Act No. 139 of 16 May 1930 respecting certain restrictions upon the hours of work in the baking and confectionery trades (L.S. 1930, Swe. 2) as amended by Acts Nos. 202 of 26 May 1939 (L.S. 1940, Swe. 1 B) and 78 of 9 March 1945.

Uruguay.

Act No. 5,646 of 19 March 1918 to prohibit night work in bakeries.
Act No. 7,293 of 15 October 1920 to supplement Act No. 5,646 of 19 March 1918.
Decree of 20 January 1921 to issue Regulations in pursuance of Acts No. 5,646 of 19 March 1918 and No. 7,293 of 15 October 1920.
Act No. 10,667 of 9 November 1945 to suspend for a period of three years the application of Act No. 5,646 of 19 March 1918.
Decree of 13 November 1946, to issue regulations in pursuance of Act No. 10,667 of 9 November 1945.
Decree of 8 August 1947, to define the terms "night" and "night work", for the purposes of the application of Act No. 10,667 of 9 November 1945.

SUMMARY OF OTHER INFORMATION

Chile. In addition to repeating information previously supplied, the report indicates that Decree No. 276 of 24 February 1947 approved new regulations respecting work in bakeries and similar industries, and that Decree No. 1,000 of 21 November 1945 respecting regulations for books concerning the physical fitness of workers in bakeries was modified and supplemented by Decrees Nos. 747 of 27 August 1946, 1,132 of 18 March 1947 and 659 of 16 July 1947.

There were few decisions by courts of law applying the provisions of the Convention. A copy of one decision is appended to the report. Approximately 12,500 workers are affected by the Convention. Fifty breaches of the legislation were reported in 1947. Certain employers' organisations have again stated that the strict application of the Convention gives rise to some difficulties.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers.

Cuba. The report repeats information previously given and adds that employers' and workers' organisations have co-operated effectively in preventing the making of bread, pastry or similar products made of flour during the night. There were no decisions by courts of law and no observations from employers' and workers' organisations.

Organisations registered with the Ministry of Labour have copies of the annual reports at their disposal in the International Labour Affairs Department.

Finland. The Government repeats the information supplied in its previous reports, and adds that 1,594 bakeries, employing 7,047 workers (4,783 of them women) were inspected in 1947, in the course of 2,153 visits, of which 54 were made at night.

No decisions by courts of law have come to the notice of the Government. Thirteen breaches of the legislative provisions were reported, some of these being in connection with the Act relating to night work in bakeries. No observations were received from employers' or workers' organisations.

The report has been communicated to the Confederation of Finnish Employers' Organisations and the Confederation of Finnish Trade Unions.

Ireland. The report repeats the information given in preceding years and adds that, owing to pressure of work, manufacturing processes were deemed to be exceptional work in the period specified in the Night Work (Bakeries) (Exceptional Work for Limited Periods) Regulations, 1948.

No advantage has been taken of the exceptions provided for under Article 3 of the Convention. During the period under review, the enforcing authorities carried out 1,088 inspections in 677 bakeries; there were five detections. In two of these cases, legal proceedings were instituted; in one case the offender was cautioned; the other two were detected in the Dublin metropolitan area and prosecutions are pending. No decisions were given by courts of law and very little difficulty has been experienced by the enforcing authorities.

Copies of the report have been communicated to the following organisations: Congress of Irish Unions; Irish Trade Union Congress; Federated Union of Employers.

Luxembourg. The Government repeats the information supplied in its previous reports. The Convention has been strictly applied and no observations were received from employers' or workers' organisations.

Appended to the report is a copy of the Annual Report of the Inspectorate of Labour and Mines for 1947.

The report has been communicated to the representative organisations of employers and workers.

Sweden. Young persons (irrespective of their age) employed in the baking trade who are covered by the relevant provisions of the Workers' Protection Act of 29 June 1912 (§ 14), as amended, must be allowed an uninterrupted nightly rest period of not less than 11 hours in every 24 hours (including the interval from 10 p.m. to 5 a.m.). Night work may, however, under certain conditions laid down in the Act, be authorised by the competent labour

inspector in the case of young male persons who have attained the age of 16 years engaged on shift work, provided that their hours of work are limited to not more than eight a day. In other cases, where the labour inspector is not so empowered, exceptions may be authorised by the chief labour inspection authority in the case of young male workers of 16 and 17 years of age.

§ 19 of the Workers' Protection Act, as amended, provides for an uninterrupted nightly rest period of not less than 11 hours in every 24 hours, including the interval between 10 p.m. and 5 a.m. for women employed in industrial work at workplaces where not less than ten workers are normally employed. If any natural event or accident, or other circumstance which could not be foreseen, causes an interruption in the operation of any undertaking or involves imminent danger of such an interruption or of injury to life, health, or property, a woman may, notwithstanding the above-mentioned provisions, be employed as long as may be necessary.

§ 1 of the Act of 16 May 1930 (the "Bakery Act"), as amended in 1939, stipulates that work in the manufacture of bakers' and confectioners' wares shall not be carried out on Sundays or holidays or between 8 p.m. and 6 a.m. on weekdays. This provision does not apply to work for the household of the occupier which is carried on without the assistance of any other person than a member of the household. The Act does not apply to work in the manufacture of bakers' and confectioners' wares when carried on in hotels, restaurants, cafés or other places not connected with a bakery or confectionery establishment, except as regards the making of bread, pastry or similar bakers' wares.

Where work is organised in shifts, work in connection with the preparation of crispbread (*spis-eller knäckebröd*) may be done on weekdays also between 8 p.m. and 10 p.m. and, as far as may be necessary, for the drying of the prepared bread between 10 p.m. and 12 midnight. Under § 4 of the Act, the chief labour inspection authority may authorise such further night work as may be required for the rational working of an undertaking, and any rules for the night work which may be considered necessary shall be issued at the same time. The above-mentioned rules of the Workers' Protection Act shall be observed with regard to young persons and women.

§ 2 of the "Bakery Act" authorises mixing (*anröring*) on Sundays or holidays for not more than two hours between 8 a.m. and 8 p.m., stoking or the setting of dough between 4 a.m. and 6 a.m. on weekdays and between 2 a.m. and 4 a.m. on week nights immediately preceding two or more consecutive holidays (including Sundays). Other work is also authorised between 3 a.m. and 6 a.m.

Under § 4 of the "Bakery Act", if exceptions from the general prohibition of night work in respect of the preparation of bakers' and confectioners' wares are re-

quired beyond those laid down in the Act in certain cases, the competent labour inspector is authorised to give the necessary permission. This must be applied for in each individual case and shall not be granted for more than two days at a time or for more than ten times in a calendar year for the same workplace. The chief labour inspection authority is empowered to grant further occasional exemptions in exceptional circumstances. If any accident or other unforeseen circumstance renders absolutely necessary the exemptions referred to above and if there is not time to obtain necessary permission, the exceptional work may be carried out without permission, but for not more than one day on each occasion. The occupier of the undertaking in question shall notify the competent labour inspector, without delay, of each case and the reasons necessary for the same. The special provisions for night work laid down in the Workers' Protection Act shall also be observed for young persons and women in the cases dealt with under this Article. Suspension of the observance of the "Bakery Act" shall be exercised by the labour inspection officials and the provisions respecting supervision of compliance with the Workers' Protection Act shall also serve as guidance in the case of each suspension.

The report has been communicated to the Swedish Employers' Association, the Swedish Confederation of Trade Unions and the Central Organisation of Salaried Employees.

Uruguay. The following information, supplied for the period 1946-1947, relates also to the period under review.

Until the promulgation of the Act of 9 November 1945, night work was prohibited in bakeries and in undertakings manufacturing macaroni, confectionery and other similar articles. The legislation was therefore in conformity with the system laid down in the Convention. The prohibition of night work applied also to employers. In addition, the wholesale manufacture of biscuits was also prohibited.

Difficulties were experienced in applying the 1918 legislation and, for this reason, the Act of 9 November 1945 suspended, for a period of three years and by way of experiment, the prohibition of night work. This period was to terminate at the end of November 1948, and only from this date would it be possible to supply information regarding the results obtained.

The Act of 19 March 1918 prohibited night work in bakeries from 9 p.m. to 5 a.m. but, in virtue of the Decree of 8 August 1947, night work is considered to be work performed by persons who start work between 6 p.m. and 3 a.m.

Workers' and employers' organisations are not allowed, by means of agreements, to fix the beginning and ending of the night period. This period is fixed by the legislation and the parties concerned cannot modify it.

The national legislation does not prevent consultation with employers' and workers' organisations, referred to in Article 3 of the Convention, and does not provide for exceptions in connection with preparatory or complementary work.

The application of the relevant legislation is entrusted to the National Labour Institute and related services. The task of supervising the application of the legislation is exercised by means of tables issued by the National Labour Institute. For some time, the work of the inspectors has been

facilitated by orders, issued by courts of justice, authorising their admission into workplaces and into undertakings to which the public are not admitted. In addition, in all cases the police assisted the inspectors.

No decisions were given by courts of law. Approximately 8,200 workers were covered by the 1918 legislation.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

Does not apply to reporting countries.

EIGHTH SESSION (GENEVA, 1926)

21. Convention concerning the simplification of the inspection of emigrants on board ship

This Convention came into force on 29 December 1927

Countries	Date of registration of ratification	Reports received
Albania	17. 3.1932	
Australia	18. 4.1931	
Austria	29.12.1927	7.12.1948
Belgium	15. 2.1928	29.11.1948
Bulgaria	29.11.1929	
Burma ¹	14. 1.1928	27.12.1948
Colombia	20. 6.1933	
Czechoslovakia	25. 5.1928	26.12.1948
Finland	5. 4.1929	26.10.1948
France ²	13. 1.1932	
Hungary	3. 2.1931	
India	14. 1.1928	29.11.1948
Ireland	5. 7.1930	14. 3.1949
Japan	8.10.1928	
Luxembourg	16. 4.1928	24. 9.1948
Mexico	9. 3.1938	3.12.1948
Netherlands	13. 9.1927	27.12.1948
New Zealand	29. 3.1938	26.12.1948
Nicaragua	12. 4.1934	
Pakistan ³	14. 1.1928	31. 1.1949
Sweden ²	15.10.1929	
United Kingdom ²	16. 9.1927	
Uruguay	6. 6.1933	23.12.1948
Venezuela	20.11.1944	

¹ See footnote 2 to Convention No. 1.

² Conditional ratification.

³ See footnote 3 to Convention No. 1.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Austria.

See summary of other information.

Belgium.

Act of 14 December 1876 regulating the transport of emigrants, supplemented by the Act of 7 January 1890 and by the Royal Order of 25 February 1924.

Act of 25 August 1920 respecting the safety of vessels.

Burma.

Burma Emigration Act, as adapted from the Indian Emigration Act No. VII of 1922 (L.S. 1922, Ind. 2).

Czechoslovakia.

Act No. 71 of 15 February 1922 respecting emigration (L.S. 1922, Cz. 1).

Order No. 170 of 8 June 1922 respecting the enforcement of the Act of 15 February 1922.

Finland.

See under summary of other information.

India.

Indian Emigration Act No. VII of 1922 (L.S. 1922, Ind. 2), as amended by Act No. XXVII of 1927 (L.S. 1927, Ind. 1) and by the Indian Independence (Miscellaneous Transitional Provisions) Order, 1947.

Luxembourg.

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

Mexico.

General Population Act, promulgated in the *Diario Oficial* of 29 August 1936.
Regulations under the Organic Act of 30 April 1934 respecting the Mexican Consular Service.
§ 133 of the General Constitution of the Republic.

Netherlands.

Emigration Act of 1 June 1861.

New Zealand.

See under summary of other information.

Pakistan.

Indian Emigration Act, No. VII, of 1922 (L.S. 1922, Ind. 2), as amended by Act No. XXVII of 1927 (L.S. 1927, Ind. 1).

Uruguay.

See under summary of other information.

SUMMARY OF OTHER INFORMATION

Austria. The Government repeats the information given in its report for 1946-1947 and adds that there is no official emigrant inspection system. Up to the present, no agreements have been made with the Governments of other countries regarding the appointment of official inspectors. Because of the lack of required information, it has not yet been possible to establish statistics regarding the number of Austrians

shipped as emigrants by foreign vessels during the period under review. Up to date, only one foreign shipping company has been authorised in Austria and no information is available regarding the number of emigrants transported.

During the period 1 October 1947 to 15 September 1948, 918 passports were issued to Austrian nationals who wished to emigrate to overseas countries; it has not been possible to verify the exact number of persons who have left the country and the date on which they left. No decisions were given by courts of law and other courts and no observations were received from employers' or workers' organisations. There are no legislative provisions relating to the subject covered by the Convention. Austria possesses no vessels engaged in maritime navigation.

The report has been communicated to the Federal Chamber of Industry, the Austrian Chamber of Labour, the Austrian Federation of Trade Unions and the Conference of Presidents of Austrian Chambers of Agriculture.

Belgium. The Government repeats the information given in previous reports and adds that, during 1947, 243 transport vessels, mainly cargo vessels having a limited amount of passenger accommodation, left the port of Antwerp after rigorous inspection by the emigration service. No breaches of the regulations were reported and no observations were made by employers' or workers' organisations.

The report has been communicated to the Federation of Belgian Industries, the General Federation of Labour of Belgium, the Confederation of Christian Trade Unions and the General Association of Liberal Trade Unions.

Burma. The report repeats the information supplied in previous years and adds that the President may, by notification in the *Burma Gazette*, declare that ships conveying emigrants to any specified port shall not be deemed to be emigrant ships. No emigrant vessel sailed during the period under review. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Czechoslovakia. Reference is made to previous reports. The appropriate statistical information will be supplied at a later date.

The report has been communicated to the Central Council of Trade Unions and the Federation of Czechoslovak Employers' Organisations.

Finland. The Government refers to previous reports in which it stated that it had not been found necessary to draft special legislation of the application of the Convention as there are no ships in Finland of the kind referred to in the Convention. Nevertheless, the Convention had been put into force by an Order dated 1 March 1929.

The number of emigrants during 1947 was 331. The majority of emigrants are domestic servants going to Sweden.

The report has been communicated to the Central Confederation of Finnish Employers' Associations and the Confederation of Finnish Trade Unions.

India. No official system introduced by the Government exists in India for the inspection of emigrants during the voyage. However, the Indian Emigration Act, 1922, as amended by Act No. XXVII of 1927, empowers the Central Government to make rules for the appointment of inspectors for this purpose should circumstances arise requiring such action. The provisions of the Convention have not so far been practically applied, as the conditions which would justify their application to emigration from India have not arisen.

The assisted emigration of unskilled workers to Malaya is at present prohibited under § 13 of the Indian Emigration Act and the departure of unskilled workers, assisted or unassisted, to Ceylon and Burma remains prohibited under § 30 (a) (i) of the Act, unless exempted by a special or general Order of the Central Government. The relaxation of the ban permitting Indian evacuee labourers to return to Burma has been restricted to permitting only such of the evacuee labourers to return as have members of their families stranded in Burma. During 1947, 334 emigrant and 74,788 non-emigrant unskilled workers went to Ceylon. In the period up to 30 September 1948, 53,966 unskilled workers went to Ceylon and the number of emigrants among them is not known. These passengers travel on ordinary passenger ships, most of which fly the British flag, and are subject to close inspection at the ports of embarkation and disembarkation. Owing to the shortness of the journeys involved, there has so far been no necessity for a general inspection of emigrants during the voyage.

Copies of the report are being forwarded to the Employers' Federation of India; the All-India Organisation of Industrial Workers and the Indian National Trade Union Congress.

Ireland. As stated in previous reports, there are no regulations regarding inspection on board emigrant ships, which are governed by the Merchant Shipping Act, 1894, as amended by the Merchant Shipping Act of 1906. The regulations contained in this legislation provide for an effective inspection of emigrants before the departure of the ship. Consolidated merchant shipping legislation is in course of preparation and, by ratification of the Convention, the Government has undertaken that the provisions of the new legislation will not be out of harmony with the Convention.

The emigrant trade from Ireland has practically ceased. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

The report has been communicated to the Congress of Irish Unions, the Irish Trade Union Congress and the Federated Union of Employers.

Luxembourg. The Government states that the Convention was ratified in a spirit of international solidarity but that, on account of its extensively maritime character, it does not call for practical application in the Grand Duchy.

The report has been communicated to the representative organisations of employers and workers.

Mexico. The definition of "emigrant" is contained in § 28 of the General Population Act. While there has been no occasion for intervention by the Mexican authorities to protect emigrants on board emigrant vessels, the principle laid down in Article 2 of the Convention would, no doubt, be taken into account if occasion arose.

Under Article 4 of the Convention, the report states that there are not yet any specific provisions governing the knowledge required of migration inspectors; it is possible that the regulations issued under the new Population Act may define specifically the qualifications required.

The report has been communicated to the representative organisations of employers and workers.

Netherlands. The Government has nothing to report with regard to the application of the Convention during the period under review.

New Zealand. The Government refers to its report for 1946-1947, in which it stated that emigration as envisaged in the terms of the Convention does not take place from New Zealand or in any of its possessions or mandated territories. No definition of an emigrant vessel has been made. In 1920, the Imperial Conference of Representatives of the United Kingdom, the Dominions and India accepted a definition of "emigration" as applying only to movement to countries outside the Empire.

The report states that the number of permanent residents departing permanently from New Zealand in the year 1947-1948 was 5,768 (as compared with 6,051 for the previous year). No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

The report has been communicated to the New Zealand Employers' Federation and to the New Zealand Federation of Labour.

Pakistan. The text of the Indian Emigration Act, 1922, and of the amendment is the same as was in force at the time of partition, i.e., 15 August 1947.

Article 1 of the Convention is applied under § 2 (1) of the Indian Emigration Act, as amended in 1927.

No official system was introduced by the Government for the inspection of emigrants during the voyage but, under the legislation the Governor-General is empowered to make rules for the appointment of inspectors for this purpose, should circumstances arise requiring such action. The provisions of the Convention have not so far been practically applied, as conditions which would justify their application to emigration from Pakistan have not yet arisen.

The Indian Emigration Act and the Rules framed thereunder are administered directly by the Government through Protectors of Emigrants appointed for the ports of Karachi and Chittagong.

There are no regular emigrant ships sailing from either of the two ports of Pakistan. Emigrants embark on passenger vessels and are inspected by the Protector of Emigrants at the time of sailing. No official inspector is appointed to accompany emigrants. No complaints have been recorded as to conditions or treatment on board. The port health officer examines emigrants before they go on board. No unskilled workers have emigrated from Karachi, although skilled workers went to various parts of the world, in particular to the oilfields of the Middle East. From the port of Chittagong, the emigration of skilled labourers only is permitted; 57 skilled labourers emigrated to Burma during the period under review.

Copies of the report have been forwarded to the following workers' organisations: Eastern Pakistan Trade Union Federation; Pakistan Trade Union Federation; Pakistan Federation of Labour. There are as yet no representative organisations of employers in Pakistan, but copies of the report have been forwarded to the provincial Governments for transmission to the important chambers of commerce.

Uruguay. The Government refers to its report for 1946-1947, in which it stated that there are no merchant vessels engaged in the transport of emigrants. The movement of workers is an immigration movement, there being few Uruguayan nationals going to other countries to take up work who could be classified as emigrants. The provisions of the Convention, therefore, concern more directly the countries of origin of workers arriving in Uruguay; the officials responsible for dealing with such workers are of the same nationality as that of the vessel used for their transport.

It is difficult for Uruguay at the present time to apply Article 3 of the Convention, which provides that the inspection of emigrants may be permitted by an official appointed by the Government of a country other than that whose flag the vessel flies.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

Netherlands

Indonesia.

Transport of Emigrants Ordinance, No. 389 of 1938.

The Convention has been applied. An emigrant vessel is "a vessel which is destined to be used, or which is used for the transport of emigrants". An emigrant is anyone who belongs to the indigenous population of Indonesia and who has been recruited in Indonesia for labour in Surinam, or anyone who, after termination of his contract, is sent back from Surinam to Indonesia, together with his family. As the relevant legislation only applies to emigrants to and from Surinam, the application of Articles 2 to 7 of the Convention is inappropriate. The harbour master supervises observance

of the legislation. The ship's doctor inspects the emigrants.

Surinam.

The Convention has not been published or promulgated. There is practically no emigration from Surinam other than the return of emigrants whose contracts have terminated. The enactment of statutory measures is therefore considered inappropriate. During the period under review, no emigrants were transported in emigrant ships.

Netherland West Indies.

There is no emigration of the type covered by the Convention. Vessels carrying immigrants and calling at ports of the territory do so only in order to take on fuel and leave without any formalities regarding passengers.

NINTH 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	Reports received
Australia	1. 4.1935	13.11.1948
Belgium	3.10.1927	29.11.1948
Bulgaria	29.11.1929	
Burma ¹	31.10.1932	16.12.1948
Canada	30. 6.1938	9.11.1948
Chile	18.10.1935	2. 4.1949
China	2.12.1936	
Colombia	20. 6.1933	
Cuba	7. 7.1928	30. 3.1949
Estonia	10. 5.1929	
Finland	8. 4.1947	13.12.1948
France	4. 4.1928	26.11.1948
Germany	20. 9.1930	
India	31.10.1932	11. 1.1949
Ireland	5. 7.1930	9. 3.1949
Italy	10.10.1929	8. 4.1949
Luxembourg	16. 4.1928	24. 9.1948
Mexico	12. 5.1934	3.12.1948
Netherlands	15.12.1937	27.12.1948
New Zealand	29. 3.1938	19. 2.1949
Nicaragua	12. 4.1934	
Norway	29. 3.1940	7. 2.1949
Pakistan ²	31.10.1932	11. 1.1949
Poland	8. 8.1931	14. 1.1949
Spain	23. 2.1931	
United Kingdom	14. 6.1929	7.12.1948
Uruguay	6. 6.1933	23.12.1948
Venezuela	20.11.1944	
Yugoslavia	30. 9.1929	

¹ See footnote 2 to Convention No. 1.
² See footnote 3 to Convention No. 1.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Australia.

Navigation Act, 1912-1942.
 Navigation (Master and Seamen) Regulations, S.R. 1924, No. 199, amended in particular in 1925, 1927 and 1929.

Belgium.

Act of 5 June 1928 relating to seamen's articles of agreement (L.S. 1928, Bel. 5 A).

Burma.

Burma Merchant Shipping Act.

Canada.

Canada Shipping Act, 1934 (L.S. 1934, Can. 7).

Chile.

Shipping Act of 24 June 1878.
 Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L.S. 1931, Chile 1),

amended by Act No. 5405 of 8 February 1934 (L.S. 1934, Chile 1 A).

Decree No. 399 of 5 May 1934 consolidating the Shipping Decrees which govern the conditions of employment in seafaring and occupations connected therewith in ports (L.S. 1934, Chile 3).

Commercial Code, Third Book, §§ 823, 889, 900 and 933.

Decree No. 100 of 31 January 1948 to approve the regulations which govern the duties of the Labour Service, the Maritime Authority and the Maritime Health Service, and to organise collaboration between these bodies as regards the application of legislative and administrative decisions.

Cuba.

Commercial Code of 22 August 1885 (§§ 634-648).

Legislative Decree No. 659 of 6 November 1934 [concerning seamen's articles of agreement] (L.S. 1934, Cuba 12 A).

Act No. 40 of 22 March 1935 [concerning annual leave with pay] (L.S. 1935, Cuba 4).

Finland.

Seamen's Act of 8 March 1924, (L.S. 1924, Fin. 1), as amended by the Acts of 26 May 1925 (L.S. 1925, Fin. 2), 11 May 1928 (L.S. 1928, Fin. 2) and 7 May 1943.

Act of 4 June 1937 concerning the engagement and registration of seamen.

Decision of the Ministry of Commerce and Industry relating to the application of the above-named Act.

France.

Act of 13 December 1926 to issue a Seamen's Code (L.S. 1926, Fr. 13).

India.

Indian Merchant Shipping Act, 1923 (L.S. 1923, Ind. 4).

Indian Merchant Shipping (Amendment) Act, 1931 (L.S. 1931, Ind. 1).

General Clauses Act, 1897.

Indian Contract Act, 1872.

Government of India (Commerce Department) Resolution No. II-(3)/31 of 21 May 1931.

Ireland.

Merchant Shipping Acts of 1894 and 1906.

Italy.

Act No. 417 of 14 January 1919, giving executive force to the Convention in the Kingdom.
 Royal Decree No. 327 of 30 March 1942, to approve the Regulations contained in the Shipping Code (§§ 323 *et seq.*).

Luxembourg.

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

Mexico.

Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).
 Act of 30 December 1939 concerning general lines of communication.
 Regulations concerning technical inspection of machinery, promulgated on 27 September 1939.

Netherlands.

Act of 14 June 1930 to issue new legislative provisions respecting agreements for masters and seamen (in force 1 October 1937) and amending, *inter alia*, Chapters 3 and 4 of the Second Book of the Commercial Code (L.S. 1930, Neth. 1).
 Seamen's Decree of 15 May 1937 (L.S. 1937, Neth. 4), to issue public administrative Regulations under certain sections of the Commercial Code as revised by the Act of 14 June 1930.
 Decree of 10 September 1937 to appoint public officials for supervising the engagement of seamen, with powers to issue seamen's discharge books.
 Decree of 13 September 1937 to issue a standard form of ship's articles, in compliance with § 6 of the Seamen's Decree,
 Civil Code containing provisions relating to contracts of employment, in so far as the Commercial Code as amended does not expressly provide otherwise.

New Zealand.

Shipping and Seamen Act, 1908, as amended 1909-1936.

Norway.

Seamen's Act of 16 February 1923 (L.S. 1923, Nor. 1), as amended by the Acts of 19 June 1931, 7 June 1935 (L.S. 1935, Nor. 2) and 16 June 1939.

Pakistan.

Indian Merchant Shipping Act, 1923 (L.S. 1923, Ind. 4).
 Indian Merchant Shipping (Amendment) Act, 1931 (L.S. 1931, Ind. 1).
 General Clauses Act, 1897.
 Indian Contract Act, 1872.
 Government of India (Commerce Department) Resolution No. II-(3)/31 of 21 May 1931.

Poland.

Seamen's Code of 2 June 1902 (B.B., 1902 Vol. I, German), as amended by the Act of 17 March 1933 (L.S. 1933, Pol. 4).

United Kingdom.

Merchant Shipping Acts of 1894 and 1906.

Uruguay.

See under summary of other information.

signed on individually, and made 29,717 engagements. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Australasian Steamship Owners' Federation and to the Maritime Transport Council.

Belgium. The Act of 5 June 1928 covers all the provisions of the Convention. The articles of agreement do not acquire force of law until the register of the crew has been closed. Before drawing up the register, the maritime superintendent must ascertain that the provisions of the legislation have been strictly observed. The report points out that the Probiviral Court was reconstituted in 1948. The number of seamen protected by the legislation is approximately 3,500, *i.e.*, all the crews serving on the various Belgian merchant vessels during 1947-1948.

Copies of the report have been communicated to the Federation of Belgian Industries, the General Federation of Labour of Belgium, the Confederation of Christian Trade Unions, and the General Association of Liberal Trade Unions.

Burma. The report repeats information furnished for the period 1946-1947. The number of seamen engaged during the year was 1,161.

Canada. In response to the question raised by the Committee of Experts in 1948 the report gives an analysis of the various provisions of the Shipping Act, 1934. The Act applies to all vessels over 50 registered tons. The definitions of the Act are in accordance with Article 2 of the Convention. The articles of agreement are signed by the master and the seaman in the presence of a shipping master, and the seaman is always able to examine the terms of the agreement. There is no provision for departure from the ordinary rules of jurisdiction. As regards Article 5 of the Convention, the report states that every seaman must be given a certificate of discharge. No provision is made for agreements for an indefinite period. Under Article 8, the report states that a legible copy of the agreement must be posted up in a place accessible to the crew. No advantage has been taken of Article 10, paragraph (d) of the Convention. The report specifies the circumstances under which articles of agreement may be terminated, and states that the authorities responsible for the application of the Convention are the shipping masters in Canada, the superintendents of mercantile marine offices in the British Dominions, and the British consular officers at other places abroad.

Chile. The report repeats information previously given and indicates that Decree No. 100 of 31 January 1948 approves regulations laying down the functions of the Labour Service, the Maritime Authority and the Maritime Health Service, and organi-

SUMMARY OF OTHER INFORMATION

Australia. The report repeats the information previously furnished. During the 12 months ended 30 June 1948, 9,475 seamen

ses the collaboration among these bodies as regards the application of legislative and administrative decisions. No breaches of the legislation were reported. The legislation applies to 3,788 crews in the national merchant marine and covers 5,654 persons in all. Various decisions were given by courts of law; but the General Directorate of Labour does not possess copies of the texts of these decisions. There were no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers.

Cuba. The report repeats information previously given. There were no decisions by courts of law and no observations from employers' or workers' organisations. It is not possible to supply statistical data.

Copies of the annual reports are at the disposal of the organisations of employers and workers registered with the Ministry of Labour.

Finland. The first report supplied by the Government contains the following details regarding the application of the Convention.

Article 1: there are no special provisions regarding home trade. Article 2: there are no special provisions under paragraph (d) of this Article. Article 3: the relevant provisions are contained in the Acts of 4 June 1924 and 4 June 1937 and in the Decision of the Minister of Commerce and Industry. Articles 4 and 5: the provisions relating to particulars to be recorded in the seaman's book are contained in § 7 of the Decision of the Minister of Commerce and Industry. Article 6: § 13 of the Seamen's Act provides that either party shall be entitled to terminate the contract at any port where the vessel calls for loading and unloading. The period of notice shall be one month for officers and one week for ordinary seamen. An Order of 26 July 1938 contains particulars regarding the food to be provided for seamen. Articles 7, 8 and 9 are applied under § 13 of the Seamen's Act. Under Article 10 it is stated that the legislation does not contain any provisions regarding the termination of a contract of employment. The provisions of Articles 11 and 12 are applied under §§ 35-40 of the Seamen's Act. Under Articles 13 to 15, it is stated that the engagement of seamen is carried out in Finland by the shipping master nominated by the Shipping Administration and abroad by the Finnish consular officers.

The application of the legislation and administrative provisions is supervised by the Department of Shipping, which is a subsidiary of the Shipping Administration, as well as by the shipping inspectors and the shipping masters. To a certain extent, the maritime safety inspectors also supervise compliance with the Convention. The Department of Shipping includes the Shipping

Counsellor, chief of the service, and the Inspector General of Shipping, as well as a seamen's labour inspector. The register of seamen engaged is kept by the Statistics and Registration Office of the Department of Shipping.

The shipping masters are responsible for checking the validity of all seamen's articles of agreement and, if they find the agreement and all the other relevant documents satisfactory, the contract of employment is approved by them. The maritime safety inspector is responsible for checking the competence of officers and the manning of ships. The shipping inspectors also exercise continuous supervision over the hiring of all seafarers. Some decisions were given by courts of law concerning disputes between shipowners and seamen, but these disputes related mainly to wage claims. The legislation ensures the strict application of the provisions of the Convention. The shipping master keeps a register of all engagements and discharges of seamen and hands to the master of the vessel a list of the crew with full details of each seafarer and his conditions of engagement, the place and date at which he was paid off, as well as any reservations or observations made in this respect. When this list is no longer valid, it is filed with the General Registrar of the Statistics and Registration Office. The shipping master communicates to the registration official all information regarding the verification of contracts of service and the signing off of seamen. This information, as well as that supplied by Finnish consular offices abroad, is available to the persons concerned. During the period under review, the total number of inspections carried out in connection with the engagement or discharge of seafarers was 44,182, the number of seafarers engaged being 22,091. There were four breaches of the regulations concerning the inspection of seafarers. It should be noted that there is a collective agreement for deck officers and engine-room officers as well as for catering staff. Under the Act of 7 June 1946, all disputes regarding the application of this agreement come before the labour courts. No observations were received from shipowners' or seafarers' organisations.

Copies of the report have been communicated to the Confederation of Finnish Employers' Organisations and the Confederation of Finnish Trade Unions.

France. The report refers to previous information and points out that since 1 January 1948, shipowners again engage their crews freely under the conditions provided for by the collective agreement concluded on 19 July 1947 between the Central Committee of French Shipowners and the National Federation of Maritime Trade Unions (in accordance with the Recommendation of the International Labour Office), so as to ensure employment security for almost three quarters of the crews at sea. The authorities have no

knowledge of any decisions by courts of law. The Mercantile Marine Service has received no reports of breaches of the legislation and no observations from the employers' and workers' organisations concerned. The report contains statistical data on seagoing personnel; it points out that the maritime registration system existing in metropolitan France applies also to Algeria and to the new Departments of Guadeloupe, Guiana, Martinique and Reunion. The Central Committee of French Shipowners and the National Federation of Maritime Trade Unions have always co-operated in examining all questions concerning seamen's articles of agreement.

India. The report repeats information given for the period 1946-1947.

Copies of the report have been communicated to the Employers' Federation of India, to the All-India Organisation of Industrial Employers and to the Indian National Trade Union Congress.

Ireland. The situation described in previous reports remains unchanged. During the year ending 30 June 1948, 4,048 seamen were signed on.

Copies of the report have been communicated to the Congress of Irish Unions, to the Irish Trade Union Congress and to the Federated Union of Employers.

Italy. The report repeats information previously given. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Luxembourg. The Convention was ratified in a spirit of international solidarity, and does not call for practical application in the Grand Duchy.

The report has been communicated to the representative organisations of employers and workers.

Mexico. The report repeats the information previously given. There were no decisions by courts of law, and no observations from employers' or workers' organisations. The observations made in 1939 and 1947 by the Committee of Experts on the Application of Conventions have been brought to the attention of the Merchant Marine Department with the request that complete conformity should be ensured between the provisions of the Mexican legislation and those of the Convention.

A copy of the report has been communicated to the most representative employers' and workers' organisations.

Netherlands. The report states that, during the period under review, the Navigation Board considered 297 cases of withdrawal of maritime work books; 266 of these cases resulted in convictions and 31 in acquittals.

New Zealand. The report refers to information given for the period 1946-1947. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the New Zealand Employers' Federation and to the New Zealand Federation of Labour.

Norway. The report repeats information previously given and states that the situation remains unchanged.

Copies of the report have been communicated to the Norwegian Seamen's Union and the Norwegian Shipping Employers' Association. These organisations made no observations and have confirmed that the Convention is fully applied in Norway.

Pakistan. The texts of the legislation in force are the same as were in force in India at the time of partition, i.e., 15 August 1947.

The report contains a detailed analysis of the various legislative provisions and regulations applying the Convention. Under Article 1, it is stated that ships of war and Government vessels not engaged in war are covered by § 4 of the Act of 1923. Vessels engaged in coasting trade and pleasure yachts are not exempted from the provisions of the Act unless they are home trade vessels of under 300 tons; it was not considered necessary for the purpose of ratifying the Convention to amend the law to reduce the protection afforded to the seamen by the existing law; fishing vessels and country craft are not required to enter into agreement with the crews. The tonnage limit for home vessels is 300 tons burden. Article 2 of the Convention is applied through § 2 of the Merchant Shipping Act, 1923, and subsection 56 of § 3 of the General Clauses Act, 1897.

Article 3 is applied under §§ 27-41 of the Merchant Shipping Act, 1923. In order to comply fully with the requirements of this Article, shipping masters have been instructed to provide reasonable facilities for the accredited representatives of seamen to examine the articles of agreement before they are signed. Articles 4 and 5 are applied under § 28 of the Contract Act, 1872 and §§ 28 and 43 of the Merchant Shipping Act, 1923. Article 6 is also applied under § 28 of the Act of 1923. The agreement with seamen covers all the obligatory particulars required by these Articles. The law does not permit engagements for an indefinite period or annual leave with pay, but the provisions of the Convention in this respect are not obligatory.

Under Article 7, it is stated that the legislation does not provide for the maintenance of separate lists of crew on board, but a list is included in the agreement with the crew and in the official log book maintained under § 121 of the Merchant Shipping Act. Article 8 is applied under § 36 (1) of the Act of 1923. Under Article 9, the report refers to the information given for Article 6.

Under Articles 10, 11 and 12, it is stated that the legislation is in conformity with the provisions of the Convention. The Central Government (Commerce Department Resolution) of 21 May 1931 was issued to comply with the requirements of Article 13.

Article 14 is applied under §§ 43 and 43 A of the Act of 1923, as amended.

The shipping masters of the various ports of recruitment are entrusted with the supervision of the application of the legislation and regulations, and with their enforcement at the time of signing on. This system is working satisfactorily. There were no decisions by courts of law, no contraventions and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Eastern Pakistan Trade Union Federation, to the Pakistan Trade Union Federation, and to the Pakistan Federation of Labour. There are as yet no representative organisations of employers in Pakistan, and copies of the report have been forwarded to the Provincial Governments for communication to the important chambers of commerce.

Poland. The report repeats the detailed information given for the period 1946-1947. During the period under review, no decisions were given by courts of law and no observations were received from employers' or workers' organisations. A new Seamen's Act is in course of preparation.

Copies of the report have been communicated to the Economic and Social Department of the Ministry of Industry and to the Central Trade Union Committee.

United Kingdom. The report repeats the information previously furnished. There have been no decisions by courts of law since the ratification of the Convention.

Copies of the report have been communicated to the British Employers' Confederation and to the Trades Union Congress.

Uruguay. The provisions of the Commercial Code (Chapter VI, Book III) are not in complete harmony with the provisions of the Convention; a draft Statute for Maritime Workers, which incorporates the provisions of the Convention, was submitted to the Senate in 1944.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

France

The maritime registration system existing in metropolitan France has not yet been put into force in the territories of the *French Union*. The question is under consideration by the Assembly of the French Union.

Netherlands

Indonesia.

§§ 395 to 452 (g) of the Commercial Code.

The Convention has been applied to Indonesia with modifications owing to local conditions. The term "home trade vessels" is unknown in the legislation, therefore no geographical limits are determined. The legislation does not apply to (a) seagoing

vessels under 100 cubic metres, mechanically propelled; (b) seagoing vessels under 300 cubic metres non-mechanically propelled; or (c) a seagoing vessel which is on its test cruise. §§ 395 to 407 of the Commercial Code cover all the provisions of Articles 3, 4, 7 and 8 of the Convention. A document as required under Article 5 is not prescribed by the legislation. The requirements of Article 6 are covered by the Commercial Code. In the case of an agreement concluded for an indefinite period, the seaman and the shipowner have the right to rescind the agreement in any harbour with a period of notice of 3×24 hours. No provisions as mentioned in Article 9, paragraph 3, of the Convention are made in the legislation. In addition to the circumstances mentioned in Article 10 of the Convention, the Commercial Code contains a provision for cases where an agreement has been entered into for a voyage which could not be undertaken, or has been interrupted because of *force majeure* or Government intervention. In this case, the engagement terminates automatically. The worker has a right to his wages until he has been returned to the place of engagement unless he previously enters into another engagement. In the case of a voyage that is cancelled for a reason imputable to the shipowner, the worker has a right to compensation. A full survey is given of the circumstances determined by law in which the shipowner or master may discharge a seaman or in which a seaman may demand his immediate discharge. The provisions of Article 13 of the Convention are not included in the legislation. The seaman has the right to obtain a certificate from the master. The Department of Shipping supervises observance of the legislation.

Surinam.

The Convention has been published. (See under Conventions Nos. 8 and 15.)

Netherland West Indies.

The provisions of the Convention are covered by the Commercial Code of Curaçao.

New Zealand

Western Samoa; Tokelau Islands; Cook Islands.

It would not be practicable to extend the Convention to the Island Territories as the type of industry covered by the Convention is not carried on in these territories.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

United Kingdom

Aden.

Indian Merchant Shipping Act, No. XXI of 1923.

The Convention is covered in part by the legislation in force. However, no

legislation exists as regards the contents of articles of agreement and various questions of detail provided for in the Convention. In practice, the shipping master observes the Convention and follows the United Kingdom models in the matter of seamen's articles of agreement. The administration of all shipping affairs is entrusted to the port officer, who is the shipping master under the Act, and who has made no specific reports on the application of the Convention. The Government is satisfied that the Convention is being fully observed. No court decisions were reported. There are no organisations of employers or workers in Aden.

Barbados.

Merchant Shipping Act, No. 2 of 1898.

The Convention is applied by the legislation in force. The harbour and shipping master or other specially appointed officer is entrusted with the application of the Act and the Board of Trade form. No court decisions were given and no observations received from organisations of employers and workers. There is no single organisation of workers which can be said to represent all workers' organisations in Barbados. The same applies to employers.

Basutoland.

The Convention is not applicable to Basutoland, which is an inland territory.

Bechuanaland.

The Convention is not applicable to the Bechuanaland Protectorate.

Bermuda.

Imperial Merchant Shipping Act, 1894.
Bermuda Merchant Shipping Act, 1930.

The provisions applying the Convention are the same as those contained in the Imperial Merchant Shipping Act of 1894. Supervision is exercised by the Colonial Treasurer, who has deputed his functions as shipping master to the collectors of customs at Hamilton and St. George.

British Guiana.

Few ships registered in the colony and engaged in inter-colonial trade carry articles conforming with the provisions of the Convention. No compelling law exists, but draft legislation is under consideration.

British Honduras.

Merchant Shipping Act, 1894, and Amendments.

There is no special legislation in the colony. None of the exemptions mentioned in Article 1 of the Convention is provided for in local legislation. No geographical limits of "home trade vessel" have yet been fixed by local law. The Merchant

Shipping Act, 1894 and its amendments, cover the provisions of Articles 3 to 14 of the Convention. The supervision of application of the legislation is entrusted to the Customs Department, whose head is the harbour master. There were no court decisions. The local shipping trade is small, and is confined principally to small boats of less than 100 tons gross, trading either within the colony or with the adjoining territories. In the case of longer voyages, engagement must be in accordance with the Merchant Shipping Act.

Brunei.

The Convention appears to be inapplicable, since there are no vessels in the State to which the Convention would apply.

Cyprus.

No legislation has been enacted to give effect to this Convention nor is it deemed necessary, as only two small vessels, of slightly more than 100 gross register tons, would be affected. Articles of agreement in force are based on §§ 41, 65, 87, 88 and 89 of the Ottoman Maritime Code and are strictly enforced by the port authorities.

Dominica.

The Convention has not been applied, as the vessels registered, with one recent exception, are all under 100 tons gross. These vessels are engaged in trade with the neighbouring islands.

Falkland Islands.

No seagoing vessels are registered in the colony and the Convention is inapplicable.

Fiji.

The provisions of the Convention have not yet been incorporated in local legislation. Local practice is, however, in conformity in all material respects with the requirements of the Convention, and the administering authority, the Fiji Marine Board, is drafting regulations designed to secure the full application of the Convention.

Gambia.

Navigation and Pilotage (Consolidation) Ordinance, 1916 (Cap. 85 of Gambia Laws, Vol. II).

The Convention is applied by § 13 (ii) of the Ordinance. The Collector of Customs is vested with authority to ensure the compliance with these provisions. Seamen's articles of agreement are, however, seldom drawn up in this colony, and the engagement or discharge of seamen is also a rare occurrence, but the law as it stands affords the seamen all the protection envisaged by the Convention.

Gibraltar.

Merchant Shipping Ordinance, No. 9 of 1935.

The Convention is applied by the legislation in force. "Home trade ship" is defined as a ship employed in trading between Gibraltar and places situated within the following limits: the Continent of Europe — between Lisbon and Valencia inclusive; and the Continent of Africa — between Agadir and Oran inclusive. The form of articles of agreement used locally is exactly the same as that used by the Board of Trade in the United Kingdom. Articles of agreement concluded locally are renewable at six-monthly intervals. The legislation is administered by the captain of the Port Department with a fully staffed department including an assistant captain of the port, shipping master and boarding officers. From available information, it appears that the Convention is well observed. During the year under review, 676 seamen were signed on and no contraventions were reported.

Gilbert and Ellice Islands.

The Convention has not been applied, as vessels registered in the colony come within the exceptions provided for in Article 1 of the Convention.

Gold Coast.

United Kingdom Merchant Shipping (International Labour Convention) Act, 1925.

There is no provision in the legislation of the Gold Coast concerning the application of Article 15 of the Convention. Supervision of the application is entrusted to the Commissioner of Labour and shipping masters at ports. Labour officers make periodical inspections. There were no court decisions and no observations from organisations of employers or workers.

Grenada.

The Convention has not been applied, as the vessels registered in the colony are under 100 tons gross and are engaged in trade between the neighbouring West Indian islands.

Hong Kong.

United Kingdom Shipping Acts, 1894 and 1932, and regulations made therein.
Merchant Shipping Ordinance No. 10 of 1899.

The Convention is applied to British ships and foreign ships of nations which are not represented in the colony by consular officers. The term "ship" means "any description of vessel used in navigation not propelled by oars, except junks or launches not propelled by steam". In practice, the legislation is applied to vessels under 60 tons registered as British ships. "Vessel" includes any ship or boat or any other description of vessel used in navigation. "Seaman" includes every person (except masters, pilots and apprentices

duly indentured and registered) employed or engaged in any capacity on board any ship. "Master" includes every person (except the pilot) having command or charge of a ship. There is no local definition of "home trade vessel". There is no specific legislation to give effect to Articles 4, 9, 12 and 13 of the Convention, and no local legislation to give effect to Article 14. The provisions of Article 3 are completely covered by the legislation.

Articles of agreement must be signed at the Mercantile Marine Office. A seaman cannot be discharged from any ship, British or foreign, without the sanction of the Director of Marine or of a consular officer. A master who discharges a seaman in contravention of this provision shall be liable to a fine not exceeding 100 dollars. Copies of the legislation and certificates, appended to the report, show that the provisions of Articles 5 and 6 of the Convention are covered by the legislation. No specific local legislation exists prescribing the posting up on board of a copy of the articles of agreement. A list of the crew must be carried on board. Agreements for an indefinite period are not permitted. The circumstances in which an agreement may be terminated are set out in the Merchant Shipping Act, 1906. There is no legislation covering the provisions of Article 12 of the Convention, but a seaman can claim his discharge on certain well-defined grounds, which have been upheld by legal decision, for example; unfitness and incapacity, sickness and injury, termination of agreement and discharge by mutual consent.

The enforcement of the legislation is entrusted to the Mercantile Marine Office. No decisions were given in local courts of law. During the period under review, 19,965 seamen were engaged and 18,804 discharged by the Mercantile Marine Office. The number of seamen engaged or discharged by consular officers is not available. The Marine Department has endeavoured to promote a continuous discharge book scheme, but seamen do not appear to be interested in this scheme. No observations were received from workers' or employers' organisations and no contraventions of existing law were reported.

Jamaica.

No action has been taken to apply the provisions of the Convention.

A copy of the report has been sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica, and the Jamaica Manufacturers' Association.

Kenya.

No seagoing vessels are registered in the colony.

Leeward Islands.

Merchant Shipping Agreements Act (Ch. 143), as amended (No. 17 of 1932).

Federation of Malaya.

Legislation is under consideration to bring the legislation into accord with the provisions of the Convention. The authorities have adopted and are enforcing the standards required by the Ministry of Transport according to the United Kingdom legislation (Merchant Shipping — International Labour Conventions — Act of 1925). The standards indicated in the Convention are therefore applied.

Malta.

Merchant Shipping Act, 1894, Chapter 101 of Revised Edition.

Agreements regarding the employment of British seamen on British ships are covered by § 113 of the Act.

Mauritius.

No legislation has been enacted to give effect to the Convention.

North Borneo.

Owing to the fact that there are no ships of 100 tons or more gross registered tonnage registered in the colony, the Convention is inapplicable.

Nigeria.

The Convention does not at present affect Nigeria, where there are no seagoing vessels registered which come within the definition of Article 1.

Nyasaland.

The Convention is not applicable in Nyasaland which has no coastline.

St. Helena.

Interpretation and General Law Ordinance, 1895 (§ 24 brings into force in the Colony, *inter alia*, the Merchant Shipping Acts, 1894 and 1906).

There are no vessels of the type covered by the Convention registered in St. Helena. No articles of agreement were drawn up during the year under review. The legislation is enforced by the harbour master under the direction of the Government Secretary. No inspection is necessary as the engagement or discharge of seamen (which is rare in St. Helena) is brought to the notice of the harbour master in the course of his duty as emigration authority.

St. Lucia.

The Convention has not been applied because vessels registered in the colony are below 100 tons. They are engaged in intercolonial trade.

St. Vincent.

The Convention has not been applied as the vessels registered are under 100 tons gross and are engaged in trade between the neighbouring West Indian Islands.

Sarawak.

Order XV of July 1913, as amended by Gazette Notification 30 of 23 December 1930.

The engagement and discharge of seamen is covered by the above legislation.

Seychelles.

The provisions of the Convention have been administratively applied in Seychelles, but the implementation of covering legislation is under active consideration.

Sierra Leone.

Merchant Shipping Acts of 1894, 1906 and 1925 of the United Kingdom.

The above laws are applied in the territory. It is thought that the national law is in harmony with the Convention, but that reference should be made to the report of the United Kingdom. Supervision is under the harbour and shipping master. Inspections are made only on receipt of complaints. One minor complaint was received during the year. Only a small number of seamen are engaged annually on seamen's articles of agreement, which are all in accordance with agreements made between the United Kingdom National Union of Seamen and the shipping companies and few difficulties have arisen. Less than 100 seamen were signed on during the year under review and no contraventions were reported. No decisions were given by courts of law and no observations received from organisations of employers and workers.

Singapore.

Merchant Shipping Ordinance (Cap. 150).

Solomon Islands.

Labour Regulations, 1947.

The application of the articles of agreement specially designed for seamen is rare. Merchant Shipping Act articles of agreement are resorted to only in cases where commercial vessels employ locally domiciled seamen for ocean voyages. During the last twenty-five years, not more than eight such vessels have required crews. At present, one vessel has such a crew. The immediate supervision of all matters connected with the employment of seamen under articles is carried out by the Registrar of Shipping of the Port of Registry of Honiara, and the procedure and forms used are identical with those adopted in the United Kingdom. Home-trade voyages are defined as being those made to the neighbouring territory of New Guinea and Papua. The employment of seamen generally is controlled by the

Labour Regulation, 1947, and the Chief Inspector of Labour ensures that the provisions thereof are observed by the Registrar of Shipping, particularly with regard to the fairness of articles, the wellbeing of seamen, and the thorough understanding by them of all the terms involved. In addition, the authority of the Chief Inspector of Labour is required before any worker domiciled in the protectorate may be removed from the protectorate. Such authority is not given until adequate safeguards have been effected to ensure conditions of employment in accordance with the Labour Regulation, which itself fulfils the requirements of all the labour Conventions ratified.

Swaziland.

The Territory of Swaziland has no coastline and therefore has no responsibility for the control of navigation or employment at sea.

Tanganyika.

This Convention has not yet been applied to Tanganyika, since no seagoing vessels of the type concerned are registered in the territory.

Trinidad and Tobago.

A note by the Colonial Office states that the provisions of the Convention are applied

in so far as ships registered in the United Kingdom and trading with Trinidad and Tobago are concerned. A few ships registered in the territory and engaged in inter-colonial trade carry articles of agreement conforming with the provisions of the Convention, although there is no compelling legislation. Consideration of draft legislation, which was postponed during the war, has now been resumed.

Uganda.

The Convention has not been applied to Uganda as no vessels of the type described in Article 1 of the Convention are registered.

Zanzibar.

Zanzibar has no legislation applying the Convention, but in practice seamen on Government steamers are always engaged under articles of agreement which appear to embrace all the provisions of the Convention.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

23. Convention concerning the repatriation of seamen

This Convention came into force on 16 April 1928

Countries	Date of registration of ratification	Reports received
Belgium	3.10.1927	29.11.1948
Bulgaria	29.11.1929	
China	2.12.1936	
Colombia	20. 6.1933	
Cuba	7. 7.1928	30. 3.1949
Estonia	9. 7.1928	
France	4. 3.1929	26.11.1948
Germany	14. 3.1930	
Ireland	5. 7.1930	9. 3.1949
Italy	10.10.1929	8. 4.1949
Luxembourg	16. 4.1928	24. 9.1948
Mexico	12. 5.1934	3.12.1948
Netherlands	5. 5.1948	27.12.1948
Nicaragua	12. 4.1934	
Poland	8. 8.1931	14. 1.1949
Spain	23. 2.1931	
Uruguay	6. 6.1933	23.12.1948
Yugoslavia	30. 9.1929	

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Belgium.

Act of 5 June 1928 relating to seamen's articles of agreement (L.S. 1928, Bel. 5 A).

Cuba.

Commercial Code of 1885 (§§ 636 and 638).
Legislative Decree No. 660 of 6 November 1934 [concerning repatriation of seamen, etc.] (L.S. 1934, Cuba 12 B).

France.

Act of 13 December 1926 to issue a Seamen's Code (L.S. 1926, Fr. 13).
Act of 25 September 1948 to amend the provisions of §§ 116 and 119 of the Seamen's Code.

Ireland.

Merchant Shipping Acts of 1894 and 1906.

Italy.

Act No. 417 of 14 January 1919, giving executive force to the Convention in the Kingdom.
Royal Decree No. 327 of 30 March 1942 to approve the Regulations contained in the Shipping Code (§§ 363 *et seq.*).

Luxembourg.

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

Mexico.

Political Constitution of the United States of Mexico, 1917.
 Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).
 General Population Act of 24 August 1936.
 Regulations concerning the flag and registration of national merchant ships.
 Consular Regulations (chapter relating to the mercantile marine).
 Act of 30 December 1939 concerning general lines of communication.

Poland.

Seamen's Code of 2 June 1902 (B.B., 1902, Vol. I, page 379 (French ed.)), amended by the Act of 17 March 1933 (L.S. 1933, Pol. 4).
 Act of 2 June 1902 concerning the obligation for merchant vessels to take on board seamen to be repatriated (B.B., 1902, Vol. I, page 379 (French ed.)), as amended by the Act of 17 March 1933 (L.S. 1933, Pol. 4).

Uruguay.

See under summary of other information.

SUMMARY OF OTHER INFORMATION

Belgium. The Act of 5 June 1928 covers the different cases provided for by the Convention. The Belgian Consuls in ports abroad and the maritime superintendents in Belgian ports are responsible for the repatriation of seamen from Belgian vessels. Repatriation expenses are borne by the vessel. Approximately 250 seamen were repatriated during the period under review. There were no decisions by courts of law and no administrative decisions.

Copies of the report have been communicated to the Federation of Belgian Industries, to the General Federation of Labour of Belgium, to the Confederation of Christian Trade Unions, and to the General Association of Liberal Trade Unions.

Cuba. The report repeats information previously given, and adds that no seamen were repatriated during the period 1947-1948. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the annual reports are at the disposal of the organisations of employers and workers registered with the Ministry of Labour.

France. The report refers to information previously given and points out that existing legislation has been altered by § 2 of the Act of 25 September 1948, which eliminates the possibility that shipowners or foreign seamen may disregard the repatriation clause. The shipowner may, however, be considered as having fulfilled the repatriation obligation if foreign seamen are taken back to their port of embarkation. No decisions by courts of law have come to the notice of the mercantile marine services. In view of the fact that seamen are repatriated for a number of different reasons, *i.e.*, put ashore by mutual agreement, as the result of sickness or injury, for disciplinary action or in order

to be submitted for trial, it has not been possible to compile statistics showing the numbers repatriated. No observations were received from employers' or workers' organisations. The report points out that the maritime registration system existing in metropolitan France applies also to Algeria and to the new Departments of Guadeloupe, Guiana, Martinique and Reunion.

Documents relating to the application of the Convention are regularly communicated to the Central Committee of French Shipowners and to the Federations of Trade Unions of Officers and Subordinate Merchant Marine Personnel, affiliated with the General Confederation of Labour.

Ireland. There has been no change in the situation described in previous reports. No case of repatriation occurred during the period under review.

Copies of the report have been communicated to the Congress of Irish Unions, to the Irish Trade Union Congress and to the Federation Union of Employers.

Italy. The report repeats information previously given. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Luxembourg. The Convention was ratified in a spirit of international solidarity, and does not call for practical application in the Grand Duchy.

The report has been communicated to the representative organisations of employers and workers.

Mexico. The report repeats the information previously furnished. There were no decisions by courts of law, and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the most representative among these organisations.

Netherlands. The first report contains a detailed analysis of the legislative provisions ensuring the application of the Convention. In a general way, the Act of 14 June 1930 is not in full conformity with the Convention since cases may occur where, under the national legislation, foreign seamen cannot avail themselves of their right to repatriation which is guaranteed under the Convention. However, in practice, the provisions of the Convention were already complied with before its ratification. Under Articles 1 and 2 of the Convention, the Government states that the legislation contains no provisions concerning home trade. Article 3 is applied under §§ 358 (B), 443, 440 (A) of the Commercial Code, and Articles 4 and 5 are applied under §§ 443, 450 and 450 (A) of the same Code. All the provisions of these articles of the legislation are in conformity with the Convention. The consular authorities abroad are responsible for the repatriation of seamen. Since 5 May 1948, there have been no prosecutions and no decisions by courts of law.

Copies of the report have been communicated to the Labour Foundation, which includes all organisations of employers and workers with the exception of the "United Trade Union Centre".

Poland. The report repeats the information supplied for the period 1946-1947 and adds that, during the period under review, no decisions were given by courts of law and no observations were received from employers' or workers' organisations.

The report for the year under review has been communicated to the Economic and Social Department of the Ministry of Industry and to the Central Commission of Trade Unions.

Uruguay. The provisions of the Commercial Code (Chapter VI, Book III) are not in complete harmony with the provisions of the Convention; a draft Statute for Maritime Workers, which incorporates the provisions of the Convention, was submitted to the Senate in 1944.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

France

The maritime registration system existing in metropolitan France has not yet been

put into force in the territories of the *French Union*. The question is under consideration by the Assembly of the French Union.

Netherlands

Indonesia.

Commercial Code.

The Convention has not been applied. Several provisions of the Commercial Code, however, are in harmony with the provisions of the Convention. If the engagement is terminated for other than certain specified reasons, the seaman must be returned to the place of engagement or, if this place is outside Indonesia, to Batavia. The specified reasons are as follows: (a) termination of the voyage; (b) notice given by the seaman; (c) illegal termination by the seaman; or (d) termination by the shipowner. The legislation is based on the presumption that the employee could have foreseen the termination of his engagement in a foreign harbour at the time of entering into his contract.

Surinam.

The Convention has not been published or promulgated. However, the shipping company operating in the territory observes the provisions of the Convention.

TENTH 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	Reports received
Austria	18. 2.1929	7.12.1948
Bulgaria	1.11.1930	
Chile	8.10.1931	2. 4.1949
Colombia	20. 6.1933	
Czechoslovakia	17. 1.1929	7. 2.1949
France	17. 5.1948	
Germany	23. 1.1928	
Hungary	19. 4.1928	
Latvia	29.11.1929	
Lithuania	19. 6.1931	
Luxembourg	16. 4.1928	11.10.1948
Nicaragua	12. 4.1934	
Peru	8.11.1945	
Poland	29. 9.1948	
Rumania	28. 6.1929	
Spain	29. 9.1932	
United Kingdom	20. 2.1931	24. 1.1949
Uruguay	6. 6.1933	23.12.1948
Yugoslavia	30. 9.1929	

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Austria.

German legislation still in force.

Insurance Code (Book II) of the Reich of 19 July 1911 and Order of 5 July 1912.

Order of 22 December 1938, respecting the introduction of the social insurance system in Austria, as applied and completed by the Orders of 9 February 1939 and 5 February 1940.

Austrian legislation :

Federal Act of 12 December 1946 to adapt benefits for social insurance to the present economic conditions (L.S. 1947, Aus. 5C), as amended by the Federal Act of 30 July 1947 (L.S. 1947, Aus. 5 B).

Federal Act of 12 June 1947 to make provision for the transition to the new Austrian social insurance legislation (L.S. 1947, Aus. 5 A), as amended by the Federal Act of 16 June 1948.

Order of 23 October 1947 respecting the establishment of social insurance administrative tribunals.

Chile.

Decree No. 34 of 22 January 1926 promulgating the text of Act No. 4054 of 8 September 1924 (L.S. 1924, Chile 1) respecting insurance against sickness, invalidity and old age (L.S. 1926, Chile 1).

Decree No. 205 of 8 April 1925 issuing Regulations under Act No. 4054.

Legislative Decree No. 203 of 14 July 1932 concerning the method of constituting the Council for the Compulsory Insurance Fund for Workers.

Act No. 5937 of 29 September 1936 amending § 1 of Act No. 4054.

Act No. 6174 of 31 January 1938 establishing a preventive medicine service (L.S. 1938, Chile 1), as amended and supplemented by Decrees Nos. 360 of 9 May 1938 and 806 of 30 April 1947.

Act No. 6172 of 31 January 1938 increasing the rate of the employer's contribution.

Act No. 6236 of 25 August 1938 increasing the rate of the State contribution.

Act No. 807 of 21 August 1940 concerning the definition of "wages" and "salaries" for the purposes of the Act respecting compulsory insurance against sickness, invalidity and old age.

Act No. 7771 of 23 June 1944 to abolish the maximum salary limit of workers covered by the Sickness and Invalidity Insurance Fund.

Decree No. 956 of 19 July 1944 to approve the Regulations for the application of the Act concerning preventive medicine in the compulsory Insurance Fund for Workers.

Czechoslovakia.

Act of 9 October 1924 concerning the insurance of employees against sickness, invalidity and old age (L.S. 1924, Cz. 4), as amended and completed by the Act of 8 November 1928 (L.S. 1928, Cz. 2) and the Legislative Decree of 15 June 1934 (L.S. 1934, Cz. 4).

Act of 1 July 1926 to declare in operation certain provisions respecting sickness insurance for persons insured under the pension insurance system and for members of miners' benefit societies (L.S. 1926, Cz. 1 A).

Act of 15 October 1925 concerning the sickness insurance of public employees (L.S. 1925, Cz. 5).

Act No. 99 of 15 April 1948 concerning National Insurance.

The following legislation was also enacted :

Bohemia, Moravia, Silesia.

Presidential Decree No. 11 of 3 August 1944, as amended and supplemented by Act No. 12 of 18 December 1945, to declare in operation for a short transitional period the legislation enacted during the period of occupation.

Decree of the President of the Republic No. 93 of 29 September 1945 concerning provisional measures in the field of social insurance.

Notification No. 148 of 23 November 1945 concerning social insurance for persons directed to employment.

Act No. 158 of 23 December 1945 concerning the amendment and amplification of wage classes in social insurance.

Act No. 47 of 5 March 1946 concerning the removal of detriments and some protective provisions in the field of social insurance.

Notification No. 384 of 1945 concerning social insurance for employed graduate students on unpaid holidays.

Notification No. 1460 of 22 June 1946 concerning social insurance for persons engaged on seasonal work in agriculture and forestry.

Slovakia.

Statutory Government Order No. 55 of 1941 concerning the organisation of social insurance for salaried employees and their sickness insurance.

Act No. 237 of 4 December 1942 amending and supplementing certain provisions relating to workers' social insurance.

Government Order No. 131 of 23 August 1944 concerning the social insurance of home-workers and outworkers.

Order of the Slovak National Council No. 11 of 14 March 1945 concerning the provisional organisation of social insurance for workers, miners, salaried employees and civil servants.

Act No. 458 of 13 December 1945 concerning the amendment and amplification of wage classes in social insurance.

Luxembourg.

Act of 17 December 1925 concerning the social insurance code (L.S. 1925, Lux. 2 A), as amended by the Acts of 31 December 1925 (L.S. 1925, Lux. 2 B) and 6 September 1933 (L.S. 1933, Lux. 3).

Grand-Ducal Order of 23 October 1944, to establish an Inspectorate of Social Institutions (L.S. 1944, Lux. 1).

Ministerial Order of 8 December 1944 relative to the internal service regulations concerning the administration of sickness insurance funds by the central committees.

Grand-Ducal Order of 12 December 1944, to bring temporarily into force the regulations concerning sickness insurance imposed by the occupying power, as amended by the Grand-Ducal Orders of 24 May and 13 August 1945.

Grand-Ducal Orders of 23 July 1945 and 4 March 1946 to establish a new maximum normal wage as regards sickness insurance, and of the annual remuneration fixed as a limit in respect of compulsory sickness insurance for employees.

Grand-Ducal Order of 13 October 1945, to establish the seat, competence and organisation of the Arbitration Council and of the Superior Council for Social Insurance, and the rules of procedure for these councils, as amended by the Grand-Ducal Order of 30 May 1947.

Order of 25 February 1946, to establish the average value of remuneration in kind in respect to social insurance.

Grand-Ducal Order of 25 March 1948 to fix the rate of sickness insurance contributions payable by beneficiaries of pensions institutions.

United Kingdom :

Great Britain.

National Health Insurance Act, 1936 (L.S. 1936, G.B. 8).

National Health Insurance (Amendment) Act, 1937 (L.S. 1937, G.B. 4 A).

National Health Insurance (Amendment) Act, 1938 (L.S. 1938, G.B. 2).

Widows', Orphans' and Old-Age Contributory Pensions Act, 1936 (L.S. 1936, G.B. 5).

Widows', Orphans' and Old-Age Contributory Pensions (Voluntary Contributors) Act, 1937 (L.S. 1937, G.B. 1).

National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939 (L.S. 1939, G.B. 5).

Old-Age and Widows' Pensions Act, 1940 (L.S. 1940, G.B. 1).

National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941 (L.S. 1941, G.B. 2).

Ministry of National Insurance Act, 1944.

National Insurance Act, 1946 (to establish an extended system of national insurance providing pecuniary payments by way of unemployment benefit, sickness benefit, maternity benefit, retirement pension, widows' benefit, guardian's allowance and death grant, to repeal or amend the existing enactments relating to unemployment insurance, national health insurance, widows', orphans' and old-age contributory pensions and non-contributory old-age pensions, to provide for the making of payments towards the cost of a national health service, and for purposes connected with the matters aforesaid) (L.S. 1946, U.K. 3).

National Health Service Act, 1946 (L.S. 1946, U.K. 5).

Various Orders and Regulations concerning contributory pensions, national health insurance, national insurance, industrial injuries and national health service, dating from 1937 to 1948.

Northern Ireland.

National Health Insurance Act 1936 as amended in 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.

National Health Insurance and Contributory Pensions Act (Northern Ireland), 1941.

National Health Insurance and Contributory Pensions Act (Northern Ireland), 1946.

National Insurance Act (Northern Ireland), 1946.

National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, as amended in 1948.

Various Orders and Regulations concerning contributory pensions, national health insurance and national insurance (Northern Ireland), dating from 1937 to 1948.

Uruguay.

See summary of other information.

SUMMARY OF OTHER INFORMATION

Austria. The report repeats some of the detailed information supplied for the period 1946-1947 and points out that the legislation now in force in Austria includes, on the one hand, German legislation maintained provisionally in force as Austrian law, with some modifications and, on the other hand, recent Austrian legislation.

Under Article 2 of the Convention, the report adds that from 1 January 1948 all workers are covered by sickness insurance, irrespective of the amount of their wages or income. Where an insured person is in hospital and no allowance is payable in respect of a dependent family, the rules may provide that, in addition to hospitalisation, he shall receive sickness benefit not exceeding half the statutory benefit. The right to

sickness benefit is suspended until the insurance institution has been notified of the incapacity of the insured person; notification must be made in the course of the week following the beginning of the incapacity. With the consent of the administrative authority, the regulations may fix a maximum for the cost of less important therapeutics.

Detailed information is given regarding the administration of sickness insurance institutions which, from 1 January 1948, have been re-established on a democratic basis. These institutions are autonomous bodies under the supervision of the State and consist of representatives of workers and also of employers representing the insured persons. An advisory committee controls all the activities of these institutions. Arbitration tribunals were established in 1948 to decide in cases of appeal regarding the rights of insured persons to sickness insurance benefits. The report contains information regarding the organisation of these tribunals. The costs of proceedings are borne by the insurance institutions.

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Statistical data are given showing that the average number of compulsorily insured persons during 1947 was 1,393,000. Figures are also given showing the total and average amount paid in benefits in cash and in kind, the amount of resources, which are made up by contributions from employers and insured persons, and the amount contributed by public authorities.

A copy of the report has been communicated to the Austrian Chamber of Labour, the Austrian Federation of Trade Unions and the Federal Chamber of Industry.

Chile. The report refers to information previously supplied and adds that the decision adopted by the Compulsory Insurance Fund on 31 October 1947 increases the money value placed on board, lodging and other remuneration in kind granted to domestic servants, employees of hotels, bakeries and slaughterhouses. A copy of this decision is appended to the report. The revision of Act No. 4054 is still pending before the National Congress; with a view to facilitating this revision, the National Economic Council is undertaking a study of the necessary modifications. Meanwhile, the waiting period for the payment of compensation continues to be four days. The decisions of the insurance fund are usually confirmed by the labour courts. A copy of one decision is appended to the report.

The reports of the Compulsory Insurance Fund contain statistical data for the year 1947 relating to sickness, old-age and invalidity insurance, as well as particulars of the more important cases with which the Fund had to deal during this period. There were no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Confederation of Chilean Workers.

Czechoslovakia. The report refers to information previously given and adds that only the provisions concerning administration of the Act of 18 April 1948 came into force on 1 July 1948. These provisions relate to the creation of a single insurance institution for the whole country. The report describes the functioning of this institution; only insured persons are represented on its administrative bodies. Supervision is carried out by various public services. The report contains statistical data on the number of insured persons and the amount of benefits in cash and in kind.

Copies of the report have been communicated to the Central Council of Trade Unions, and to the Federation of Czechoslovak Employers' Organisations.

Luxembourg. The report repeats the information previously furnished. The total number of persons covered by the insurance scheme is 77,150. The total amount paid in cash benefits was 39,975,529 francs, *i.e.*, an average of 671.93 francs per insured person. The total amount represented by benefits in kind was 104,666,773 francs, *i.e.*, 1,356.66 francs per insured person. Contributions totalled 145,910,000 francs, 43,700,000 francs being contributed by employers, 93,900,000 francs by insured persons, and 8,310,000 francs by the State. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the most representative of the above-mentioned organisations.

United Kingdom. The report gives detailed information regarding the new system for compulsory sickness insurance which was introduced in *Great Britain* from 5 July 1948 under the National Insurance Acts, 1946. In virtue of the new legislation, which prescribes regular and compulsory weekly contributions, cash benefits are paid during incapacity for work by reason of sickness as well as during various other contingencies. The new scheme replaces the former scheme established under the National Health Insurance Acts.

Statistical tables appended to the report show the rates of contributions by employed persons and employers and by the State, and the rates of sickness benefits for insured persons and dependants.

Sickness insurance is now compulsory in *Great Britain* for the great majority of persons between school-leaving age (15 years) and pensionable age (65 years for men and 60 years for women) who are either "employed" or "self-employed". It makes no difference whether the work is manual or non-manual. Gainfully employed apprentices and domestic servants are included. Non-employed persons are not covered

for sickness insurance. Because the contribution test for eligibility is taken over a past period, however, an employed or self-employed person who becomes non-employed usually retains his right to sickness benefits for at least 11 months afterwards. Contributions are not compulsory for married women. Employed persons who do not work at least four hours in a week for any one employer (8 hours in the case of domestic servants) and whose earnings from such employment are not ordinarily at least 20s. a week are not insurable for sickness benefit. Self-employed persons are insurable for sickness benefit only if they are ordinarily self-employed and earn at least 20s. a week; self-employed persons whose income is £104 a year or less can choose not to pay contributions.

The report also gives information regarding the regulations in force and the provisions relating to persons who arrive in or leave Great Britain, as well as the provisions applicable to seafarers and airmen. Casual employment, not defined in the legislation, is treated as self-employment. No special provision is made for "occasional employment". Employment "of a subsidiary nature", not defined in the legislation, can be disregarded. There is no upper wage or income limit for the scope of application of the scheme. Employment by a person's father, mother or other specified relatives enumerated in the Act is also disregarded in so far as it is employment in a private dwelling-house in which both the employee and the employer reside, and is not employment for the purposes of any trade or business carried on there by the employer. On the other hand, employment of a wife by her husband is disregarded if she is ordinarily engaged in it for less than 24 hours a week. Employment of a man by his wife is disregarded only for the purposes of a trade or business.

After an insured person has paid 26 weekly contributions, he becomes entitled to 52 weeks of sickness benefit in any one "period of interruption of employment". When a person who has paid between 26 and 156 such contributions exhausts his 52 weeks of sickness benefit, he is not entitled to sickness benefit again until he has been back at work for 13 weeks. As soon as 156 contributions have been paid, the limit on duration is removed altogether. Payment of benefit is subject to the expiry of a waiting period of three days at the beginning of a "period of interruption of employment" but, subject to certain conditions, payment is made for the three days as well. Sickness benefit is not payable while injury benefit is being received for disability which does not affect capability for work, or may be reduced or withheld altogether if the sick person is entitled to other payments out of the social services fund. A person is disqualified from benefit for not more than six weeks if his incapacity is caused by his own misconduct or if he fails without good cause to submit himself for

examination and treatment. Hospital treatment, medicines and appliances are provided free of charge under the National Health Service, introduced also on 5 July 1948.

The National Insurance Scheme is administered by the Ministry of National Insurance through a network of 12 regional offices and about 1,000 local offices. The administration of sickness insurance by self-governing institutions is considered to be inappropriate in the United Kingdom; the report contains detailed information in this connection. A National Insurance Advisory Committee has been established in order to give interested persons, including employers and workers, opportunity to make representations on proposed legislation and regulations. It is also intended to set up local advisory committees to advise the Ministry upon questions bearing on administration.

For employed persons, contributions are shared between the employer and the employee and a supplement is paid by the State. For self-employed persons and non-employed persons, the contributions are paid by the insured person and a supplement is paid by the State. Claims for benefit are decided by insurance officers, local tribunals and the National Health Insurance Commissioner. An appeal to the National Health Insurance Commissioner must normally be made within three months of the decision of the local tribunal. There are, however, certain cases in which decisions are given by the Minister of National Insurance. No decisions were given by courts of law or other competent authorities. As the new scheme has operated only from 5 July 1948, it is not yet possible to supply statistical information on its working. No observations were received from employers' or workers' organisations.

The report has been communicated to the British Employers' Confederation and the Trades Union Congress.

The National Insurance Scheme in *Northern Ireland* is identical with the scheme in Great Britain, with the exception of some differences in administrative machinery.

Uruguay. There is no legislation establishing a compulsory sickness insurance system but the pensions scheme at present in force is of a particularly broad character. Legislation is planned which will protect the workers against wage losses during sickness.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

United Kingdom

Aden.

For administrative reasons the Convention has not been applied to the colony and therefore no legislation has been enacted. Free or assisted medical attention is provided

by Government in needy cases. There are no representative organisations of employers or workers.

Barbados.

The Convention has not been applied.

Basutoland.

The Convention is designed to meet the requirements of communities in an advanced state of development where the worker and his family are entirely dependent for their livelihood on wages derived from regular employment, and are sufficiently educated to appreciate the benefits to be derived from a system of compulsory insurance. The Basuto are not entirely dependent on the wages they earn, as they till their own lands and have communal grazing rights. They seldom remain in employment for long periods and return to their villages after each period of employment. Moreover, all Natives resident in the territory receive medical treatment at Government dispensaries at the nominal fee of 1s. for each attendance. Any drugs prescribed by the Government medical officer are supplied free of charge. No charge is made to native in-patients in Government hospitals. There are also a number of mission hospitals subsidised by the Government where Natives are treated at nominal charges.

Bechuanaland.

There is no sickness insurance scheme for workers in the territory.

Bermuda.

No legislation at present applies the Convention. A Social Security Bill now being considered by the legislature will, when passed into law, give effect to the Convention.

British Guiana.

It is not proposed to apply the Convention to the colony. Free or assisted medical attention and hospital treatment is provided by the Government in needy cases.

British Honduras.

Owing to the economic situation prevailing in the colony, it would be impossible to apply the Convention.

Brunei.

The Convention is inapplicable. The bulk of the population consists of peasant proprietors who seek outside wage-earning employment only as a seasonal occupation in order to supplement the means of livelihood obtainable from their smallholdings. Employers of organised labour are required by law to care for the sick labourers. New labour legislation is being drafted in which

the possibility of introducing some cash benefits during the early weeks of incapacity is being considered.

Cyprus.

Rules relating to the management of the Government (Regular Employees) Social Insurance Fund (*Cyprus Gazette* No. 3312 of 28 June 1942, Notice No. 458).

The Convention is partially applied by the above rules covering regular employees, manual and non-manual, including apprentices, and members of families, in the Government service. Representations have been received from trade unions for the extension of the scheme, which is still in an experimental stage. No decisions were given by courts of law.

Dominica.

No legislation has been enacted owing to the casual nature of employment in agriculture, the basic industry, and to other local conditions. Trade union rules provide for sickness benefits.

Falkland Islands.

The Convention is inapplicable.

Fiji.

In the present stage of the economic and industrial development of the colony, a scheme of universal sickness insurance for workers of the classes included in the Convention would be wholly impracticable. At present, free medical and hospital treatment is provided by Government to Fijians and Indians, who comprise the great bulk of the population. Moreover, only a small fraction of the total population of the colony is employed in wage-earning occupations and a large proportion of those so employed are casual workers. Under the Fijian communal system, the care of the aged and sick is a communal responsibility and consequently no Fijian is likely to suffer hardship through being unable to continue his employment on account of sickness. As regards the other races of the colony, persons becoming destitute from any cause, including illness, are eligible to receive Government financial assistance. Some of the largest employers of labour in the colony have voluntary schemes whereby both mill workers and agricultural workers qualify, on payment of a very small weekly contribution, for medical attention for themselves and their families and for sick pay during periods of illness.

Gambia.

The application of the Convention is not considered practicable in the present stage of development of the colony. Free medical attention and hospital treatment are provided by the Government in numerous cases. The provision of medical and cash benefits

would, however, involve considerable expenditure and difficulties. Moreover, the collection of contributions would give rise to many difficulties, including the reluctance shown by the workers themselves (most of whom are not sufficiently educated to appreciate the benefits of insurance) to pay contributions. Consequently, no legislation has been enacted to apply the Convention.

Gibraltar.

There is no legislation applying the Convention, but all workers who are British subjects may obtain medical treatment, including hospital treatment, through the Government medical services either free of charge or at reduced charges in the case of persons who are without the means to pay normal treatment charges. In addition, all British subjects who are employed as industrial workers by the service departments, the Colonial Government and the City Council (which authorities taken together constitute the main body of employers in Gibraltar) are granted paid sick leave.

Gilbert and Ellice Islands.

The Convention has not been applied. Every Native worker is a landowner and has a secure place in Native society, and is entitled to free medical attention, so that the necessary conditions for the operation of insurance as provided for in the Convention, do not exist at present.

Gold Coast.

The Convention is considered inapplicable at present.

Grenada.

There is no Government sponsored insurance scheme for the workers covered by the Convention. There are, however, a number of friendly societies which make provision for sickness insurance among their members.

Hong Kong.

The Convention has not been applied. Free medical treatment and free hospitals are provided by the Government to those who are unable to pay for such treatment. A number of employers provide medical advice and attention to their workers and a smaller number continue to pay salary or wages during sickness. It should be pointed out that Hong Kong is inextricably bound up with economic conditions in South China. The population of the colony fluctuates greatly and there are no restrictions on the immigration of Chinese. As there is an inflated cost of living and costs of construction are very high, it is doubtful whether the state of the colony will permit the introduction of a social insurance scheme.

Jamaica.

No action has been taken to apply the provisions of the Convention.

A copy of the report has been sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica and the Jamaica Manufacturers' Association.

Kenya.

There is no special legislation providing for a system of compulsory sickness insurance in Kenya. The colony is in a comparatively early stage of development and measures of social security as provided for in the Convention would be beyond the economic capacity of the colony at the present stage. The Government and the railway administration, jointly the biggest single employer in the colony, provide for payment of wages during sickness. All civil servants receive immediate benefits for a maximum period of three months on full pay and a further three months on half pay, subject to review at the end of this period. Many large employers adopt the same or better conditions. The subject matter of the Convention is also covered by § 10 of the Workmen's Compensation Ordinance, No. 54 of 1946, which makes provision for periodical payments during temporary incapacity. Finally, the territory is regarded as coming within the provisions of Article 10 of the Convention, which relates to large and very thinly populated areas. As regards the application of Article 4 of the Convention, the report states that, as far as Europeans are concerned, Ordinance No. 47 of 1946 makes provision for a European hospital services scheme. § 12 of this Ordinance imposes an obligation on every European resident in the colony to contribute, according to his income, to a special fund which enables him to obtain full hospital treatment at reduced rates. Africans receive free medical and hospital treatment and, in the case of employed Africans, the employer is responsible for medical and hospital attention and treatment up to a maximum of 30 days. Thereafter, if the patient remains uncured, free treatment and medicines are provided by the Government. There were no court decisions and no observations from organisations of employers or workers.

Copies of the reports are communicated to members of the Labour Advisory Board and are available for perusal by chambers of commerce and registered trade unions.

Leeward Islands.

Consideration has been given to the matter covered by the Convention but no action has been taken and none is contemplated.

Federation of Malaya.

No legislation has been enacted to give effect to the Convention, nor does the Government consider that the provisions of the Convention can be applied at the present time.

Malta.

Draft health insurance legislation has been prepared and will soon be presented to Parliament.

Mauritius.

No legislation has been enacted to give effect to the Convention. There is a system of poor law relief, administered by the Public Assistance Department.

Nigeria.

There is no legislation in existence applying the Convention. Any such legislation would apply to a negligible number of persons, and the money which would be required to set up the machinery to give effect to the legislation could better be spent in improving the health and social conditions of the masses. Nigeria is predominantly an agricultural country, and the Native works for himself. A few Natives work in industries and in commercial undertakings, and as domestic servants, but the majority are illiterate, and the collection of the periodical contributions from this class of workers would arouse very great resentment among the workers themselves. Medical attention and hospital treatment is provided in Government hospitals for needy cases. Labourers and certain other classes of wage earners are legally entitled to medical attention and hospital treatment at the expense of their employers.

North Borneo.

Only about 5 per cent. of a total estimated population of 335,000 is engaged in wage-earning employment. The remainder is engaged in peasant agriculture or small trading activity. Only a small minority of the population is literate. The colony is thinly populated, having an average of about nine persons per square mile. Communications are very difficult, there being no mechanical transport other than in coastal areas. The application of the Convention therefore seems to be impracticable in the present stage of development. However, the relevant labour legislation is now being redrafted and the possibility of introducing some cash benefit during the early weeks of incapacity is being considered.

Northern Rhodesia.

There is no legislation. The Employment of Natives Ordinance requires the employer to provide free medical attention during a worker's sickness.

Nyasaland.

The Convention has not been applied by the Nyasaland Government because, in the present stage of development of the protectorate, the application of the Convention is not practicable.

St. Helena.

No legislative provision exists for compulsory sickness insurance, but approximately 90 per cent. of the wage earners are covered by the five friendly societies.

These societies, combined with medical and hospital treatment at very low rates (with provision for total remission of fees in cases of need), together provide for the sick wage earner and his dependants. The rate of contributions under an insurance scheme, calculated on an actuarial basis, would almost certainly be beyond the capacity of the workers at their present rates of wages.

St. Lucia.

The Convention has not been applied because local conditions do not warrant it. Voluntary sickness insurance schemes operate through numerous friendly societies; in the sugar industry, workers are provided with free medical and hospital treatment.

St. Vincent.

The Convention has not been applied as the colony is purely an agricultural community and the employment available is of a seasonal nature. Free medical and hospital treatment are, however, provided in certain cases by the Government, and voluntary sickness insurance schemes are operated through friendly societies.

Sarawak.

No legislation has been enacted to give effect to the Convention, but some benevolent societies exist.

Seychelles.

Ordinance No. 25 of 1945.
Ordinance No. 26 of 1945.

Articles 2 and 4 of the Convention have been applied by the legislation in force. Compulsory sickness insurance as such has not been applied, but compulsory medical facilities and free treatment are provided for under § 23 of Ordinance No. 25 of 1945, and §§ 21-24 of Ordinance No. 26 of 1945. Administrative measures are taken to enforce the provisions of the Convention, as applied in the Ordinance, and penalties are provided for contravention of any of these provisions. The implementation of the legislation has been hampered by the lack of a qualified labour officer, but such an officer is now on the point of completing a course on labour organisation and administration in the United Kingdom and will be returning to

the colony by the end of the year. The duties and powers of this officer are laid down in the above-mentioned Ordinances. There are no organisations of employers or workers in the colony.

Sierra Leone.

No legislation has been enacted to give effect to the Convention. It has not yet been found possible to introduce sickness insurance schemes either in the urban districts or in the more sparsely populated areas. The number of medical officers is totally inadequate to deal with the volume of work which the introduction of such schemes would involve and, for the time being, it is impossible to increase or extend medical facilities. It is hoped that in course of time, as development plans materialise, these difficulties will lessen and that it will be possible to apply the Convention.

Singapore.

Labour Ordinance 1923, §§ 145 and 161.

The Ordinance requires employers to provide medical treatment and aid for labourers on their estates. In addition, many commercial employers provide their labourers with free medical attention and hospital treatment.

Solomon Islands.

No legislative provisions exist relating to the Convention and in the present stage of development none is required. No indigenous worker is under any economic necessity to work for wages and other workers are locally-domiciled members of the local civil service or expatriates serving on contracts. Indigenous workers who become ill are treated and maintained at the employer's expense and their wages remain payable during sickness until the expiry of their contracts. A worker who is ill when his contract expires is treated and maintained in hospital free of charge.

Swaziland.

No legislation or administrative regulations exist. There is no representative organisation either of employers or workers.

Tanganyika.

The Convention has not yet been applied, since the territory has not reached a stage of development which would make the application of its provisions practicable. The Convention has been accepted as an aim of policy. Government hospitals and

dispensaries have been established throughout the territory, at which medical attention can be obtained without charge by Africans and at low charges by members of other races. The Master and Native Servants (Medical Care), Regulations, 1947, impose a duty on employers to provide free medical care for their employees.

Trinidad and Tobago.

It has not yet been found practicable to introduce legislation giving effect to the Convention. The practicability of successfully establishing a contributory health insurance scheme is being considered by the committee appointed by the Government.

Uganda.

The Convention has not been applied in Uganda, as it is felt premature to enforce sickness insurance on persons who have not yet reached the stage of development sufficient for them either to understand its object or to appreciate its effect. The cost of setting up suitable administrative machinery would be considerable. If the Convention were enforced, only a small proportion of the population would benefit; available funds are at present used to provide benefits for the population as a whole, in the form of curative and preventive medicines, health services, etc., all of which are administered to the Natives of the protectorate free of charge. The Employment Rules, 1946, lay down that medicine, medical treatment or hospital treatment shall be provided by employers under circumstances controlled by the Director of Medical Services, without deduction from the wages of employees.

Zanzibar.

Zanzibar has no legislation applying the Convention, but free medical attention and hospital treatment are provided by the Government (the chief employer of labour) in needy cases, and also by some private employers. Moreover, Part IV of the Labour Decree, 1946, imposes on employers, in certain circumstances, the obligation to provide medical treatment for their workers.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

25. Convention concerning sickness insurance for agricultural workers

This Convention came into force on 15 July 1928

Countries	Date of registration of ratification	Reports received
Austria	18. 2. 1929	7. 12. 1948
Bulgaria	1. 11. 1930	
Chile	8. 10. 1931	2. 4. 1949
Colombia	20. 6. 1933	
Czechoslovakia	17. 1. 1929	7. 2. 1949
Germany	23. 1. 1928	
Luxembourg	16. 4. 1928	11. 10. 1948
Nicaragua	12. 4. 1934	
Poland	29. 9. 1948	
Spain	29. 9. 1932	
United Kingdom	20. 2. 1931	24. 1. 1949
Uruguay	6. 6. 1933	23. 12. 1948

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Austria.

German legislation still in force.

Book II of the Insurance Code of the Reich (Act of 19 July 1911) and Ordinance of 5 July 1912.

Ordinance of 22 December 1938, respecting the introduction of the social insurance system in Austria, as applied and completed by the Ordinances of 9 February 1939 and of 5 February 1940.

Austrian legislation.

Federal Act of 12 December 1946 to adapt the benefits from social insurance to the present economic conditions (L.S. 1947, Aus. 5 C), as amended by the Federal Act of 30 July 1947 (L.S. 1947, Aus. 5 B).

Federal Act of 12 June 1947, to make provision for the transition to the new Austrian social insurance legislation (L.S. 1947, Aus. 5 A), as amended by the Federal Act of 16 June 1948.

Ordinance of 23 October 1947 respecting the establishment of social insurance arbitration tribunals.

Chile.

Decree No. 34 of 22 January 1926 promulgating the text of Act No. 4054 of 8 September 1924 (L.S. 1924, Chile 1) respecting insurance against sickness, invalidity and old age (L.S. 1926, Chile 1).

Decree No. 205 of 8 April 1925 issuing Regulations under Act No. 4054.

Special Regulations approved by the Council of Welfare on 9 April 1930, to apply Act No. 4054 to agricultural occupations.

Legislative Decree No. 203 of 14 July 1932 concerning the method of constituting the Council for the Compulsory Insurance Fund for Workers.

Act No. 5937 of 29 September 1936 increasing the maximum income compatible with liability to insurance.

Act No. 6174 of 31 January 1938 establishing a preventive medicine service (L.S. 1938, Chile 1), as amended and supplemented by Decrees Nos. 360 of 9 May 1938 and 806 of 30 April 1947.

Act No. 6172 of 31 January 1938 increasing the rate of the employer's contribution in order to finance workers' housing.

Act No. 6236 of 25 August 1938 increasing the rate of the State contribution.

Act No. 807 of 21 August 1940 concerning the definition of "wages" and "salaries" for the purposes of the Act respecting compulsory insurance against sickness, invalidity and old age.

Act No. 7771 of 23 June 1944 to abolish the maximum salary limit of workers covered by the Sickness and Invalidity Insurance Fund.

Decree No. 956 of 19 July 1944 to approve the Regulations for the application of the Act concerning preventive medicine in the Compulsory Insurance Fund for Workers.

Czechoslovakia.

Act of 9 October 1924 concerning the insurance of employees against sickness, invalidity and old age (L.S. 1924, Cz. 4), as amended and completed by the Act of 8 November 1928 (L.S. 1928, Cz. 2) and the Legislative Decree of 15 June 1934 (L.S. 1934, Cz. 4).

Act of 1 July 1926 to declare in operation certain provisions respecting sickness insurance for persons insured under the pension insurance system and for members of miners' benefit societies (L.S. 1926, Cz. 1 A).

Act of 15 October 1925 concerning the sickness insurance of public employees (L.S. 1925, Cz. 5).

Act No. 99 of 15 April 1948 concerning national insurance.

The following legislation was also enacted :

Bohemia, Moravia, Silesia.

Presidential Decree No. 11 of 3 August 1944, as amended and supplemented by Act No. 12 of 18 December 1945, to declare in operation for a short transitional period the legislation enacted during the period of occupation.

Decree of the President of the Republic No. 93 of 29 September 1945 concerning provisional measures in the field of social insurance.

Notification No. 148 of 23 November 1945 concerning social insurance for persons directed to employment.

Act No. 158 of 23 December 1945 concerning the amendment and amplification of wage classes in social insurance.

Act No. 47 of 5 March 1946 concerning the removal of detriments and some protective provisions in the field of social insurance.

Notification No. 384 of 1945 concerning social insurance for employed graduate students on unpaid holidays.

Notifications No. 1460 of 22 June 1946 concerning social insurance for persons engaged on seasonal work in agriculture and forestry.

Slovakia.

Statutory Government Order No. 55 concerning the organisation of social insurance for salaried employees and their sickness insurance.

Act No. 237 of 4 December 1942 amending and supplementing certain provisions relating to workers' social insurance.

Government Order No. 131 of 23 August 1944 concerning the social insurance of home-workers and outworkers.

Order of the Slovak National Council No. 11 of 14 March 1945 concerning the provisional organisation of social insurance for workers, miners, salaried employees and civil servants.

Act No. 458 of 13 December 1945 concerning the amendment and amplification of wage classes in social insurance.

Luxembourg.

Act of 17 December 1925 concerning the social insurance code (L.S. 1925, Lux. 2 A), amended by the Acts of 31 December 1925 (L.S. 1925, Lux. 2 B) and 6 September 1933 (L.S. 1933, Lux. 3).

Grand-Ducal Order of 23 October 1944, to establish an Inspectorate of Social Institutions (L.S. 1944, Lux. 1).

Ministerial Order of 8 December 1944 relative to the internal service regulations concerning the administration of sickness insurance funds by the central committees.

Grand-Ducal Order of 12 December 1944, to bring temporarily into force the regulations concerning sickness insurance imposed by the occupying power, as amended by the Grand-Ducal Orders of 24 May 1945 and 13 August 1945.

Grand-Ducal Orders of 23 July 1945 and 4 March 1946 to establish a new maximum normal wage as regards sickness insurance, and of the annual remuneration fixed as a limit in respect of compulsory sickness insurance for employees.

Grand-Ducal Order of 13 October 1945, to establish the seat, competence and organisation of the Arbitration Council and of the Superior Council for Social Insurance, and the rules of procedure for these councils, as amended by the Grand-Ducal Order of 30 May 1947.

Order of 25 February 1946, to establish the average value of remuneration in kind in respect to social insurance.

Grand-Ducal Order of 25 March 1948 to fix the rate of sickness insurance contributions payable by beneficiaries of pensions institutions.

United Kingdom.

Great Britain.

National Health Insurance Act, 1936 (L.S. 1936, G.B. 8).

National Health Insurance (Amendment) Act, 1937, (L.S. 1937, G.B. 4 A).

National Health Insurance (Amendment) Act, 1938, (L.S. 1938, G.B. 2).

Widows', Orphans' and Old-Age Contributory Pensions Act, 1936 (L.S. 1936, G.B. 5).

Widows', Orphans' and Old-Age Contributory Pensions (Voluntary Contributors) Act, 1937 (L.S. 1937, G.B. 1).

National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939 (L.S. 1939, G.B. 5).

Old-Age and Widows' Pensions Act, 1940 (L.S. 1940, G.B. 1).

National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941 (L.S. 1941, G.B. 2).

Ministry of National Insurance Act, 1944.

National Insurance Act, 1946 (to establish an extended system of national insurance providing pecuniary payments by way of unemployment benefit, sickness benefit, maternity benefit, retirement pension, widows' benefit, guardian's allowance and death grant, to repeal or amend the existing enactments relating to unemployment insurance, national health insurance, widows', orphans' and old-age contributory pensions and non-contributory old age pensions, to provide for the making of payments towards the cost of a national health service, and for purposes connected with the matters aforesaid) (L.S. 1946, U.K.3.).

National Health Service Act, 1936 (L.S. 1946, U.K. 5).

Various Orders and Regulations concerning contributory pensions, national health insur-

ance, national insurance, industrial injuries, and national health service, dating from 1937 to 1948.

Northern Ireland.

National Health Insurance Act 1936 as amended in 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.

National Health Insurance and Contributory Pensions Act (Northern Ireland), 1941.

National Health Insurance and Contributory Pensions Act (Northern Ireland), 1946.

National Insurance Act (Northern Ireland), 1946.

National Insurance (Industrial Injuries) Act (Northern Ireland) 1946, as amended in 1948.

Various Orders and Regulations concerning National Insurance dating from 1938 to 1948.

Uruguay.

See under summary of other information.

SUMMARY OF OTHER INFORMATION

Austria. The report refers to the information given for Convention No. 24, since the provisions concerning sickness insurance are the same for agricultural as for other workers. The sickness insurance institutions for agricultural workers are the agricultural sickness funds which cover workers employed in agricultural undertakings or engaged in work deemed to be agricultural. There were no decisions by courts of law and no administrative decisions. No observations were received from employers' or workers' organisations. The report contains statistical data relating to the average number of insured persons in agricultural undertakings (271,000), the total and average benefits in money and in kind, and the amounts contributed by employers, insured persons and public authorities.

Copies of the report have been communicated to the Austrian Chamber of Labour, to the Austrian Federation of Trade Unions and to the Conference of Presidents of Austrian Agricultural Chambers.

Chile. The report refers to previous information and states that the new scale of contributions fixed by the Compulsory Insurance Fund came into force on 1 January 1948; the remuneration in kind received by agricultural workers has been increased and is subject to insurance contributions. The waiting period continues to be four days and Act No. 4054 is still before Parliament for revision. See under Convention No. 24 for statistical data. There were no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production

and Commerce and to the Chilean Confederation of Workers.

Czechoslovakia. The report states that the provisions concerning sickness insurance for workers in industry and commerce apply also to agricultural workers.

Copies of the report have been communicated to the Central Council of Trade Unions and to the Federation of Czechoslovak Employers' Organisations.

Luxembourg. The report repeats the information previously given. The number of agricultural workers insured with the regional or employers' sickness and insurance funds is included in the total of 77,150 mentioned in the report on Convention No. 24. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the most representative of the above-mentioned organisations.

United Kingdom. The schemes of national insurance and the National Health Service, which were introduced in Great Britain and Northern Ireland on 5 July 1948, apply irrespective of occupation to workers in agriculture and in industry.

See also under Convention No. 24 for detailed information regarding the principal features of the new scheme and the application of the Convention under the National Insurance Act of 5 July 1948.

The report has been communicated to the British Employers' Confederation and the Trades Union Congress.

Uruguay. The report states that the Convention is not applied since it does not correspond to the conditions prevailing in the rural areas of Uruguay.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

United Kingdom

Aden.

No legislation has been enacted applying the Convention. There is no agriculture in the colony.

Barbados.

The Convention has not been applied.

Basutoland.

The Convention is designed to meet the requirements of communities in an advanced state of development where the worker and his family are entirely dependent for their livelihood on wages derived from regular employment, and are sufficiently educated to appreciate the benefits to be derived from a system of compulsory insurance. The Basuto are not entirely dependent on the wages they earn, as they till their own lands and have communal grazing rights. They

seldom remain in employment for long periods and return to their villages after each period of employment. Moreover, all Natives resident in the territory receive medical treatment at Government dispensaries for the nominal fee of 1s. for each attendance. Any drugs prescribed by the Government medical officer are supplied free of charge. No charge is made to Native in-patients in Government hospitals. There are also a number of mission hospitals subsidised by Government where Natives are treated at nominal charges. With regard to Article 3 of the Convention, the report states that, by Native custom, indigents are maintained by their family or by their Chief. In certain cases, grants are also made from public funds.

Bechuanaland.

There is no sickness insurance scheme for workers in the territory.

Bermuda.

No legislation at present applies the Convention. A Social Security Bill now being considered by the legislature will, when passed into law, give effect to the Convention.

British Guiana.

The report states that it is not proposed to apply the Convention to the colony. Free or assisted medical attention and hospital treatment is provided by the Government in needy cases.

British Honduras.

It would be impossible to apply the Convention in the colony owing to its economic situation.

Brunei.

The Convention is inapplicable. The bulk of the population consists of peasant proprietors who seek outside wage-earning employment only as a seasonal occupation to supplement the means of livelihood obtainable from their smallholdings. Employers of organised labour are required by law to care for the sick labourers. New labour legislation is being drafted in which the possibility of introducing some cash benefit during the early weeks of incapacity is being considered.

Cyprus.

No legislation has been enacted to give effect to the Convention, nor is it deemed practicable in view of the majority status of small landowners. The 1946 census shows 52,700 persons engaged in agriculture, of whom 22,500 work on their own account. Some 2,700 employers engage 25,200 workers on a seasonal basis. There are 27,500 small farmers who work partly on their own

account and partly for wages as casual agricultural workers. Future development of adequate rural health services will fulfil to some degree the principles of the Convention.

Dominica.

Owing to the casual nature of employment in the agricultural industry, which provides the main form of employment, no legislation has yet been enacted for the enforcement of the Convention.

Falkland Islands.

The Convention is inapplicable.

Fiji.

In the present stage of the economic and industrial development of the colony a scheme of universal sickness insurance for workers of the classes covered by the Convention would be wholly impracticable. At present, free medical and hospital treatment is provided by Government to Fijians and Indians, who comprise the great bulk of the population. Moreover, only a small fraction of the total population of the colony is employed in wage-earning occupations and a large proportion of those so employed are casual workers. Under the Fijian communal system, the care of the aged and sick is a communal responsibility and consequently no Fijian is likely to suffer hardship if he is unable to continue his employment on account of sickness. As regards the other races of the colony, persons becoming destitute from any cause, including illness, are eligible to receive Government financial assistance. Some of the largest employers of labour in the colony have voluntary schemes whereby both mill workers and agricultural workers qualify, on payment of a very small weekly contribution, for medical attention for themselves and their families and for sick pay during periods of illness.

Gambia.

The application of the Convention is not considered practicable in the present stage of development of the colony. Free medical attention and hospital treatment are provided by the Government in numerous cases. The provision of medical and cash benefits would, however, involve considerable expenditure and difficulties. Moreover, the collection of contributions would give rise to considerable difficulties, including the reluctance shown by the workers themselves (most of whom are not sufficiently educated to appreciate the benefits of insurance) to pay contributions. Consequently, no legislation has been enacted to apply the Convention.

Gibraltar.

There is no legislation applying the Convention, but all workers who are British subjects may obtain medical treatment, including hospital treatment, through the Government medical services, either free of charge or at reduced charges in the case of persons who are without the means to pay normal treatment charges. The number of agricultural workers employed in Gibraltar is negligible.

Gilbert and Ellice Islands.

The Convention has not been applied. Every Native worker is a landowner, and has a secure place in Native society; he is entitled to free medical attention, so that the necessary conditions for the operation of insurance, as provided for by the Convention are not yet present.

Gold Coast.

The Convention is considered inapplicable at present.

Grenada.

There is no Government sponsored insurance scheme for these workers. There are, however, a number of friendly societies which make provision for sickness insurance among the members.

Hong Kong.

The Convention has not been applied. Agriculture forms only a minor part of the industry and is mostly in the hands of peasant farmers who work their land on a family basis. In the event of legislation being introduced under Convention No. 24, there will probably be no discrimination between industrial and agricultural workers.

Jamaica.

No action has been taken to apply the provisions of the Convention.

A copy of the report has been sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica and the Jamaica Manufacturers' Association.

Kenya.

The Convention is not considered as applicable to Kenya owing to the still undeveloped state of the colony.

Leeward Islands.

Consideration has been given to the matter covered by the Convention, but no action has been taken nor is any contemplated.

Federation of Malaya.

No legislation has been enacted to give effect to the Convention, nor does the Government consider that the provisions of the Convention can be applied at the present time.

Malta.

Draft health insurance legislation has been prepared and will soon be presented in Parliament.

Mauritius.

No legislation has been enacted to give effect to the Convention. There is a system of poor law relief administered by the Public Assistance Department.

Nigeria.

There is no legislation in existence applying the Convention. Any such legislation would apply to a negligible number of persons, and the money which would be required to set up the machinery to give effect to the legislation could better be spent in improving the health and social conditions of the masses. Nigeria is predominantly an agricultural country, and the Native works for himself. A few Natives, however, work in the fields for hire under other Natives and non-Natives. The majority of the Natives are illiterate, and the collection of periodical contributions would arouse very great resentment among the people. Medical attention and hospital treatment is provided in Government hospitals for needy cases. Labourers and certain other classes of wage earners are legally entitled to medical attention and hospital treatment at the expense of their employers.

North Borneo.

Only about 5 per cent. of a total estimated population of 335,000 is engaged in wage-earning employment. The remainder is engaged in peasant agriculture or small trading activity. Only a small minority of the population is literate. The colony is thinly populated, having an average of about nine persons per square mile. Communications are very difficult, there being no mechanical transport other than in coastal areas, in which the application of the Convention seems to be impracticable in the present stage of development. However, the relevant labour legislation is now being redrafted and the possibility of introducing some cash benefit during the early weeks of incapacity is being considered.

Northern Rhodesia.

There is no legislation. The Employment of Natives Ordinance requires the employer to provide free medical attention during a worker's sickness.

Nyasaland.

The application of the Convention by the Nyasaland Government is not practicable at the present stage of development of the protectorate. Under § 28 (c) of the Native Labour Ordinance, 1944, however, the employer is required to provide his employees with proper medicines if procurable and also with medical attendance during illness.

St. Helena.

No legislation applying the Convention is in force. Some 90 per cent. of the wage-earning population, however, are members of the five friendly societies, which provide sickness benefit. Separate figures for agricultural workers of average and total cost of benefits are not available.

St. Lucia.

The Convention has not been applied because local conditions do not warrant it. Voluntary sickness insurance schemes operate through numerous friendly societies; in the sugar industry, workers are provided with free medical and hospital treatment.

St. Vincent.

The Convention has not been applied as the colony is purely an agricultural community and the employment available is of a seasonal nature. Free medical and hospital treatment are, however, provided in certain cases by Government, and voluntary sickness insurance schemes are operated through friendly societies.

Sarawak.

No legislation has been enacted to give effect to the Convention, but there are some benevolent societies.

Seychelles.

Ordinance No. 25 of 1945.
Ordinance No. 26 of 1945.

Articles 2 and 4 have been applied by the legislation in force. Compulsory sickness insurance as such has not been applied, but compulsory medical facilities and free treatment are provided for under § 23 of Ordinance No. 25 of 1945, and §§ 21-24 of Ordinance No. 26 of 1945. Administrative measures are taken to enforce the provisions of the Convention as applied in the Ordinance and penalties are provided for contravention of any of these provisions. The implementation of the legislation has been hampered by the lack of a qualified labour officer but such an officer is now on the point of completing a course on labour organisation and administration in the United Kingdom and will be returning to the colony by the end of the year. The duties and powers of this officer are laid down in the above-mentioned Ordinances. There are no organisations of employers or workers in the colony.

Sierra Leone.

No legislation has been enacted to give effect to the Convention. It has not yet been found possible to introduce sickness insurance schemes either in the urban districts or the more sparsely populated areas. The number of medical officers is totally inadequate to deal with the volume of work which the introduction of such schemes would involve, and for the time being it is impossible to increase or extend medical facilities. It is hoped that, in course of time as development plans materialise, these difficulties will lessen and that it will be possible to apply the Convention.

Singapore.

Labour Ordinance 1923, §§ 145 and 161.

The Ordinance requires employers to provide medical treatment and aid for labourers on their estates. In addition, many commercial employers provide their labourers with free medical attention and hospital treatment.

Solomon Islands.

No legislative provisions relating to the Convention exist in the protectorate and, in the present stage of development, none is required. No indigenous worker is under any economic necessity to work for wages and other workers are locally domiciled members of the local civil service or expatriates serving on contracts. Indigenous workers who become ill are treated and maintained at the employer's expense and their wages remain payable during sickness until the expiry of their contracts. A worker who is ill when his contract expires is treated and maintained in hospital free of charge.

Swaziland.

No legislation or administrative regulations exist. There is no representative organisation either of employers or workers.

Tanganyika.

The Convention has not yet been applied, since the territory has not reached a stage of development which would make the application of its provisions practicable. The Convention has been accepted as an aim of policy. Government hospitals and dispensaries have been established throughout the territory at which medical attention can be obtained without charge by Africans and at low charges by members of other

racess. The Master and Native Servants (Medical Care) Regulations, 1947, impose a duty on employers to provide free medical care for their employees.

Trinidad and Tobago.

It has not yet been found practicable to introduce legislation giving effect to the Convention. The practicability of successfully establishing a contributory health insurance scheme is being considered by the committee appointed by the Government.

Uganda.

The Convention has not been applied in Uganda, as it is felt premature to enforce sickness insurance on persons who have not yet reached the stage of development sufficient for them either to understand its object or to appreciate its effect. The cost of setting up suitable administrative machinery would be considerable. If the Convention were enforced, only a small proportion of the population would benefit; available funds are at present used to provide benefits for the population as a whole, in the form of curative and preventive medicines, health services, etc., all of which are administered to the Natives of the protectorate free of charge. The Employment Rules, 1946, provide that medicine, medical treatment or hospital treatment shall be provided by employers under circumstances controlled by the Director of Medical Services, without deduction from the wages of employees.

Zanzibar.

Zanzibar has no legislation applying this Convention, but free medical attention and hospital treatment are provided by the Government (the chief employer of labour) in needy cases, and also by some private employers. Moreover, Part IV of the Labour Decree, 1946, imposes on employers, in certain circumstances, the obligation to provide medical treatment for their workers. Owing to the seasonal or casual nature of most of the agricultural employment, this Convention would be difficult to apply. Much of the hired agricultural labour is independent and itinerant and comes from the mainland of Africa for a few months or years and returns there.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

ELEVENTH 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	Reports received
Australia	9. 3.1931	27.11.1948
Belgium	11. 8.1937	29.11.1948
Bulgaria	4. 6.1935	
Canada	25. 4.1935	24.11.1948
Chile	31. 5.1933	2. 4.1949
China	5. 5.1930	
Colombia	20. 6.1933	
Cuba	24. 2.1936	30. 3.1949
France	18. 9.1930	1.12.1948
Germany	30. 5.1929	
Hungary	30. 7.1932	
Ireland	3. 6.1930	9. 3.1949
Italy	9. 9.1930	23. 2.1949
Mexico	12. 5.1934	3.12.1948
Netherlands	10.11.1936	27.12.1948
New Zealand	29. 3.1938	26.12.1948
Nicaragua	12. 4.1934	
Norway	7. 7.1933	3. 2.1949
Spain	8. 4.1930	
Switzerland	2. 5.1947	30.11.1948
Union of South Africa	28.12.1932	1.12.1948
United Kingdom	14. 6.1929	7.12.1948
Uruguay	6. 6.1933	23.12.1948
Venezuela	20.11.1944	

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Australia.

Commonwealth.

Commonwealth Conciliation and Arbitration Act, 1904, as subsequently amended on 22 June 1928 (L.S. 1928, Austral. 2), 18 August 1930 (L.S. 1930, Austral. 11), 17 December 1934 (L.S. 1934, Austral. 15) and 20 May 1947 (L.S. 1947, Austral. 2).
 Arbitration (Public Services) Act, 1920-1934.
 Industrial Board Ordinance, 1936-1940 (A.C.T.).
 Women's Employment Act, 1942, and Regulations issued thereunder.
 Coal Industry Act, 1946.
 Stevedoring Industry Act, 1947 (L.S. 1947, Austral. 1).
 Salaries (Statutory Offices) Adjustment Act, 1947.
 National Security (Industrial Peace) Regulations.
 National Security (Coal Mining Industry Employment) Regulations.
 National Security (Female Minimum Rates) Regulations.
 National Security (Economic Organisation) Regulations, Part V.

New South Wales.

Industrial Arbitration Act, 1940-1948.

Queensland.

Industrial Conciliation and Arbitration Act of 1932, as amended in 1933, 1934, 1935 (L.S. 1933, Austral. 1; L.S. 1934, Austral. 5; L.S. 1935, Austral. 7), 1945, 1946 and 1947.

Victoria.

Factories and Shops Act, 1928, as amended in 1929 (L.S. 1929, Austral. 13), 1934 (L.S. 1934, Austral. 11), 1936, 1945 and 1947.

South Australia.

Industrial Code, 1920-1943.
 Economic Stability Act, 1946.

Tasmania.

Wages Board Act, as amended in 1924 (L.S. 1924, Austral. 1), 1929 (L.S. 1929, Austral. 1), 1933 (L.S. 1933, Austral. 3), 1934 (L.S. 1934, Austral. 8), 1945 and 1946.

Western Australia.

Industrial Arbitration Act, 1912-1925, as amended in 1925 (L.S. 1925, Austral. 12), 1930 (L.S. 1930, Austral. 7) and 1941.
 Rules, Regulations and awards enacted in virtue of, or under, the above-mentioned legislation of the several States.

Belgium.

Act of 10 February 1934 to issue regulations governing wages and hygiene in home work (L.S. 1934, Bel. 2).
 Royal Order of 24 August 1935 issued thereunder.
 Legislative Order of 5 May 1944 (repealing the Orders and other administrative decisions issued during the period of enemy occupation).
 Legislative Order of 14 April 1945 respecting the fixing of salaries and wages (amplified by Legislative Order of 23 July 1945).
 Legislative Order of 14 September 1945 concerning increases in salaries and wages.
 Legislative Order of 14 May 1946 respecting salaries and wages.
 Legislative Order of 21 August 1946 to amend the Legislative Order of 14 May 1946 respecting salaries and wages.
 Ministerial Order of 14 October 1946 to fix the new compulsory minimum salary rates for salaried employees.
 Legislative Order of 31 December 1946 to amend the Legislative Order of 21 August 1946 respecting salaries and wages.
 Act of 16 June 1947 empowering the King to repeal, amend and complete the Legislative Orders of 14 May, 21 August and 31 December 1946 respecting salaries and wages.
 Order of the Regent of 16 June 1947 to amend the provisions of § 4 bis of the Legislative Order of 14 May 1946 respecting salaries and wages.

*Canada.**Dominion.*

Minimum Wages Act, 1935, ch. 44 (L.S. 1935, Can. 10).

*Provinces.**Alberta.*

Alberta Labour Act, 1947, ch. 8, Parts II and IV.

British Columbia.

Factories Act, Revised Statutes 1936, ch. 92, § 80.

Female Minimum Wage Act, R.S. 1936, ch. 191, amended in 1944, ch. 31; 1946, ch. 48; 1947, ch. 6.

Male Minimum Wage Act, R.S. 1936, ch. 190, amended 1944, ch. 30; 1946, ch. 47; 1947, ch. 60.

Manitoba.

Fair Wage Act, R.S. 1940, ch. 71, as amended 1946, ch. 14.

Minimum Wage Act, R.S. 1940, ch. 138, amended 1941-1942, ch. 35; 1944, ch. 38; 1945, ch. 39.

New Brunswick.

Industrial Standards Act, 1939, ch. 57, amended 1941, chs. 33, 49; 1944, ch. 39.

Minimum Wage Act, 1945, ch. 42.

Nova Scotia.

Minimum Wage Act for Women, 1920, ch. 11, as amended 1924, ch. 57 (L.S. 1924, Can. 4); 1931, ch. 57 (L.S. 1931, Can. 8).

Male Minimum Wage Act, 1945, ch. 21.

Ontario.

Minimum Wage Act, R.S. 1937, ch. 190 (L.S. 1937, Can. 8), amended 1946, ch. 54; Statute Law Amendment Act, 1947, § 14.

Factory, Shop and Office Building Act, R.S. 1937, ch. 184, § 49 (7).

Industrial Standards Act, R.S. 1937, ch. 191 (L.S. 1937, Can. 18), amended 1938, ch. 37.

Quebec.

Collective Agreement Act, R.S. 1941, ch. 163, as amended 1943, ch. 29; 1946, ch. 37.

Minimum Wage Act, R.S. 1941, ch. 164, as amended 1946, ch. 39.

Saskatchewan.

Industrial Standards Act, R.S. 1940, ch. 305, as amended 1944, ch. 89; 1944, ch. 62 (2nd Sess.).

Minimum Wage Act, R.S. 1940, ch. 310, as amended 1944, ch. 93; 1945, ch. 107; 1947, ch. 104.

Chile.

Legislative Decree No. 178 of 13 May 1931 (§§ 43-45) to ratify the Labour Code (L.S. 1931, Chile 1).

Decree No. 276 of 12 September 1932 to approve the Regulations concerning the appointment and working of joint minimum wage boards.

Act No. 5350 of 8 January 1934, establishing a State monopoly for the sale of nitrates and iodine, providing for profit-sharing by unorganised workers and fixing minimum rates of wages for the nitrates industry.

Act No. 6020 of 8 February 1937, to improve the material conditions of salaried employees by the fixing of minimum salaries and the payment of family allowances, and to set up joint committees of employers and employees for the determination of minimum salaries.

Decree No. 300 of 22 March 1937, approving Regulations for the application of Act No. 6020.

Act No. 7295 of 30 September 1942, to approve the final text of Decree No. 720 of 14 November 1941 establishing the revised texts of Act No. 6020 of 8 February 1937, Act No. 7064, and of Act No. 7280 respecting private employees.

Cuba.

Legislative Decree No. 727 of 30 November 1930 (L.S. 1934, Cuba 6), as amended by Act No. 22 of 19 March 1935 (L.S. 1935, Cuba 3) providing for the fixing of minimum wages in industry, commerce and agriculture.

Legislative Decree No. 22 of 18 June 1935 to set up the National Minimum Wage Board (L.S. 1935, Cuba 3).

Legislative Decree No. 2142 of 26 August 1935 containing Regulations with regard to the organisation and the working of the National Minimum Wage Board.

Legislative Decree No. 436 of 26 November 1935, amending § 2 of Legislative Decree No. 18 and Decree No. 2142.

Constitution of the Republic (§ 61), 1940 (L.S. 1940, Cuba 1).

Code of Social Defence (§ 575).

Various Resolutions and Decrees concerning wage rates, etc., dating from 1940 to 1947.

France.

Decree of 10 November 1939 respecting conditions of employment for the duration of hostilities (§ 5).

Decree of 1 June 1940 respecting the system of wages.

Validated Act of 30 October 1941 respecting conditions of employment and wages, as supplemented by the validated Order of 9 January 1942 and the Orders of 9 October 1945 and 31 January 1946.

Acts of 1 August 1941 and 28 June 1943 to amend Book I of the Labour Code (§§ 33 to 33n) (home workers).

Act No. 46-353 of 6 March 1946 respecting the date for the application of prefectorial Orders fixing the wages of home workers.

Act of 26 October 1946 respecting the regulation of wages and conditions of employment.

Act of 23 December 1946 respecting collective labour contracts (§ II).

Act of 31 March 1947 respecting monthly temporary and exceptional benefits and the fixing of a temporary supplementary family allowance.

Various Orders and Circulars, issued from 1945 to 1948, and respecting especially the increase of wages, the payment of a cost-of-living allowance, of production bonuses, etc.

Ireland.

Industrial Relations Act, 1946 (L.S. 1946, Ire. 1).

Netherlands.

Act of 17 November 1933 to regulate home work (L.S. 1933, Neth. 5).

Decree of 6 May 1936 to fix the date of the coming into force of the Act of 1933 respecting home work.

Decree of 5 October 1945 to issue the Extraordinary (Employment Relations) Decree, 1945 (L.S. 1945, Neth. 1).

New Zealand.

Labour Disputes Investigation Act, 1913.

Shops and Offices Act, 1921/1922, as amended by the Acts of 1927, 1936, 1945 (L.S. 1945, N.Z. 5) and 1946 (L.S. 1946, N.Z. 5).

Industrial Conciliation and Arbitration Act, 1925 (L.S. 1925, N.Z. 1), as amended by the

Acts of 1928, 1932 (L.S. 1932, N.Z. 1), 1936 (L.S. 1936, N.Z. 1 and 7), 1937 (L.S. 1937, N.Z. 1), 1939, 1943 (L.S. 1943, N.Z. 3) and 1947 (L.S. 1947, N.Z. 1).

Finance Acts of 1931 and 1936.

Statutes Amendment Acts of 1936 (§§ 36 to 39), 1941 (§ 34), 1944 (§§ 33 to 35), 1946 (§§ 34 to 38 and 55) and 1947 (§ 25).

Minimum Wage Act, 1945 (L.S. 1945, N.Z. 7), as amended by the Act of 1947.

Factories (Consolidation) Act, 1946 (§ 34) (L.S. 1946, N.Z. 4).

Switzerland.

Act of 12 December 1940 respecting home work (L.S. 1940, Switz. 2-3).

Decree of the Federal Council of 16 December 1941 to bring the above-mentioned Act into force.

Administrative Regulations of 16 December 1941.

Union of South Africa.

Wage Determinations Validation Act, No. 16 of 1935 (L.S. 1935, S.A. 1).

Industrial Conciliation Act No. 36 of 1937 (L.S. 1937, S.A. 3).

Wage Act No. 44 of 1937 (L.S. 1937, S.A. 4), as amended by Act No. 22 of 1942.

Various Awards, Determinations and Agreements issued under the above Acts.

United Kingdom.

Great Britain.

Road Haulage Act, 1938 (L.S. 1938, U.K. 8).

Catering Wages Act, 1943.

Wages Councils Act of 28 March, 1945 (L.S. 1945, U.K. 1).

Various Orders and Regulations issued under the Trade Boards Acts, 1909-1918, the Wages Councils Act, 1945, the Road Haulage Act, 1938, and the Catering Wages Act, 1943.

Northern Ireland.

Wages Councils Act (Northern Ireland), 1945, to re-enact with modifications the Trade Boards Acts (Northern Ireland), 1923-1944.

Various Orders and Regulations issued under the Trade Boards Acts (Northern Ireland) 1923-1944, and the Wages Councils Act (Northern Ireland), 1945.

Uruguay.

Act No. 8,645 of 27 July 1930 to fix a minimum wage for wage-earning and salaried employees engaged in the loading and unloading of vessels.

Act No. 9,675 of 4 August 1937 declaring compulsory the application of the agreements signed by workers with the Building League or affiliated bodies.

Act No. 9,910 of 5 January 1940 to lay down rules respecting home work (L.S. 1940, Ur. 2).

Act No. 10,434 of 9 July 1943 to fix minimum wages and conditions of employment in the building and allied industries.

Act No. 10,449 of 12 November 1943 to institute a system of wage boards and family allowances, and Decrees of 19 November 1943, 17 May 1944 and 11 April 1946 issued thereunder.

Act No. 10,489 of 6 June 1944 to restore the statutory eight-hour day in commercial establishments with certain additional provisions respecting compensation for dismissal and other matters (L.S. 1944, Ur. 1).

Act No. 10,542 of 20 October 1944 to provide for wage increases benefits for wage-earners and salaried employees in industry and private undertakings.

Act No. 10,809 of 16 October 1946 establishing a Statute for rural workers.

Act No. 10,957 of 23 October 1947 fixing minimum wages for sheep-shearing.

SUMMARY OF OTHER INFORMATION

Australia. The report repeats the information previously given and recalls that minimum wages are fixed by compulsory arbitration or registered agreements. In New South Wales, under the Industrial Arbitration (Amendment) Act, 1948, conciliation commissioners now have powers to make an award or order in relation to any industrial dispute. However, under the Commonwealth Conciliation and Arbitration Act, 1947, the Commonwealth Court of Conciliation and Arbitration is alone empowered to fix minimum wage rates.

The report points out that the major development during the period under review was the amendment of the arbitration machinery and the relaxation of wage pegging. This was brought about by the coming into force, on 8 October 1947, of the above Conciliation and Arbitration Act, 1947, and of the amendments of the National Security (Economic Organisation) Regulations. These amendments restored complete freedom to industrial authorities to regulate wages, hours and conditions of labour within their jurisdiction, subject only to considerations of national interest. It is thus no longer necessary for such authorities to seek the concurrence of the Chief Judge of the Commonwealth Arbitration Court before altering rates of remuneration beyond the limits previously specified in the Regulations. In order, however, to maintain the price level, increases in wages remained circumscribed; except in special cases, the award rates shall be maximum as well as minimum rates.

There were no decisions by courts of law regarding the application of the Convention but the report refers to three decisions affecting the principle of minimum wage rates. No observations were received from employers' or workers' organisations but the latter have from time to time made representations to the Prime Minister for the establishment of an advisory committee consisting of employers and workers to review the methods of computing the minimum wage. However, employers do not favour this approach but consider that this question should be within the jurisdiction of the Arbitration Court. This problem has also been raised by employees' representatives before Queensland and Western Australia Industrial Tribunals, and it is anticipated that the claims will be heard in the period covered by the next report.

The Government intends to communicate copies of the report to the Australian Council of Employers' Federations, the Associated Chambers of Commerce of Australia, the Associated Chambers of Manufacturers of Australia, and the Australian Council of Trade Unions.

Belgium. The report states that the Act of 10 February 1934 guarantees a minimum wage to persons who have signed a contract for home work, by means of collective agreements and through the intervention of the public authorities. The National Home Work Committee was created by this Act either to confirm the agreement of the majority of employers and workers or, in case of disagreement, to fix minimum wage rates officially. This latter case has never occurred. Since the war, the Committee has not received any requests for intervention and has therefore not met. Wage rates for home work are subject to the general regulations on wages. As regards the latter, the minimum rates fixed by the Legislative Order of 14 September 1945 have been maintained. The report adds that prevailing rates are generally higher than the legal minimum rates, and again points out that the problem of minimum remuneration is no longer as acute as before the war. Legal sanctions are provided for in case of infraction of the provisions concerning minimum wages.

Compliance with these provisions is supervised by the social supervisors, by the engineers of the Office of Mines, by the inspectors of explosives and by various persons appointed by the Minister of Labour and Social Welfare. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Federation of Belgian Industries, to the General Federation of Labour of Belgium, to the Confederation of Christian Trade Unions, and to the General Association of Liberal Trade Unions.

Canada. The report refers to information previously given and adds that, in the Province of New Brunswick, minimum wage orders have been issued covering shops, hotels and restaurants under the provincial minimum wage legislation. It is not yet known whether or not the provincial legislative sessions, which will be held between January and April 1949, will bring about any changes in the legislation on the matters covered by the Convention.

Copies of the report will be communicated to the representative organisations of employers and workers.

Chile. The report refers to information previously given and adds that the National Congress is considering a Bill fixing a general minimum wage for agricultural workers. As regards the practical application of the Convention, the report states that the Regulations fixing minimum wages in virtue of §§ 43 and following of the Labour Code are applied to a limited extent, since the workers concerned generally prefer to have recourse to other methods in order to obtain improvements in their wages, in particular, petitions submitted according to the procedure provided for in Title II of Book IV of the Labour Code. These petitions usually result in collective agreements which relate

to working conditions including wage rates. A table appended to the report shows that 115,971 workers are covered by wage rates established in the manner described. Private employees (who numbered 144,536 at 31 December 1947) are covered by Act No. 7295, which fixes a minimum living wage for them. The report contains a general statement relating to the monthly minimum wage fixed by the various joint wages boards during 1948.

The number of workers covered by the provisions of the Labour Code concerning minimum wages is approximately 30,000. The labour courts give frequent decisions applying the provisions of the relevant legislation but no copies of such decisions are available. The report contains a list of the 25 joint committees established under § 44 of the Labour Code, as well as a list of the trades or parts of trades in which the minimum wage-fixing machinery has been applied (Article 5 of the Convention). There were no observations from employers' or workers' organisations.

A copy of the report has been communicated to the Confederation of Production and Commerce and to the Confederation of Chilean Workers.

Cuba. The report contains copies of the agreements approved by the National Minimum Wage Board, and adds that, in certain urgent cases, decisions had to be taken without consulting the employers and workers concerned. In view of the complexity and scope of its functions, the Board has not as yet been able to determine the number of workers covered by its decisions. There were no decisions by courts of law. No breaches of the legislation were reported and there were no observations from employers' and workers' organisations.

Those organisations registered with the Ministry of Labour have copies of the annual reports at their disposal in the International Labour Questions Department.

France. The report refers to information previously given. An hourly allowance has been added to the legal minimum wage, which was increased to 38 francs under the Decree of 31 December 1947, as modified and supplemented on 19 January 1948; since 28 September 1948, the hourly wage may not be less than 59.50 francs. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the National Council of French Employers, the General Confederation of Labour, the Labour Force (C.G.T.-F.O.) and the General Confederation of Christian Workers.

Ireland. The report repeats the detailed information given in preceding years regarding minimum wage-fixing regulations, introduced in virtue of the Industrial Relations Act which supersedes the Trade Boards Acts of 1909 and 1918. During

the period under review, three new joint labour committees were set up. The report contains statistical information showing the number of workers engaged in undertakings visited by inspectors during the period 1947-1948, as well as the arrears of wages recovered. No proceedings were instituted against any employer; no decisions were given by courts of law or other courts. A meeting of representatives of employers and workers was convened by the Labour Court to consider suggestions for expediting the work of the joint labour committees. There appeared to be little room for improving on the present speed of operation of the machinery, but steps were taken to rule out any avoidable delays that might occur. The Government appends to its report the texts of the Orders under which the new joint labour committees were set up and of the Employment Regulation Orders issued during the period under review.

The report has been communicated to the Federated Union of Employers, the Congress of Irish Unions and the Irish Trade Union Congress.

Mexico. The report repeats the information previously given. The fixing of minimum wages during the year 1947-1948 was carried out in the customary manner. There were no important decisions by courts of law and no observations from employers' or workers' organisations.

Netherlands. The report refers to information previously given and indicates that before wages are finally fixed the employers' and workers' organisations concerned are always consulted. The State Conciliation Board to which, under the terms of the Decree of 5 October 1947, the application of the Government wages policy is entrusted, is under an obligation to consult the Labour Foundation, which is the central organ of voluntary co-operation between employers' and workers' organisations in the field of social affairs. The Home Work Act of 1933 authorises the Ministry of Social Affairs to fix minimum wages for home workers but no use has been made of this power. In virtue of the Decree of 1945, the State Conciliation Board is empowered to fix the wages and other working conditions for most branches of industry; it did so, in particular, for home workers in the bespoke clothing industry, while home workers in the textile industry are explicitly left outside the jurisdiction of the Board. The latter must also approve the conclusion or modification of collective agreements. In practice, all privately employed workers fall within the competence of the Board; the only exceptions are salaried persons employed by public bodies, female workers employed in private households, and certain other groups. The supervision of the application of the minimum wage regulations is entrusted to various Government services and co-ordinated by the labour inspectorate. The infringement of these regulations by

an employer makes him liable to punishment. A worker may also bring a civil action to recover any arrears of wages which may be due to him. There were no decisions by courts of law. Almost all decisions in the matter covered by the Convention relate to the payment of excessive wages.

Copies of the report have been communicated to the Labour Foundation, which unites all organisations of employers and workers with the exception of the "United Trade Union Centre".

New Zealand. The report refers to information previously given and supplies new minimum wage rates fixed by the amended Minimum Wage Act, 1947. The report contains statistical data on the number of workers covered by minimum wage regulations (231,575 in all) as well as on arrears of wages recovered directly or indirectly (£77,940). There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

Switzerland. The Government's first report covers the period between 16 May and 30 September 1948. Reference is made to existing legislation as regards regulations permitting the fixing of minimum wage rates, in the first place to the Federal Act of 12 December 1940 respecting home work. This Act (§ 11) provides in respect of salaries of home workers, the establishment of committees of employers and workers for the various occupations where home work plays an important role. These committees, which comprise an equal number of employers' and home workers' representatives as well as three representatives of the authorities, act in an advisory capacity in matters relating to wage fixing. When wages paid to home workers in a given occupation are exceptionally low, the Federal Council may, after hearing the competent committee, fix minimum wages. §§ 16 and following of the Administrative Regulations of 16 December 1941 determine the constitution and functioning of the committees. If the necessary documentation is not available, the Federal Office may undertake enquiries and request the assistance of the federal factories inspectorate, the competent cantonal services and the associations which safeguard the interests of employers and of home workers. The report states that minimum wages may be fixed for home work and may be extended to other undertakings of the same occupation working under economic conditions similar to those of home workers and in competition with the latter, if this measure is in the general interest and is necessary for the effective protection of home workers' wages. A minimum wage for home work was fixed by the Order of

15 January 1948 as regards the paper industry and, by the Order of 31 March 1948, as regards hand-knitting.

Under Article 3 of the Convention, the report specifies that the methods of minimum wage fixing are discussed by one of the six committees of employers and workers established for home work, *i.e.*, committees for the timber industries, paper articles, embroidery, clothing, watchmaking and ribbon weaving. All cases are submitted for consideration to the employers' and workers' organisations, although the Federal Act contains no specific provision on this point. The two above-mentioned Orders provide, however, for exceptions to the minimum wage regulations but only in order to ensure the continuation of home work and with the permission of the Federal Office of Industry, Arts, Crafts and Labour. For the same reason, the Federal Act of 12 October 1948 provides (§ 18, paragraph 2) that the Federal Council may, in special cases and for urgent reasons, authorise slight exceptions to this Act. The Regulations of 16 December 1941 provide (§ 25) that these exceptions may be authorised after consultation of the advisory committee, when the development of home work is noticeably hampered by a provision of the Act or of the Regulations. No statistics are available concerning home workers and those for whom minimum wages have been fixed.

The application of the Federal Act is entrusted to the cantons which make a biennial report to the Federal Council on the application of the Act. Over-all supervision, in so far as it is not exercised by the Federal Council itself, is entrusted to the Federal Department of Public Economy and to the Federal Office of Industry, Arts, Crafts and Labour with the Federal Factory inspectorate acting as executive agents. The provisions concerning minimum wages are published in the Official List of Federal Legislation and are communicated to the cantonal departments concerned and to the central organisations of employers and workers. In the event of infringement of the minimum wage provisions, the workers concerned may institute legal action within a period of five years. No decisions by courts of law were reported to the federal authorities. The report adds that the fixing of minimum wages may be undertaken officially only when home workers are at a disadvantage and that account must be taken of all contingencies.

Copies of the report have been communicated to the following organisations: Central Federation of Swiss Employers' Associations, Swiss Federation of Commerce and Industry, Swiss Federation of Arts and Crafts, Swiss Federation of Trade Unions, Federation of Swiss Associations of Salaried Employees, Swiss Federation of Christian National Trade Unions, Swiss Association of Protestant Workers and Salaried Employees, and the Swiss Federation of Independent Trade Unions.

Union of South Africa. The report repeats the information previously given and indicates various cases where the Wage Board was consulted. A list is given of the trades and industries in which collective agreements were substituted for Wage Act Determinations. The report contains detailed statistical data on the number and distribution of employers and workers covered by minimum wage legislation, inspection visits, prosecutions and convictions, and arrears of wages recovered; the latter amounted to a total of £55,000. Many employers in outlying areas, who appeared to be ignorant of minimum wage regulations, were allowed a reasonable period within which to ensure full compliance. In addition to legal proceedings, employers who do not apply the district industrial laws and regulations are reported to the various Government services and run the risk of being debarred from tendering for Government contracts.

Copies of the report have been communicated to the South African Employers' Committee on International Labour Affairs, the South African Trades and Labour Council, the Western Province Federation of Labour Unions, the Federal Consultative Committee of South African Railways and Harbours Staff Associations, and the Co-ordinating Council of South African Trade Unions.

United Kingdom. The report states that Orders were made bringing the following wages councils, which hitherto had been constituted as trade boards, into conformity with the provisions of the Wages Councils Act: the Baking Wages Council (Scotland); the Readymade and Wholesale Bespoke Tailoring Wages Council (Great Britain); and the Shirtmaking Wages Council (Great Britain). Other Orders extended the field of operation of the Aerated Waters Wages Council (England and Wales), and the Boot and Shoe Repairing Council (Great Britain). The Minister made Orders establishing five new wages councils covering the retail bookselling and stationery trades; the retail drapery, outfitting and footwear trades; the retail furnishing and allied trades in Great Britain; the news agency, tobacco and confectionery trades; and the retail food trades in Scotland. A commission has been appointed to enquire into the establishment of a wages council for the basketmaking industry. During the period under review 54 Orders were made; among them, 39 were concerned with the minimum rates of remuneration; two Orders exempted from the application of statutory minimum remuneration certain workers in branches of the clothing trades while in receipt of training allowances; one made provision for the payment of guaranteed weekly remuneration; and certain others reduced the number of hours beyond which overtime is payable, or dealt with public holidays or holidays with pay. Orders providing for an increase in the rates of statutory remuneration were also made under the Road

Haulage Wages Act, 1938. As regards the wages boards in the catering industry, three such boards were reconstituted on the expiration of their original periods of appointment. Under the Catering Wages Act, 1943, 8 wage regulation Orders were made relating to guaranteed weekly remuneration, to statutory minimum remuneration, and to allowances for annual holidays of various categories of workers. The report refers to information previously supplied as regards the methods adopted to consult the organisations of workers and employers, the participation of these workers, and the binding character of the minimum wages approved. The district trade committees of the Baking Wages Council (Scotland) were abolished, while various other councils were still in existence, but their full pre-war activities have not been resumed.

Appendices to the report contain a list of industries or subdivisions of industries, covering 263,738 undertakings, in which minimum wage-fixing machinery is being applied, as well as a list of the minimum wages of adult workers employed in these industries. The total number of workers covered by the statutory wage-fixing regulations is 2,900,000. No rates of statutory minimum remuneration have as yet been fixed for workers employed in unlicensed residential establishments in the retail distributive trades or in hairdressing. During the period under review, the number of inspections carried out was 34,027. There was one case of criminal prosecution. Wages arrears totalling more than £90,415 were collected. Two decisions were given by the courts of summary jurisdiction regarding statutory minimum remuneration. There were no observations by employers' or workers' organisations.

Copies of the report have been communicated to the British Employers' Confederation and to the Trades Union Congress.

Uruguay. The report states that the national legislation concerning minimum wages for home work, in building and in other industries is more advantageous than the provisions of the Convention. The executive authority may, at any time and at the request of one of the interested parties, set up wages boards. The legislation lays down the methods followed in consulting employers' and workers' organisations. The employers' and workers' representatives take part in the boards in equal numbers and on a footing of equality. The wages thus fixed are compulsory for a period of one year. Reductions for housing, food, etc., may not be in excess of an amount laid down by the wages boards. Measures of supervision and penalties are provided for in the legislation, which also contains various definitions relating to minimum wages. The National Labour Institution, its branch services, and the wages boards are entrusted with the application of the legislation. During 1947 there were no decisions by courts of law. The number

of inspections carried out was 47,651. A total of 29,925 pesos was imposed in fines, covering 184 cases.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Netherlands

Indonesia.

The application of the Convention is considered to be impossible owing to the present attitude of the trade unions and impracticable because, as a result of the war, wages are not stabilised. The Regional Cost of Living and Family Allowance Regulation contains a provision to the effect that the wages of "toekangs" (a superior category of manual workers) and unskilled labourers are fixed in relation to the state of the local labour market and with the advice of existing wage committees. An agreement has been reached with the private employers, who have undertaken to observe the decisions of the wage committees. It is impossible, however, to enforce compliance with these decisions. The wages of coolies and unskilled industrial labourers are fixed on the basis of the so-called coolie budget and the local market prices. The minimum wages are also the maximum wages. On the basis of skill and demand for labour only, maximum wages have been fixed for several groups of skilled and trained workers. As there is a regular demand for these groups of labourers the fixing of a minimum wage does not seem to be necessary.

Surinam.

The Convention has not been promulgated or published. Up to now, there has been no need for the fixing of minimum wages. Although the possibility of concluding collective agreements exists, none has yet been concluded.

Netherland West Indies.

Ordinance No. 2 of 1946.

The provisions of the Convention are covered by the above legislation. During the period under review, it was not necessary to fix minimum wages.

New Zealand

Cook Islands.

Wage standards for the various types of employment were fixed, following sittings of a special wages tribunal in 1946.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

Western Samoa.

It is hoped to introduce industrial legislation shortly providing for a minimum wage,

industrial arbitration and the establishment of trade unions. The completion of these developments will enable consideration to be given to the extension of the Convention.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

Union of South Africa

South West Africa.

See under Convention No. 2.

United Kingdom

Aden.

Minimum Wage and Wages Regulation Ordinance No. 17 of 1940.
Order in Council No. 35 of 1943.

Articles 1 and 2 of the Convention are applied by the legislation in force. There are no organisations of employers or workers in Aden, and the method of fixing minimum wages is through the Governor in Council. There is therefore no prior consultation and neither employers nor workers are associated with the fixing of minimum wages. Minimum wage-fixing machinery was employed once during the year at the request of the Director of Public Works. This request was considered by the Governor in Council and an Order in Council was made (Government Notice No. 99 of 2 July 1948) fixing a minimum wage of 1 rupee and 4 annas for unskilled labour.

Barbados.

Wages Boards Act No. 28 of 1943.
Wages Boards Regulations, 1944.

The Wages Boards Act has not been successfully used so far. In practice minimum wages for particular trades and occupations have been determined by *ad hoc* conciliation boards. This latter method has been recorded in agreements signed by representatives of employers and workers. No wages boards were established during the year under review. Agricultural wages boards were, however, established in 1941 and again in 1944, but no decisions were reached. The boards were dissolved when the employers representatives resigned. The labour commissioner is entrusted with the application of the Act and Regulations, with the assistance of the police. There were no court decisions and no observations from organisations of employers or workers. There is no single organisation of workers which can be said to represent all workers' organisations in Barbados. The same applies to employers.

Basutoland.

Proclamation No. 37 of 1936.

Articles 1 and 2 of the Convention are applied by §§ 1-3 of Proclamation No. 37 of 1938. There are no organisations of workers and employers. With regard to

the application of Article 2 of the Convention, the report states that § 1 of Proclamation No. 37 provides for the constitution, when necessary, of a board to enquire into and report as to the rates of wages and conditions of labour in any occupation. There has, however, never been any cause to appoint such a board. Practically the whole of the population is engaged in agricultural pursuits while within the territory. Land is held in common, and each peasant farms the portion allotted to him for his own benefit. There is no private property in land, and no European owns an acre of land. Practically the only places, therefore, where trades of any kind are carried on or where workers are employed are the administrative headquarters in each district. Shop assistants are also employed on the isolated trading stations throughout the territory. The interests of the small number of wage earners are safeguarded by the fact that as there is a constant demand for labour in the Union of South Africa, employers are compelled, in order to obtain and keep labour, to maintain a standard of wages more or less equivalent to wages paid in the Union of South Africa. Wages in general show a tendency to be regulated according to Government rates, which are reviewed from time to time. The Fitzgerald Salaries Commission recently submitted its report on salaries paid to Government servants. The report will shortly be published. All wage earners have the right to lodge a complaint before the administrative officer in charge of the district in which they are working, if they are dissatisfied with the wages they receive or with their conditions of employment. Such complaints are promptly investigated. In these circumstances, it has not yet proved necessary or desirable to take action under Proclamation No. 37. With regard to Article 5, the report states that the minimum wage-fixing machinery has not been applied to any trade. The application of the legislation is entrusted to administrative, judicial and police officers. Sanctions against breaches of the Proclamation are provided for in §§ 2, 4, 5 and 80. When a complaint has been lodged by a worker and a prosecution instituted under the Proclamation the court may order the employer to pay the difference between the amount which should have been paid to the worker and the amount which was actually paid during the two years preceding the date on which the summons was served. There were no decisions by courts of law. There are no representative organisations of employers and workers.

Bechuanaland.

Proclamation No. 20 of 1946.

The Proclamation empowers the High Commissioner to prescribe minimum wages for any occupation or district, but no provisions of this kind have been made.

Bermuda.

The Convention is inapplicable, as there is no trade in which wages are not exceptionally high.

British Guiana.

Labour Ordinance No. 2 of 1942.

Minimum Wages (Georgetown Waterfront Workers) Order No. 25 of 1942 (this Order was superseded by Order No. 35 of 1943, as amended by Order No. 9 of 1946).

Bakeries (Hours of Work) Ordinance, No. 14 of 1946.

Licensed Premises (Amendment) Ordinance, No. 11 of 1947.

Fair Wages Rules 1946.

The Convention is fully applied in the colony and, in addition to the establishment of machinery for the regulation of wages, laws have been passed specifying hours of work and overtime rates to be paid in certain undertakings, *e.g.*, bakeries and licensed premises. Any contractor to the Government must pay rates of wages not less favourable than the established rates in the district, and the legislation prescribes the measures to be followed where such established rates do not exist or in the event of any difference or dispute. The machinery established for the regulation of wages may be applied to any "occupation". An Order prescribing rates of pay in any occupation may be made by the Governor in Council, only after consideration of the recommendations of an advisory committee, appointed for the purpose and including representatives of employers and workers. Subject to the granting of a permit by the Commissioner of Labour, rates of wages lower than the prescribed rates may be paid to employees affected by infirmity or physical injury. Statistics are given for wages payable to waterfront workers in virtue of the only Minimum Wages Order in operation during the year under review. Statistics are also given for the number of persons employed in bakeries. The provisions of Article 4 are fully applied in the colony, and the application of the legislation is entrusted to the Commissioner of Labour and carried out by the inspectors or assistant inspectors. Penalties are prescribed for breaches of the legislation, and a worker to whom the minimum rates are applicable, and who has been paid wages less than these rates, shall be entitled to recover the amount by which he has been underpaid at any time during the six months immediately preceding the date on which the complaint was made. No decisions were given by any court of law, and no observations received from organisations of employers or workers.

British Honduras.

Labour (Minimum Wage) Ordinance, No. 1 of 1940.

The above-named Ordinance contains all the provisions set out in the Convention. In regard to Articles 1, 2 and 3 of the

Convention, the report states that minimum wage rates are fixed by the Governor in Council on the advice of the Labour Advisory Board, which is composed of representatives of employers and workers. No collective agreement has provided for rates lower than the minimum prescribed. Wage rates are published in the *Government Gazette* and notified to the employers by the Labour Department, which supervises their application. There were no decisions by courts of law. It has been the policy of the Labour Department to invoke the powers of the Labour (Minimum Wage) Ordinance only in the case of failure of voluntary negotiations or while there exists no organisation of workers capable of carrying on such negotiations. In the few instances where the Ordinance has been invoked, the workers affected have derived considerable benefit. An appendix to the report contains a list of minimum wage rates for the crews of motor launches plying on the Belize River (about 150 adult male workers), labourers in the mahogany industry (approximately 1,000 adult male workers) and bleeders of the sapodilla gum (chicle) (approximately 1,800 male workers). For the latter category, the Proclamation establishing a minimum wage rate has been repealed and there are at present no minimum rates in force.

Brunei.

The State consists of peasant proprietors and persons engaged in organised occupations in which there is a shortage of labour, so that there has as yet been no occasion for wage fixing. The relevant labour legislation is being redrafted and the advisability of adopting legislation which will implement the Convention will be kept in mind, as the expansion of the oil industry, followed as it inevitably will be by the growth of organisations of workers, will probably shortly make this desirable.

Cyprus.

Minimum Wage Law, No. 17 of 1941.

Minimum Wage (Commerce and Trade) Regulations 1942 (354/42).

Minimum Wage (Nahieh of Khrysokhou) Order, 1942 (39/42).

Minimum Wage (Shop and Office Employees) Order, 1944.

Minimum Wage (Cyprus Mines Corporation) Order, 1945 (135).

The Convention is applied by the legislation in force. Workers' and employers' organisations are consulted in the appointment of advisory boards and named as members thereof where such organisations exist. The proposals of the board are published for public comment. Three Orders mentioned above have been promulgated but, in fact, wages are above these minima. Statistics of the number of workers covered are not available. The application of the legislation is supervised and enforced by inspectors of the Department of Labour. No

decisions were given by courts of law and there were few contraventions. Workers' organisations have made representations for increasing the minima established in view of the increased cost of living.

Dominica.

Leeward Islands Act No. 21 of 1937 (adapted to Dominica by Ordinance No. 19 of 1939). Regulations No. 34 of 1944.

Article 1 of the Convention is applied by § 3 (1) of the Act. § 2 (1) of the Act empowers the Governor to fix minimum wage rates for any occupation. A labour advisory board, comprising four representatives each of employers and workers, under the chairmanship of the Crown Law Officer, considers and makes recommendations to the Governor before minimum wages are prescribed. Recently, with the development of the registered unions of the employers and workers, direct negotiations between the unions as a means of fixing wages by collective agreements have been encouraged where the parties are truly representative of the trade or industry. There has been no case of abatement of any prescribed wages. Minimum rates of wages have been prescribed for agricultural workers (6,500), shop assistants (300) and bakers (200).

The enforcement of the legislation is entrusted to the officers of the Labour Department who, in virtue of the powers of § 5 of the Act, examine pay sheets and other records at the place of employment. No decisions were given by any court of law and no observations received from the Dominica Employers' Union and the Dominica Trade Union, which are the representative organisations of employers and workers.

Falkland Islands.

Ordinance No. 2 of 1942.

Up to 25 October 1948, there was no occasion to apply the Ordinance. Any disputes have been settled by other methods.

Fiji.

Labour Ordinance No. 23 of 1947, Part IV.

The machinery for fixing minimum wages by Order of the Governor in Council has not yet been put into effect in respect of any trade or part of a trade. Except for a brief period in the history of the colony, manpower has never exceeded the requirements of industry. Moreover, the emergence of trade unions covering the principal occupations and industries (sugar workers, mine workers, stevedores, seamen and commercial employees) has strengthened the position of workers and, by collective bargaining, large sections of workers have been able to secure higher wages without the intervention of minimum wage-fixing machinery. Such machinery was first established in 1935, and since that date wages have never been "exceptionally low".

The report has been communicated to the chambers of commerce, and to the following workers' organisations: Sugar Workers' Union, Mine Workers' Union, Seamen's Union, Stevedores' Union, and Commercial Employees' Union.

Gambia.

Labour Ordinance No. 21 of 1944.

The Convention is applied under §§ 17-26 of the Labour Ordinance. Order No. 5 of 1947, enacted under this Ordinance, fixes wages for unskilled manual labourers. At present, the only medium of consulting the organisations of employers and workers is the Labour Advisory Board, whose function is to keep the Governor informed of labour conditions in the colony and protectorate. A proposal is now under consideration for the formation of a wages board with authority to make recommendations to the Government concerning minimum wage fixing generally, working hours and overtime rates, piece work and holidays. The labour officer undertakes the inspection of premises where workmen are employed, thus ensuring compliance with the terms of the Order. A system operates whereby all employers supply the labour officer with quarterly returns showing the rates of wages paid to all categories of workers, thereby enabling supervision to be made of the wages in force. This arrangement has so far obviated recourse to statutory machinery for types of workmen other than unskilled manual labourers.

Gibraltar.

Minimum Wage Ordinance No. 3 of 1933.

The Governor may appoint advisory boards and, under § 4 of the above Ordinance, may by Order fix a minimum wage for any occupation. No Orders have as yet been made. Pending the establishment of a jointly representative labour advisory board, the Standing Wages Committee (consisting of representatives of the three service departments, the Colonial Government and private commercial and industrial employers), after consultation with representatives of the workers, submitted recommendations which led to the introduction in 1946 of a uniform minimum wage covering all industrial grade workers employed by the service departments of His Majesty's Government, the Colonial Government and the City Council. Minimum wages paid to employees of privately-owned undertakings substantially conform with those rates. The number of men covered by the above uniform minimum wage is 4,800, out of a total of 5,500 industrially employed. In addition, model rules for the embodiment of a fair wages clause in contracts for work carried out by public contract have been adopted and enforced, in consultation with contractors and representatives of workers. The uniform trade rates have been published

by employers and circulated to representatives of workers. The rates have also been published in local official bulletins. The legislation is administered by the Director of the Labour and Welfare Department. There is at present no wages inspectorate. A policy has been pursued of encouraging both the employers and workers to arrive at the determination of wage rates by voluntary negotiation rather than by resorting to wage fixing by order. This policy has so far met with success and several agreements have been reached affecting stevedoring workers and providing for payment of wage rates higher than the minimum.

Gilbert and Ellice Islands.

Ordinance No. 8 of 1932.

The Convention has been applied by the Ordinance. The High Commissioner has the right to fix minimum rates of wages by Proclamation where he is satisfied that the minimum rate being paid is unreasonably low. The district administration is responsible for the application of the legislation. There are no organisations of workers or employers.

Gold Coast.

Labour Ordinance, 1948.

Part IX of the above Ordinance gives effect to the provisions of Article 1 of the Convention. Organisations of workers and employers, as provided for in Article 2, were consulted before the enactment of this legislation. Part II of the Ordinance gives effect to Article 3 of the Convention. Organisations of employers and workers were consulted before the introduction of the legislation, which provides that wages boards, consisting of equal numbers of representatives of employers and workers and members appointed by the Governor in Council, shall fix minimum wage rates. The findings of the board may become law by Order in Council. Higher minimum rates may also be fixed by means of collective agreements. No wages boards have yet been established and no statistics are available. The Commissioner of Labour is entrusted with the application of the law. There were no decisions by courts of law and no observations from organisations of employers or workers.

Grenada.

Department of Labour Ordinance, as amended by Ordinances Nos. 16 of 1940, 6 of 1941 and 68 of 1942.

A labour advisory board in the colony, is composed of representatives of employers and workers. The board is consulted in the fixing of minimum rates of wages. The labour officer, during his inspections of places of employment, makes investigations to ensure that the law is applied.

Hong Kong.

Trade Boards Ordinance, No. 15 of 1940.

The Governor in Council is empowered to fix minimum wages. The term "trade" is not specifically defined, but by implication includes manufacture and commerce. The composition of the Trade Board guarantees the requirement of Article 2 of the Convention. Minimum wage-fixing machinery has not yet been applied as it has been customary for both sides of industry to consult the Commissioner of Labour on wage questions. A number of collective agreements have resulted from these methods. Furthermore, the Labour Advisory Board, a permanent body organised on a tripartite basis, is available to advise the Commissioner on wages and related matters. The Ordinance of 1940 provides for the setting up of a consultative board constituted on a tripartite basis, whose recommendations, if approved by the Governor in Council, are officially notified in the *Gazette*. The rules promulgated by such notification are binding until varied or revoked by a similar notification. Arrears of wages may be recovered up to a limit of two years.

In the event of minimum wage rates being fixed, the labour officers and inspectors of labour would supervise compliance with the legislation.

No decisions were given by courts of law. The post-war wages position has been satisfactory, collective agreements being concluded in almost all local trades. Surveys of labour conditions, including wages, are now being made by the Labour Department in a number of industries, but primarily in those industries in which women are exclusively employed. No representations were received from workers' and employers' organisations.

Jamaica.

Minimum Wage Law, 1938.

Minimum Wage (Amendment) Law, 1948.

Advisory Board (Sugar Industry) Regulations, 1940.

Advisory Board (Alcoholic and Non-Alcoholic Beverage Trade) Regulations, 1943.

Advisory Board (Printing Trade) Regulations, 1944.

Advisory Board (Dry Goods Trade) Regulations, 1945.

Advisory Board (Bakery Trade) Regulations, 1947.

Advisory Board (Catering Trade) Regulations, 1947.

Minimum Wage (Sugar Industry) Proclamation, 1942.

Minimum Wage (Catering Trade) (Kingston and St. Andrew) Proclamation, 1944.

Minimum Wage (Bread and Cake Bakery Trade) (Kingston and St. Andrew) Proclamation, 1944.

Minimum Wage (Biscuit Trade) (Kingston and St. Andrew) Proclamation, 1944.

Minimum Wage (Biscuit Trade) (Kingston and St. Andrew) (Amendment) Proclamation, 1945.

Minimum Wage (Printing Trade) Proclamation, 1945.

Minimum Wage (Catering Trade) (Country Parishes) Proclamation, 1946.

Minimum Wage (Bread and Cake Bakery Trade) (Country Parishes) Proclamation, 1946.

Minimum Wage (Biscuit Trade) (Miscellaneous Other Categories) (Kingston and St. Andrew) Proclamation, 1946.

Minimum Wage (Dry Goods Trade) (Kingston and St. Andrew) Proclamation, 1948.

Minimum Wage (Dry Goods Trade) (Parishes other than Kingston and St. Andrew) Proclamation, 1948.

Minimum Wage (Alcoholic and Non-Alcoholic Beverage Trade) Proclamation, 1948.

Minimum wage advisory boards have been appointed in the following trades : sugar (growing, transport, processing and manufacturing of sugar and rum) ; bakery ; catering ; alcoholic and non-alcoholic beverage (manufacture) ; printing ; dry goods.

When the labour adviser is satisfied that wages in a particular trade are exceptionally low and that no arrangements exist for the effective regulation of wages by collective agreement, he consults all interested organisations of workers and employers and makes recommendations to the Governor in Executive Council, who makes regulations prescribing the constitution, powers and duties of each advisory board. The Governor in Executive Council appoints an equal number of members representing workers and employers, together with three or more independent members, including the chairman. Independent members are persons of standing in the community unconnected with the trade. The Governor in Executive Council is empowered, under § 12 of the Minimum Wage Law, 1938, to appoint officers with specified powers of entry and inspection. The officers who have been so appointed, as well as persons appointed by the labour adviser as "labour officers" for the purposes of the Labour Officers (Additional Powers) Law, 1943, with more limited powers of inspection, are full-time officers on the staff of the Labour Department. A system of inspection has been organised whereby employers and workers are informed of the minimum rates of wages in force and prosecutions are made in the resident magistrates' courts for breaches of the law. During the period under review, 843 inspections were carried out. A worker to whom the minimum rates are applicable and who has been paid wages at less than these rates is entitled to recover, by way of criminal proceedings instituted by the officers mentioned above or by civil proceedings instituted by the worker, the amount by which he has been underpaid within the two years immediately preceding the date on which the proceedings were instituted. There were no decisions by courts of law, and no observations from organisations of employers or workers. It is estimated that the following numbers of workers are covered by minimum wage advisory boards : 42,700 in the sugar industry, 1,150 in the alcoholic and non-alcoholic beverage trade, 650 in the printing trade, 3,000 in the dry goods trade, 8,000 in the catering trade, and 3,500 in the bakery trade.

A copy of the report was sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the

Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica and the Jamaica Manufacturers' Association.

Kenya.

Ordinance No. 55 of 1946 (to make provision for the fixing of minimum wages).

As regards the application of Article 5 of the Convention, the report states that minimum wages have been established only for unskilled labourers in the more important urban areas. The labour commissioner is responsible for the application of the provisions of the Ordinance. § 5 (1) of the Ordinance provides for the necessary sanctions. All labour officers are inspectors for the purpose of the Ordinance. Under § 5 (2) of the Ordinance, a worker to whom the minimum rates are applicable is entitled to recover the amount by which he has been underpaid up to a maximum period of two years. The Labour Department has 15 field officers, aided by a number of African special inspectors, who are responsible in the urban areas for carrying out frequent inspections to ensure that the provisions of the minimum wage orders are observed. There were no decisions by courts of law. The Ordinance empowers the Governor in Council to make provision for minimum wages for any occupation in the colony, either generally or in any specified area, in any case in which he is satisfied that the rates being paid are unreasonably low. The Ordinance also provides for the establishment of advisory boards. A central minimum wages advisory board has been appointed by Government Notice No. 316 of 28 March 1947. In the present stage of development of the colony, the organisation of employers and of workers is in its infancy. It is not possible, therefore, to consult such bodies regarding the membership of boards responsible for the fixing of wages and in fact appointments to the central minimum wages advisory board are made by the Governor. It should also be recalled that, by a recent reform of the Constitution of the colony, there is a Legislative Council, with European, Asian and African unofficial representation, by means of which the views of employers and workers receive full consideration when legislation of this nature is being contemplated. The question of wage-fixing machinery is again under review and a new Ordinance is being drafted. There were no observations from organisations of employers or workers.

Copies of the reports are communicated to members of the Labour Advisory Board and are available for perusal by chambers of commerce and registered trade unions.

Leeward Islands.

Labour (Minimum Wage) Act No. 21 of 1937, as amended (No. 5 of 1944) (Statutory Rule and Order No. 1 of 1944).

Federation of Malaya.

Wages Councils Ordinance, No. 41 of 1947.

The national legislation appears to be in harmony with the provisions of the Convention. Article 1 of the Convention is covered by §§ 1 and 2 of the Ordinance. Articles 2 and 3 of the Convention are covered by §§ 3, 4, 5, 7, 8, 12 and 13 of the Ordinance. Owing to the fact that collective bargaining is a notable feature of industrial relations within the Federation of Malaya, it has not yet been necessary to establish minimum wage-fixing machinery. Article 4 of the Convention is covered by Part III of the Ordinance. The application of the legislation is entrusted to the Commissioner of Labour. No decisions were given by courts of law and no observations were received from workers' or employers' organisations.

In future, reports will be communicated to the Federal Labour Advisory Board, which is a tripartite body.

Mauritius.

Minimum Wages Ordinance No. 41 of 1934, as amended by No. 42 of 1944 and § 65 of Ordinance No. 47 of 1938.

The Convention is applied by the legislation in force. Organisations of workers and employers are represented upon the advisory board in equal numbers and on equal terms. No advantage has been taken of the exceptions provided for in the Convention. Minimum wage orders are published in the annual report of the Labour Department, which is responsible for supervision of the application of the Convention. Orders are valid for six months. No decisions were given by courts of law and no observations were received from organisations of employers and workers.

The report will be communicated to the Sugar Producers' Association, the Mauritius Amalgamated Labourers' Association, the Clerks' and Shop Assistants' Union, and the Printing Workers' Union.

Malta.

Hours of Employment and Shops Ordinance No. V of 1938 — Chapter 149 of Revised Laws.

The Ordinance makes all necessary provisions for fixing minimum rates of wages in any employment. Current orders fixing minimum rates are operative in shops (wholesale or retail), hotels and clubs, transport, factories and workshops.

Nigeria.

Labour Code Ordinance, No. 54 of 1945, Chapter XIII.

Wage Fixing (Tailoring, Shirtmaking and Ancillary Trades or Occupations) Order in Council, No. 38 of 1947.

Wage Fixing (Industrial Workers employed in the Rubber Plantations of the Benin Province), Order in Council, No. 26 of 1946.

Wage Fixing (Printing and Allied Trades or Occupations), Order in Council, No. 33 of 1946.

Wage Fixing (Minesfield) Order in Council No. 13 of 1948.

Wage Fixing (Motor Industry Trades and Occupations, Lagos and Colony), Order in Council, No. 25 of 1948.

So far only three labour advisory boards, one for Lagos and the colony and one each for the Benin Rubber Plantations and the Plateau Minesfield, have been constituted. In the case of the former, members are appointed for a term of two years, and the board is at present composed of one permanent chairman appointed by the Governor, five representatives of employees, and an equal number of representatives of employers, and five other members appointed by the Governor by reason of their special knowledge or experience in labour matters. Members representing employees are nominated by the Trade Union Congress of Nigeria, and such other trade unions as may be considered to be representative of a large body of workers. Members representing the employers are nominated by an employers' organisation. A second labour advisory board, which was set up to enquire into the conditions of employment of unskilled task workers on the Plateau Minesfield, was constituted on similar lines. In this case, as a large section of workers concerned was unorganised and illiterate, a district officer was requested to represent the interests of the section, while the organised section was represented by an official nominated from the ranks of the trade union. Members were chosen on similar lines in the case of the third labour advisory board, which was set up to enquire into the conditions of employment in the rubber industry in the Benin Province.

The report contains statistics concerning the minimum rates of wages in the trades and industries to which the minimum wage legislation has been applied and the number of workers affected. These were 2,141 workers in the tailoring trade, 1,629 in the rubber plantations, 652 in the printing trade, 52,930 on the Plateau Minesfield, and 668 in the motor trade. The provisions of the Labour Code and the Orders in Council are enforced through the machinery of the Department of Labour. Arrears of wages due on account of underpayment for a year may be recovered. A wages inspectorate has been set up especially for the enforcement of the minimum wages law. There were no decisions by courts of law.

Northern Rhodesia.

Minimum Wages and Conditions of Employment Ordinance, No. 23 of 1948.

The Ordinance provides for the setting up of a board consisting of an equal number of workers' and employers' members and entrusted with fixing wage rates and determining conditions of service. The Ordinance provides for a board to be set up for specified areas or occupations in which the

Governor in Council considers this action desirable. No such board has yet been set up. Wage rates in several industries have been determined by collective bargaining. The legislation is applied by industrial officers who are empowered to ensure by inspection that their decisions are carried out. Inspections are made by labour officers as a part of their routine duties. These officers are in close touch with trade unions and other labour representative bodies, as well as with employers' organisations. There were no decisions by courts of law or other courts. No observations were received from organisations of employers or workers.

North Borneo.

Labour Ordinance, 1936, § 63 (*j*).

In the years immediately preceding the Japanese occupation, the absence of any urgent need to engage in wage-earning employment apart from the traditional peasant agriculture of the native races produced circumstances in which no necessity arose for minimum wage-fixing machinery. The legislation giving effect to the Convention authorised the Government to fix minimum wages whenever and wherever it became desirable to do so. The same authority was also given to the Government in connection with immigrant labour brought from Java; rates of wages were fixed in consultation with the Government of the Netherlands East Indies. Since the termination of hostilities, owing to an acute shortage of manpower and to the ever-present possibility of workers falling back upon self-sufficient agriculture, circumstances have not yet arisen in which it has been found necessary to fix minimum wages in any industry or locality. The Department of Immigration and Labour, in co-operation with district officers, supervises compliance with the legislation. No decisions were given by courts of law and no observations received from employers' or workers' organisations. Consideration is being given to the framing of legislation to implement the Convention fully when circumstances such as the growth of representative bodies make it possible to do so.

Nyasaland.

Minimum Wage Ordinance No. 19 of 1939, as amended by Ordinances Nos. 3 of 1940 and 1 of 1944.

Government Notice No. 93 of 1944, as amended by Government Notice No. 43 of 1945 (makes regulations under Ordinance No. 19 of 1939).
Government Notice No. 42 of 1945, as amended by Government Notices Nos. 35 and 140 of 1947 (makes appointments to advisory boards).
Government Notice No. 61 of 1947 (fixes the minimum wage for Southern Province).

Article 1 of the Convention is applied by § 2 of Ordinance No. 19 of 1939, as enacted by Ordinance No. 1 of 1944. Article 3 of the Convention has been applied with certain modifications. The boards advising the

competent authority have African representatives but not in equal numbers with unofficial European representatives, although officials on the boards represent African interests. There is no provision in the local legislation for any abatement of the minimum rates of wages fixed by the Ordinance. Government Notice No. 61 of 1947 fixed the minimum basic wage for unskilled male African manual labourers liable to pay taxes in all districts of the Southern Province. No statistics are available. The Governor in Council may, subject to approval under a Resolution of the Legislative Council, make regulations to acquaint the persons concerned with the objects and purposes of the Ordinance. Under § 3 of the Ordinance, the court may adjudge the employer convicted to pay such sums as appear to the court to be due to the person employed, by reason of the fact that the employer has paid wages to him at less than the minimum laid down during the preceding two years; this provision shall not be in derogation of any right of the person employed to recover wages by any other proceedings. The application of the legislation is entrusted to the officers of the provincial and district administration, the police and the Labour Department. Regular inspections are hampered at present through lack of an inspectorate staff in the Labour Department. No decisions were given by courts of law and no observations were received from organisations of employers or workers.

St. Helena.

Minimum Wages Ordinance, 1932.

The wage-fixing machinery has never been used but, owing to the absence of industrial organisations, consultation would have to be with individual employers and such representatives as the workers might nominate for the purpose. The application of the legislation would be entrusted to the employment officer. The payment of the amount which has been underpaid to a worker entitled to a minimum wage rate is subject, by virtue of § 24 of the Interpretation and General Law Ordinance, to the time limit during which a civil debt is normally recoverable in the United Kingdom, *i.e.*, 7 years. Employers have been encouraged to follow the lead of the Government as regards wage rates.

St. Lucia.

Daily Labourers Wages Payment Ordinance, No. 13 of 1924.

Labour (Minimum Wage) Ordinance, No. 5 of 1935.

Labour (Minimum Wage) (Amendment) Ordinance, No. 3 of 1937.

Labour (Minimum Wage) (Amendment) Ordinance, No. 6 of 1938.

Labour Ordinance, No. 14 of 1938.

Labour (Minimum Wage) (Amendment) Ordinance, No. 24 of 1941.

Labour (Coaling Industry) (Minimum Wage) Order, No. 63 of 1941.

Labour (Amendment) Ordinance, No. 10 of 1943.
 Labour (Minimum Wage) (Agricultural Labourers) Order, No. 64 of 1946.
 Labour (Minimum Wage) (Agricultural Labourers) (Amendment) Order, No. 14 of 1947.
 Labour (Minimum Wage) (Shop Assistants) Order, No. 63 of 1946.

A labour advisory board was established in 1938 and is composed of an equal number of representatives of employers and workers. One of the main functions of the board is to advise the Government in the fixing of wage rates. The legislation applying the Convention is supervised by the Labour Commissioner and the Labour Inspector, who make regular visits to all the places of employment concerned.

St. Vincent.

Department of Labour Ordinance, No. 14 of 1942.
 Department of Labour (Agricultural Workers) Order, No. 18 of 1943, as amended by Order No. 61 of 1945.
 Department of Labour (Minimum Wage) (Shop Assistants), Order No. 68 of 1948.

A labour advisory board in the colony, is composed of representatives of employers and workers; the board is consulted in the fixing of minimum rates of wages. The application of the legislation is entrusted to the Labour Commissioner, and visits of inspection are paid periodically, with or without notice, to the various places of employment.

Sarawak.

Labour Conventions Ordinance (Chapter 116).
 Labour Protection Ordinance (Chapter 115).

§ 10 of the Labour Conventions Ordinance empowers the Protector of Labour, with the approval of the Governor in Council, to fix, by notification in the *Government Gazette*, a minimum wage for any occupation, and provides penalties for violation of the minimum rates. Somewhat similar powers are contained in § 8 of the Labour Protection Ordinance to fix a minimum for wages of labourers or for any class of labourers.

Seychelles.

Ordinance No. 22 of 1932.
 Proclamation No. 6 of 1945.

The Convention is applied by the legislation in force and administrative measures are taken to enforce its provisions. Penalties are provided for contravention of any of these provisions. Proclamation No. 6 of 1945 applied minimum wage machinery to agriculture. A qualified labour officer, without whom the supervision and inspection of the application of labour legislation has been seriously hampered, will be returning to the colony at the end of the year, on completion of courses in the United Kingdom. There are no organisations of workers or employers in the colony.

Sierra Leone.

Wages Boards Ordinance No. 16 of 1945, as amended by No. 42 of 1946, Nos. 15 and 30 of 1947.
 Wages Boards (Mining Workers) Rules 1946, P.N. No. 12 of 1946.
 Wages Boards (Application to Mining Workers) Order in Council, 1946, P.N. No. 15 of 1946.
 Wages Boards (Mining Workers) (Amendment) Rules 1946, P.N. No. 89 of 1946.
 Wages Boards (Application to Maritime and Waterfront Workers) Order in Council 1947, P.N. No. 213 of 1947.
 Wages Boards (Maritime and Waterfront Workers) (Establishment) Order in Council, 1947, P.N. No. 228 of 1947.
 Wages Boards (Maritime and Waterfront Workers) Rules, 1947, P.N. No. 229 of 1947.
 Commissioner of Labour's Directions, P.N. Nos. 82 and 104 of 1946, Nos. 70 and 247 of 1947, No. 27 of 1948.

Two statutory wages boards have been set up. No statutory provision exists for consultation with representatives of employers and workers, but the Government has not attempted to set up a wages board without first obtaining the views of representatives of the employers and workers concerned. At the time of setting up the mining workers' wages board, the employers were not organised, though fairly substantial proportions of workers at each mine were members of the appropriate union. When the maritime and waterfront workers' wages board was set up, most of the employers were members of a chamber of commerce, and most of the workers were organised in a trade union. Informal discussions took place with all these organisations both before and during the process of forming the wages boards, and their nominees were eventually appointed as members. The boards consist of employers' and workers' members in equal numbers, and three members appointed by the Government, one of whom is the chairman. The boards fix rates of wages which, when confirmed by the Commissioner of Labour, have the force of law. Two voluntary bodies, in the shape of joint industrial councils, also exist and their agreed terms and conditions become "recognised terms and conditions" for the groups of workers specified in their agreements, and are given statutory force by Part III of Ordinance No. 16 of 1945, as amended by Ordinance No. 15 of 1947. The Ordinance has been applied to 6,500 mine workers, 4,000 maritime and waterfront workers, 10,000 transport workers, and 25,000 artisans and general workers. The enforcement of the minimum rates and conditions is effected by systematic wages inspections which began in July 1948. Up to 30 September, only a proportion of employers had been visited, but the reports of the inspectors show that compliance with the legislation, particularly in the case of small employers, is very unsatisfactory, although in general the arrears assessed by the Labour Department and claimed on behalf of the underpaid workers are being paid by employers. There were no decisions by courts of law

and no observations from organisations of employers and workers.

Singapore.

Labour Ordinance (Cap. 69), § 129.

Under the above Ordinance, the Indian Immigration Committee has power to fix standard wages for certain classes of labourers. This power has been left in abeyance since the liberation.

Solomon Islands.

King's Regulation, No. 5 of 1947.

The Resident Commissioner may fix minimum rates of wages for workers in any grade of any occupation, if he is satisfied that minimum rates being paid are too low. He has appointed an advisory board to consider minimum rates of wages and to advise him. The board consists of the chief inspector of labour as chairman, and representatives of employers and workers in equal numbers. The machinery for the fixing of minimum rates is by Rules made by the Resident Commissioner and having the force of law, any breach of which constitutes an offence. It has not yet been necessary to make such Rules, as all rates of wages being paid are satisfactory. There is no economic necessity for any indigenous person to enter employment, and consequently an employer must pay attractive wages.

Swaziland.

Fixation of Wages (Swaziland) Proclamation, No. 21 of 1937.

There has not so far been any occasion to apply this Proclamation. There is no representative organisation either of employers or workers.

Tanganyika.

Minimum Wage Ordinance, No. 19 of 1939, as amended by Ordinance No. 14 of 1947.

Local legislation is in conformity with the provisions of the Convention. As regards the application of paragraph 2 (3) of Article 3, the report states that no specific provision exists in local legislation regarding the abatement of prescribed minimum rates of wages by individual or collective agreement. In practice, this would not be permissible under the existing legislation. No minimum wages have yet been prescribed under the Ordinance. The application of Article 4 is entrusted to public officers appointed by the Governor, who have power, under § 10, to require the production of records, to enter premises at all reasonable times and to examine persons concerned. Evidence of failure on the part of an employer to pay wages at the prescribed minimum rate during the year immediately preceding the date on which a complaint is made is admissible in the courts.

Trinidad and Tobago.

Labour (Minimum Wage) Ordinance, Chapter 22, No. 3.

Minimum wage-fixing machinery was not applied during the year under review. No statutory minimum wages have been fixed in the colony. Wage rates are generally fixed by freely negotiated agreements between employers' and workers' organisations. As far back as the year 1939, the Government published a Bill to provide for the establishment of trade boards in those industries where trade union organisation had been found difficult of attainment. The Bill was, however, opposed by both employers' and workers' organisations and was subsequently withdrawn. During the past year, a Bill adapting the United Kingdom Wages Council Act, 1945 to local conditions has been drafted and is to come up for consideration by the Legislature during the next session. There were no decisions by courts of law.

Uganda.

Minimum Wages Ordinance (Chapter 109, Laws of Uganda Protectorate).
Legal Notice No. 15 of 1947.

§ 2 of the Minimum Wages Ordinance provides that the Governor may fix a minimum wage where he is satisfied that the wages paid in any trade or occupation are unreasonably low. There are no regularly organised employees' organisations suitable for consultation under Article 2. § 3 of the Ordinance provides that the Governor may appoint advisory boards to advise on the matter. By Legal Notice No. 15 of 1947, provincial advisory boards were established to advise on wage rates for Government non-established or unskilled employees. Representatives of employers and employees were members of each board. No minimum rates have been fixed under the Ordinance. A worker to whom minimum wage rates are applied may recover any arrears under § 4 (2) of the Ordinance or by civil proceedings. In view, however, of the statements made above, the circumstances envisaged have not yet arisen. There were no decisions by courts of law and no observations concerning the application of the Convention. There are in the territory at present one employers' organisation and one registered trade union. Neither of these bodies can be considered as representing all the workers or employers.

Zanzibar.

Minimum Wages Decree, No. 1 of 1935.

The application of Article 1 of the Convention is ensured by § 2 of the Decree of 1935, which empowers His Highness the Sultan in Executive Council to fix minimum wages in any occupation or trade. As regards Article 3, the report states that § 3 of the Decree of 1935 provides for the appointment of advisory boards to assist and advise in the preparation of Orders fixing minimum wages.

The application of the legislation would be supervised and enforced by the labour officer. § 4 (1) of Decree No. 1 of 1935 makes failure to pay a prescribed minimum wage a criminal offence, and the court which convicts an employer of this offence may also order him to pay to the employee the difference between the wages paid and the minimum wages which should have been paid. The time limit for recovering underpayment of wages is two years (§ 5 (1) of the Decree). There were no decisions by courts of law. The scope of the Decree is somewhat limited, and consideration is being given to the adoption of more comprehensive legislation, such as was recently introduced in Kenya. No observations

were received from organisations of employers or workers, but representatives of workers and employers in a few trades and occupations communicated their views regarding rates of remuneration in those occupations to the Labour Conciliation Committee set up by the Government as the result of a general strike in September 1948.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

TWELFTH 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	Reports received
Australia	9. 3.1931	21.10.1948
Austria	16. 8.1935	7.12.1948
Belgium	6. 6.1934	29.11.1948
Bulgaria	4. 6.1935	
Burma ¹	7. 9.1931	16.12.1948
Canada	30. 6.1938	9.11.1948
Chile	31. 5.1933	2. 4.1949
China	24. 6.1931	
Czechoslovakia	26. 3.1934	26.12.1948
Denmark ²	18. 1.1933	
Estonia	18. 1.1932	
Finland	8. 8.1932	26.10.1948
France	29. 7.1935	1.12.1948
Germany	5. 7.1933	
Greece	30. 5.1936	30. 3.1949
Hungary	6.12.1937	
India	7. 9.1931	11. 1.1949
Ireland	5. 7.1930	9. 3.1949
Italy	18. 7.1933	8. 4.1949
Japan	16. 3.1931	
Lithuania	28. 9.1934	
Luxembourg	1. 4.1931	24. 9.1948
Mexico	12. 5.1934	3.12.1948
Netherlands	4. 1.1933	27.12.1948
Nicaragua	12. 4.1934	
Norway	1. 7.1932	3. 2.1949
Pakistan ³	7. 9.1931	
Poland	18. 6.1932	14. 1.1949
Portugal	1. 3.1932	10.12.1948
Rumania	7.12.1932	
Spain	29. 8.1932	
Sweden	11. 4.1932	2.12.1948
Switzerland	8.11.1934	30.11.1948
Union of South Africa ²	21. 2.1933	
Uruguay	6. 6.1933	23.12.1948
Venezuela	17.12.1932	
Yugoslavia	22. 4.1933	

¹ See footnote 2 to Convention No. 1.

² Conditional ratification.

³ See footnote 3 to Convention No. 1.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Australia.

The Navigation (Loading and Unloading) Regulations, issued under the Navigation Act, 1912/1942 (§ 51).

Austria.

Act No. 380/1935 to ratify the Convention.
Federal Act No. 64/1936 respecting the marking of the weight on heavy packages transported by vessels.

Belgium.

General Regulations concerning the protection of labour, Book III, § 7, paragraph 2, Articles 549 and 550, which includes the Royal Order of 31 December 1932 requiring the marking of the weight on heavy packages transported by vessels (L.S. 1932, Belg. 7).

Order of 4 October 1948, to amend § 549 of the General Regulations concerning the protection of labour.

Burma.

By-law No. 32 (c) issued by the Commissioner of the port of Rangoon.

Canada.

Canada Shipping Act, 1934 (§ 468) (L.S. 1934, Can. 7).

Chile.

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

Legislative Decree No. 178 of 13 May 1931 to approve the Labour Code (§§ 244 and 248) (L.S. 1931, Chile 1).

Regulations No. 655 of 25 November 1940 concerning industrial hygiene and safety.

Decree No. 100 of 31 January 1948 to approve Regulations to determine the functions of the Labour Service, the Maritime Authority and the Maritime Health Service, and to organise co-operation among these bodies.

Czechoslovakia.

Act No. 265 of 18 December 1934 concerning the marking of the weight on heavy articles transported by vessels (L.S. 1934, Cz. 10).

Decree of the Minister of Public Works of 22 June 1936 implementing the above Act.

Transport Regulations of the Czechoslovak Railways.

Finland.

Act of 10 June 1932 concerning the marking of the weight on heavy packages transported by vessels (L.S. 1932, Fin. 1).

Order of 10 June 1932 concerning the application of the Convention.

Act of 4 March 1927, concerning industrial inspection (L.S. 1927, Fin. 1).

Orders of the Council of Ministers, dated 4 March 1927, concerning the application of the Act of 4 March 1927.

France.

Act of 27 June 1935 to insert in the Second Book of the Labour Code special provisions concerning the marking of the weight on heavy packages transported by vessels (L.S. 1935, Fr. 7).

Greece.

Act of 30 October 1935, to ratify the Convention (L.S. 1935, Gr. 11).
Decree of 20 May 1938 supplementing the above Act (L.S. 1938, Gr. 5).
Ministerial Order No. 255 of 1938 to prohibit the transportation of large packages by vessels unless their weight is plainly marked.

India.

Various measures taken by the competent authorities for the ports of Aden, Bombay, Calcutta, Chittagong, Karachi, Madras and Tuticorin.

Ireland.

Act of 21 December 1934 making compulsory the marking of the gross weight on packages and articles of 1,000 kilograms or more gross weight consigned for transport by sea or inland waterway (L.S. 1934, I.F.S. 4).

Italy.

Royal Legislative Decree No. 154 of 26 January 1933 concerning the marking of the weight on heavy packages transported by water (L.S. 1933, It. 1).
Act No. 281 of 23 May 1933 to convert the previous Decree into an Act and to lay down rules concerning the marking of the weight on heavy packages transported by water.
Royal Decree No. 676 of 8 May 1936 implementing the Convention throughout the Kingdom.

Luxembourg.

Act of 24 February 1931 to ratify the Conventions adopted by the International Labour Conference during its Twelfth Session (L.S. 1931, Lux. 1).

Mexico.

Customs Act of 31 December 1935, amended by Decree of 31 August 1936.

Netherlands.

Act No. 116 of 19 March 1932 to provide for the marking of the weight on packages transported by seagoing vessels (L.S. 1932, Neth. 1 A).
Act No. 117 of 19 March 1932 to provide for the marking of the weight on heavy packages transported by vessels engaged in inland navigation (L.S. 1932, Neth. 2 B).
Decree of 1 December 1932 to issue public administrative Regulations as provided in the second sentence of § 1 of the Act of 19 March 1932 to provide for the marking of the weight on heavy packages transported by seagoing vessels (L.S. 1932, Neth. 2 C).
Decree of 1 December 1932 to issue public administrative Regulations, as provided in the second sentence of § 2 of the Act of 19 March 1932, to provide for the marking of the weight on heavy packages transported by vessels engaged in inland navigation (L.S. 1932, Neth., 2 D).
Decree of 1 December 1932 to fix the date on which the Acts of 19 March 1932 mentioned above shall come into operation (L.S. 1932, Neth. 2 E).

Norway.

Act of 22 April 1932 concerning the marking of the weight on heavy packages transported by vessels (L.S. 1932, Nor. 1).

Poland.

Act of 31 January 1935 concerning the marking of the weight on packages transported by vessels (L.S. 1935, Pol. 1).

Portugal.

Decree No. 20611 of 11 December 1931 to provide for the marking of the weight on packages or objects of more than one thousand kilograms gross weight transported by vessels (L.S. 1931, Por. 5).
Decree No. 20,771 of 31 December 1931 respecting the ratification of the Convention.
Decree No. 21024 of 24 March 1932 to settle the procedure to be followed in cases of infringement of the provisions of the preceding Decree.

Sweden.

Act of 11 March 1932 respecting the marking of the weight in certain cases on packages or objects to be transported by vessels (L.S. 1932, Swe. 1).

Switzerland.

Federal Act of 28 March 1934 concerning the marking of the weight on heavy packages consigned for transport by vessels (L.S. 1934, Switz. 2).
Circular, dated 8 November 1934, from the Federal Department of Public Economy to the cantonal Governments concerning the implementing of the above Act.
Cantonal measures of an organising and administrative nature to implement the Federal Act of 28 March 1934 in certain cantons.

Uruguay.

Act No. 5032 of 21 July 1914 concerning the prevention of industrial accidents.
Regulation of 22 January 1936 in pursuance of the above Act.
Decree of 10 August 1938 to issue Regulations for the prevention of accidents to port and maritime workers.

SUMMARY OF OTHER INFORMATION

Australia. The relevant legislation is administered by the Marine Branch of the Department of Shipping and Fuel, whose surveyors are stationed in all main ports and exercise general supervision over the loading and unloading of ships. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Australasian Steamship Owners' Federation and to the Maritime Transport Council.

Austria. The report repeats the information previously furnished. There were no decisions by courts of law and no other decisions; no breaches of the legislation were reported. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Federal Chamber of Industry, to the Austrian Chamber of Labour and to the Austrian Federation of Trade Unions.

Belgium. The report repeats the information previously given and adds that, in virtue of the Order of 4 October 1948, § 549 of the General Regulations concerning the protection of labour is in conformity with the provisions of Article 1 of the Convention, since it also requires the marking of weight on "objects". No breaches of the legislative provisions were reported by the inspection services and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Federation of Belgian Industries, to the General Federation of Labour of Belgium, to the Confederation of Christian Trade Unions and to the General Association of Liberal Trade Unions.

Burma. The Government repeats the information previously given. No breaches of the relevant legislation were reported.

Canada. No breaches of the legislation were reported. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

Chile. The report refers to previous information and adds that Decree No. 100 of 31 January 1948 approves regulations laying down the functions of the Labour Service, the Maritime Authority and Maritime Health Service, and organising collaboration among these bodies as regards the supervision of the laws and regulations. The Government has no knowledge of any relevant decisions by labour courts. There were no breaches of the legislation and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers.

Czechoslovakia. The report refers to information previously given.

Copies of the report have been communicated to the Central Council of Trade Unions and to the Confederation of Czechoslovak Employers' Organisations.

Finland. The report repeats the information previously furnished. No breaches of the legislation were reported to the Minister of Social Affairs by the labour inspection service. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Finnish Employers' Organisations, and to the Confederation of Finnish Trade Unions.

France. The report refers to the information previously furnished. In the maritime ports, the harbour masters are entrusted with the supervision of the application of

the Convention. No decisions were given by courts of law. An enquiry on the manner in which the Convention is applied is being conducted with the relevant authorities and the results will be communicated in the report for next year.

Copies of the report have been communicated to the representative organisations of employers and workers.

Greece. The report refers to information previously given and adds that there were no decisions by courts of law and that no inspection reports or statistics are available. There were no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Greek General Confederation of Labour and to the Federation of Industries.

India. By-laws have been framed by the Trustees of the Port of Bombay, Tuticorin and Madras and the Commissioners for the Port of Calcutta for giving effect to the provision of the Convention. The Government of India is examining the question whether the provisions of the Convention should be enforced at any ports other than those mentioned. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Employers' Federation of India, to the All-India Organisation of Industrial Employers and to the Indian National Trade Union Congress.

Ireland. The report repeats information previously given and adds that no decisions were given by courts of law or other courts, no contraventions of the relevant legislation were reported, and no observations received from employers' or workers' organisations.

Copies of the report have been communicated to the Congress of Irish Unions, to the Irish Trade Union Congress and to the Federated Union of Employers.

Italy. The Government repeats information previously given and adds that no decisions were given by courts of law and no observations were received from employers' and workers' organisations.

Luxembourg. The Government repeats the information supplied in its previous report.

Copies of the report have been communicated to the representative organisations of employers and workers.

Mexico. The report repeats the information previously furnished and adds that the General Directorate of the Merchant Marine has decided, in agreement with the Department of Labour, to ensure that the Convention is also applied to vessels engaged in home trade. No decisions were given by courts of law.

Copies of the report have been communicated to the most representative organisations of employers and workers.

Netherlands. The report repeats the information previously furnished. There was one violation of the relevant legislation.

Norway. The report refers to information previously given.

Copies of the report have been communicated to the General Confederation of Trade Unions in Norway and to the Norwegian Employers' Confederation. No observations were received from these organisations.

Poland. The Government repeats the information previously given. No penalties were imposed by the maritime offices during the period under review. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Economic and Social Department of the Ministry of Industry and to the Central Committee of Polish Trade Unions.

Portugal. The report refers to previous information. There were no noteworthy decisions by courts of law and no observations have been received from employers' or workers' organisations.

Copies of the report have been communicated to the following organisations: Association of Employers in the Ceramics Industry, Association of Employers in the Woollen Textile Industry (South), Association of Employers in the Baking Industry (Lisbon), National Association of Graphical Industries, Federation of Chauffeurs' Trade Unions, Confederation of Trade Unions of the Workers of the Port of Lisbon, National Trade Union of Bank Employees, National Trade Unions of Workers in the Metallurgical and Mechanical Industries, National Union of Railway Workers.

Sweden. The Government refers to the information previously furnished. The labour inspection service ensures the supervision of the application of the legislation; no breaches of the legislation were reported for the year 1947.

Copies of the report have been communicated to the Swedish Employers' Association, to the Swedish Confederation of Trade Unions, and to the Central Organisation of Salaried Employees.

Switzerland. The report states that the Convention continues to be applied under the same conditions as previously. There were no breaches of the legislation, and no observations from organisations of employers or workers.

Copies of the report have been communicated to the following organisations: Central Federation of Swiss Employers' Associations; Swiss Federation of Commerce and Industry; Swiss Federation of Arts and Crafts; Swiss Federation of Peasants; Swiss Federation of Trade Unions; Federation of Swiss Associations of Salaried Employees; Swiss Federation of Christian National Trade Unions; Swiss Association of Protes-

tant Workers and Salaried Employees; Swiss Federation of Independent Trade Unions.

Uruguay. The report for 1946-1947, also valid for 1947-1948, repeats the information supplied in previous years.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Australia

Nauru.

Marking of Weight on Heavy Packages Ordinance, 15 October 1932.

The Convention is applied by the legislation in force. Supervision is entrusted to the Collector of Customs. No contraventions occurred and no decisions were given by courts of law. The trading activities of the territory do not entail the shipment of heavy packages, phosphate being the only export. There are no representative organisations of employers and workers.

Norfolk Island.

Marking of Weights on Heavy Packages Ordinance, 1932.

The Convention is applied by the legislation in force. Supervision is entrusted to the Administrator of the Territory of Norfolk Island. No decisions were given by courts of law and no contraventions occurred. The territory has been free from accidents arising out of the loading or unloading of ships' cargoes. There are no representative organisations of employers and workers.

Papua — New Guinea.

Papua: Navigation Ordinance 1931.

Navigation (Loading and Unloading Regulations) 1931, Statutory Rules 14 of 1931 and 18 of 1933.

New Guinea: Marking of Weight on Heavy Packages Ordinance, 1932.

The Convention is applied by the legislation in force. Supervision is entrusted to the Department of Trade and Customs. No contraventions were reported and no decisions were given by courts of law. There are no representative organisations of employers and workers.

Netherlands

Indonesia.

Official Gazette, No. 633 of 1938.

The Convention has been applied; its provisions are covered by the above-mentioned legislation. The obligation for having the weight marked on packages of more than 1,000 kg falls on the person who orders a package to be brought alongside the ship. The custom house officers and police officials supervise compliance with the legislation. No observations were made.

Surinam.

The Convention has been published. The requirements of the Convention are met by the Safety Ordinance, 1947. There is no objection to the formal application of the Convention.

Netherland West Indies.

There is no legislation. The weight is usually marked on heavy packages.

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	Report received
Ireland	5. 7.1930	
Luxembourg	1. 4.1931	24. 9.1948
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.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Luxembourg.

See summary of other information.

SUMMARY OF OTHER INFORMATION

Luxembourg. The Convention does not call for practical application in the country and has been ratified in a spirit of international solidarity.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

Does not apply to the reporting country.

FOURTEENTH 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	Reports received
Australia	2. 1.1932	27. 1.1949
Belgium	20. 1.1944	29.11.1948
Bulgaria	22. 9.1932	
Chile	31. 5.1933	2. 4.1949
Denmark	11. 2.1932	10.11.1948
Finland	13. 1.1936	26.10.1948
France	24. 6.1937	9.12.1948
Ireland	2. 3.1931	9. 3.1949
Italy	18. 6.1934	28. 1.1949
Japan	21.11.1932	
Liberia	1. 5.1931	
Mexico	12. 5.1934	3.12.1948
Netherlands	31. 3.1933	27.12.1948
New Zealand	29. 3.1938	26.12.1948
Nicaragua	12. 4.1934	
Norway	1. 7.1932	3. 2.1949
Spain	29. 8.1932	
Sweden	22.12.1931	2.12.1948
Switzerland	23. 5.1940	30.11.1948
United Kingdom	3. 6.1931	14. 1.1949
Venezuela	20.11.1944	
Yugoslavia	4. 3.1933	
* * *	* * *	* * *
Anglo-Egyptian Sudan	(Voluntary)	20.12.1948
Southern Rhodesia	(Voluntary)	13. 1.1949

INTRODUCTION

A number of countries have supplied statements of a general nature on the application of the Convention. A summary of these statements is given below :

Chile. The report refers to information given in previous reports to the effect that forced or compulsory labour, as dealt with in the Convention, does not exist in Chile.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Confederation of Chilean Workers.

Denmark. The report refers to information given in previous years.

Finland. The Convention has been ratified by Finland in support of the principles laid down in the Convention. As the country does not possess any colonies or other territories in which forced labour exists or might exist, it is not possible to supply a report on the application of the Convention.

Ireland. The Government has not under its sovereignty, jurisdiction, protection, su-

zerainty, tutelage or authority any territories to which the provisions of the Convention are applicable. The Government is in favour of the suppression and abolition of forced or compulsory labour on the lines laid down in the Convention. The Convention was accordingly ratified and the Government will be prepared to act in accordance with the provisions thereof should any occasion arise.

Mexico. § V of the Federal Constitution of the Republic provides that no person shall be compelled to render personal services without fair remuneration and without his full consent, unless the work is imposed by the judicial authority, in which case it shall be subject to the provisions of the Federal Labour Act. The application of the Convention is ensured by the administrative and judicial authorities.

Copies of the report have been communicated to the representative organisations of employers and workers.

Norway. Reference is made to previous reports. The report adds that no decisions were given by courts of law, and no observations received from organisations of employers or workers.

Copies of the report have been communicated to the General Confederation of Trade Unions in Norway and to the Norwegian Employers' Confederation. These organisations made no observations and confirmed that the Convention is fully applied in Norway.

Sweden. Sweden has no territories to which the provisions of the Convention are applicable.

Copies of the report have been communicated to the Swedish Employers' Confederation, the Swedish Confederation of Trade Unions, and the Central Organisation of Salaried Employees.

Switzerland. The report repeats the information given in 1942, to the effect that the type of forced or compulsory labour dealt with by the Convention is unknown in Switzerland, and that the Government has not under its sovereignty, jurisdiction, protection, suzerainty, tutelage or authority any territory to which the provisions of

the Convention apply. The Convention, therefore, is without any practical value for Switzerland. In adhering to the Convention, the Government was inspired by the same principles as those which led it to adhere to the Slavery Convention signed at Geneva in 1926, namely, to give its support to a humanitarian project.

Copies of the report have been communicated to the following organisations: Central Federation of Swiss Employers' Associations, Swiss Federation of Commerce and Industry, Swiss Federation of Arts and Crafts, Swiss Federation of Peasants, Swiss Federation of Trade Unions, Federation of Swiss Associations of Salaried Employees, Swiss Federation of Christian National Trade Unions, Swiss Association of Protestant Workers and Salaried Employees, Swiss Federation of Independent Trade Unions.

SUMMARY OF OTHER INFORMATION RECEIVED

Australia

Nauru. There is no need to use forced labour, as the Native population is very small and finds work easily. The area of the territory is also very small (12 square miles). Special legislation is unnecessary and the Convention is applied in full. The administration undertakes complete responsibility for the application of the provisions of the Convention.

Labour for the benefit of private individuals, companies or associations, or for the benefit of Native Chiefs, is prohibited. Taxes are very low, and no forced labour has been called upon to replace them. Forced or compulsory labour for the construction or maintenance of roads, the transport of persons or goods, cultivation of food crops, and underground work in mines is also prohibited. The employment of Native labour is regulated by the Chinese and Native Labour Ordinance, 1922-1924. There were no decisions by courts of law; there are no representative organisations of employers or workers.

Norfolk Island.

There is no legislation relating to forced or compulsory labour and the Convention is applied in full. There is no Native population on the Island, the residents being Europeans who, with the exception of those employed by the administration, are mostly engaged in business and agricultural pursuits. There were no decisions by courts of law. There are no representative organisations of employers or workers.

New Guinea.

New Guinea Act 1920-35 (§ 36 (2)).

Regulation 79 A, made under the Native Administration Ordinance, 1921-38.

Native Labour Ordinance, 1946, and Regulations made thereunder.

The legislation prohibits forced labour and the Convention is applied in full. The

report contains detailed information on the application of the various Articles of the Convention. It states, in particular, that compulsory labour for the benefit of private individuals, companies or associations has never been permitted and no concessions have been granted. Officials do not put constraint on anyone to work for private individuals, companies or associations. There are no Native Chiefs, the representative of the administration in each village being the Luluai and Tul-tul. These officers do not exercise administrative functions, nor are they allowed to have recourse to forced or compulsory labour in any form. Forced or compulsory labour for the construction or maintenance of roads, the transport of persons or goods, underground work in mines, or exacted as collective punishment, is also prohibited.

Regulation 79A, made under the Native Administration Ordinance, 1921-1938, provides for the compulsory planting, tending, harvesting and storing of food crops. This legislation comes within the scope of Article 19 of the Convention and the compulsory cultivation which is provided for by the Regulation is a precaution against a deficiency of food supplies. The produce is always the property of the individual producing it. Having regard to the present stage of development of the Native inhabitants, it is not considered advisable to alter existing legislation.

Under Article 25, the report states that the employment of Native labour is regulated by the Native Labour Ordinance of 1946 and the Regulations made thereunder. This legislation prohibits all forms of forced or compulsory labour except portage near villages and work or services executed in cases of emergency. However, as the provisions of § 36 (2) of the New Guinea Act are rigidly observed, forced or compulsory labour for any purpose is not permitted in New Guinea. There were no decisions by courts of law. There are no representative organisations of employers or workers.

Papua.

Native Regulation Ordinance, 1908-1930, and Regulations made thereunder.

Native Plantations Ordinance, 1925-1934.

Native Labour Ordinance, 1946, and Regulations made thereunder.

The Convention is applied in full, and the only forced labour exacted is that of portage, which is gradually being superseded by mechanical and other means. The report gives detailed information on the application of the various Articles of the Convention and states, in particular, that forced labour for the benefit of private individuals, companies or associations has never been permitted; no concessions have been granted; and officials do not put constraint on anyone to work for private individuals, companies or associations. There are no Native Chiefs, the representative of the administration in each village being the

village constable, who has not the right to recourse to forced or compulsory labour. Only the highest local authorities are authorised to use forced labour and then only for the purpose of facilitating the movement of officials of the administration when on duty and for the transport of Government stores, after all means of obtaining voluntary labour have failed. Forced labour may not be exacted as a tax or for underground work in mines.

Porterage is regulated as follows: not more than one sixth of the able-bodied male adults may be employed at one time; the number of days' porterage exacted may not exceed 21 a year, or 31 in case of emergency. The hours of work are the same as those for a voluntary worker, and a weekly rest of 24 hours is provided for. Porters are paid at a rate fixed by the administration, varying from 6d. to 1s. a day with rations. In the event of accident or sickness, the payment of subsistence and compensation, if any, is ensured by the administration. Porters may not be required to carry at a greater distance than one hundred miles from their home. During the period under review, 54 Natives were convicted for having refused to transport officials on duty. Steps towards the abolition of forced labour for the transport of officials are under consideration, and officials have been instructed to have recourse to forced labour only in cases of urgency and when it is impossible to obtain voluntary labour.

The report also contains information concerning compulsory cultivation and states that the Ordinance of 1908-1930 and the Regulations issued thereunder provide for the compulsory planting of coconut and other food trees by village Natives, where a Magistrate of Native Matters deems it desirable. These trees belong to the person who plants them, and his heirs. This legislation, enacted in accordance with Article 19 of the Convention, provides for compulsory cultivation purely as a precaution against a deficiency of food supplies; the produce is always the property of the individual producing it. Any Native who refuses to plant or cultivate food trees may be fined a sum not exceeding 5s. and in default of payment may be imprisoned for a period not exceeding 6 weeks. No prosecutions were instituted for breaches of this Regulation. The Native Plantations Ordinance, 1925-1934, provides for the establishment of Native plantations to further the welfare of the Native people. During the period under review, no prosecutions were instituted for breaches of this Ordinance.

The report also states that the Native Labour Ordinance of 1946 prohibits recourse to forced or compulsory labour in any form, except for porterage near villages and work or service executed in cases of emergency. Steps are being taken to minimise porterage by the use of animal and mechanical transport. There were no decisions by courts of law; there are no

representative organisations of employers or workers.

Belgium

§ 2 of the Colonial Charter.
Decree of 5 December 1933, §§ 45 and 46.
Ordinance 137 *bis* of 24 September 1935.
Ordinance 212 of 2 August 1940.

The report refers to the information given in the previous report.

Copies of the report have been communicated to the Federation of Belgian Industries, the General Labour Federation of Belgium, the Confederation of Christian Trade Unions, and the General Association of Liberal Trade Unions.

France

Act No. 46-645 of 11 April 1946, respecting the suppression of forced labour in the overseas territories.

The report states that the latest legislation on this subject is to be found in the above Act, which prohibits absolutely the use of forced or compulsory labour in the overseas territories, abolishes all previous Decrees and regulations concerning the requisitioning of labour, for whatever purpose, and provides that all methods or procedures for direct or indirect compulsion to employ or keep in the place of work any person against his will shall be subject to punitive measures.

The Act is applicable to the following territories which are under the Ministry for Overseas France: Indo-Chinese Union, Togo, Cameroons, New Caledonia and Dependencies, Establishments of French India, Establishments of French Oceania, French Somaliland, Comores Archipelago, St. Pierre and Miquelon, French West Africa, French Equatorial Africa and Madagascar.

The provisions of the Act go further than those of the Convention; their application has caused no particular difficulties, except of an economic nature, and these have been quickly overcome locally. There seems to have been some confusion concerning the interpretation of the terms "compulsory labour" and "labour".

As regards the application of Articles 2 and 7 of the Convention, the report states that minor village services, which are carried out in accordance with local custom in the direct interest of the community and agreed upon by the direct representatives of the population, are not included in the meaning of "forced labour". Such work must in no circumstances be confused with work carried out for the personal benefit of Native Chiefs, which was the current practice before French intervention, but concerning which the French administration has always refused to recognise any legal obligation, or to enforce such compulsion. This has sometimes caused difficulties with the Chiefs concerned, to whom a regular remuneration from public funds has been granted as compensation for the

loss of their privileges. These steps have brought about a revolution in customs, as shown by the complete disappearance of this form of work, which continued at first in a reduced degree and as a survival of tradition, to be transformed later into minor services carried out for the sole benefit of the community and under the conditions noted above.

No law or text exacting compulsory cultivation exists in the French overseas territories. Any measure to advise the people to work and to encourage them to persevere in an effort by which they themselves will profit has no connection with the obligation to carry out determined cultivation under penalty of legal sanctions.

According to the reports from the Department of Overseas France, the courts in the overseas territories have not had before them any matter concerning the application of the Act of 11 April 1946. The Department has not received any observations from organisations of employers or workers.

Italy

Act No. 274 of 29 January, 1934 respecting the application of the Convention.

Royal Decree No. 917 of 18 April, 1935 respecting the regulation of forced or compulsory labour in the colonies (L.S. 1935, It. 7).

The report refers to information given in previous reports.

New Zealand

Forced or compulsory labour within the terms of the definition contained in Article 2 of the Convention does not exist in New Zealand. The position is the same in the Island Territories attached to New Zealand and also in the Trust Territory of Western Samoa. There has thus been no necessity to take any action to give effect to the instrument of ratification. The report states that the collection of beetles, and other Native customs authorised by the Native Regulations of 1938, are considered to be within the exemptions contained in paragraphs (d) and (e) of Article 2 of the Convention. There were no decisions by courts of law and no observations from organisations of employers or workers.

Copies of the report have been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

Netherlands

Netherland West Indies.

Forced labour no longer exists in the Netherland West Indies, where Ordinance No. 107 of 30 October 1946 repealed Ordinance No. 120 of 1943 respecting compulsory labour in industrial establishments.

Indonesia.

The report recalls that the Convention was applied to Indonesia with two reservations

made by the Government at the time of ratification. These were, first, that "Article 3 of the Convention will not be applied; the central authorities concerned will, however, be responsible for any employment of forced or compulsory labour;" and second, that "Article 4 will not be applied to the services rendered by the inhabitants of the private land estates in Java to the owners of these estates (*particuliere landerijen*)".

The report points out that forced labour as prohibited by the Convention no longer exists in Indonesia and describes the various stages in its suppression. Slavery was abolished on 1 January 1860. There are two forms of compulsory labour — the public works or *heerendiensten*, and labour carried out under penal sanction. *Heerendiensten* was abolished first in Java and Madura (Official Gazette No. 661 of 1934 and No. 221 of 1938) and subsequently in the Outer Provinces (by Ordinance No. 97 of 1941, which came into force on 1 January 1942). In the Outer Provinces, a road tax for the maintenance of the roads has been imposed instead of this compulsory labour.

The report gives an explanation concerning the compulsory work carried out on the private land estates (*particuliere landerijen*). Many of these estates had already become the property of the Government before the war. The policy of the Government was to allow these private estates gradually to disappear. The Private Land Estates (Java and Madura) Regulation of 1946 was issued after the war. The Regulation contained provisions prohibiting the owners of the estates from using their rights, which extended not only to the persons living on the estates but also to the grounds, dwellings, installations and stocks.

By a Decree of the Lieutenant Governor General of 2 April 1948, a commission was set up in Batavia, to make proposals for the liquidation of the institution of private land estates in Java. The Government had already stated that it had no intention of maintaining the rights of the owners of these private estates. This system of private land estates, which included compulsory labour and other feudal rights, was considered to be entirely anachronistic.

As regards the second form of compulsory labour in use, that of work carried out under penal sanctions, it should be pointed out that the abolition of penal sanctions began in 1931 (Coolie Ordinance of 1931, as amended in 1936). The provisions of this Ordinance forced employers to reduce the number of contracts with penal sanctions. In January 1936, the number of coolies working under contracts with penal sanctions was 22,974. In July 1940, the number was reduced to 60. From 1 January 1942, the system was completely abolished.

Surinam.

The Convention has been published in Surinam (Official Gazette No. 65 of 1933).

It has not been considered necessary to take legislative measures, as forced labour no longer exists in the territory.

United Kingdom

There is no form of forced or compulsory labour in the United Kingdom of Great Britain and Northern Ireland.

In *Newfoundland*, the liberty of the subject is guaranteed by the writ of *habeas corpus*.

For the territories listed below, the reports received show that there is no law or custom in existence permitting the exaction of forced or compulsory labour as defined by the Convention :

Aden, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, Brunei, Cyprus, Dominica, Falkland Islands and Dependencies, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica (including Turks and Caicos Islands and Cayman Islands), Leeward Islands, Malta, Mauritius, Nigeria, Northern Rhodesia, St. Helena and Ascension, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Swaziland, Trinidad and Tobago, Zanzibar.

In addition, there are in certain of these territories legislative provisions expressly forbidding recourse to forced or compulsory labour. These territories are listed below :

Brunei : § 374 of the Indian Penal Code ; *Fiji* : §§ 56 and 57 of the Labour Ordinance, 1947 ; *Gambia* : Forced Labour Ordinance of 1934 ; Chapter 46 of the Laws of Gambia ; *Gilbert and Ellice Islands* : Ordinance No. 1 of 1933 ; *Gold Coast* : § 107, paragraph 1 of the Labour Ordinance, 1948 ; *Nigeria* : § 111 of the Labour Code Ordinance of 1945 ; *Northern Rhodesia* : § 234 of the Penal Code ; *Singapore* : § 374 of the Indian Penal Code ; *Solomon Islands* : § 57 of the Labour Regulation of 1947 ; *Zanzibar* : § 3 of Chapter 131 of the Laws.

In *Zanzibar*, however, wartime legislation permits certain forms of compulsory service. An analysis of these provisions will be found below.

The reports received for the territories of *Kenya, Federation of Malaya, North Borneo, Nyasaland, Sarawak, Sierra Leone, Tanganyika* and *Uganda* indicate that in certain cases forced or compulsory labour is authorised by legislation. A summary of the reports for these territories will be found below.

Kenya.

Compulsory Labour (Regulation) Ordinance of 1932.

The Convention is applied without modification. As regards the application of Article 8, the report states that the Governor is authorised to delegate to any Provincial

Commissioner, District Officer or Headman, powers to impose compulsory labour, subject to the provisions in Article 23 of the Convention. Under Article 18, it is stated that the use of forced or compulsory labour for the transport of persons or goods in Kenya is governed by administrative direction and in practice occurs only in two administrative districts, the remoteness of which necessitates limited recourse to the use of porters. Consideration is being given to the establishment of a permanent force of porters for employment in each of these two districts. In regard to the information requested under Article 22, the report gives details concerning the number of men ordered out to perform compulsory labour, the nature of the labour, conditions of work, and remuneration. The use of compulsory labour in Kenya, as stated above, is extremely limited. Recourse has been had to the provisions of Article 10 on one occasion recently for the benefit of the indigenous inhabitants. There were no decisions by courts of law and no observations from organisations of employers or workers.

Copies of the report have been communicated to members of the Labour Advisory Board and are available for perusal by chambers of commerce and registered trade unions.

Federation of Malaya.

Federated Malay States Law (Penal Code), Chapter 45, § 374.
Federated Malay States Law, Chapter 154, § 63 (iii) and (iv).

§ 374, of Chapter 45 of the Federated Malay States Law, provides for penalties for anyone who unlawfully compels any person to work against his will. The Government reserves the right to use the provisions of § 63 (iii) and (iv) of Chapter 154 of the Federated Malay States Law should conditions necessitate this action. This provides for certain forms of compulsory labour. §§ 63 (iii) and (iv) read as follows :

"(iii) Any labourer who is employed exclusively in factory work may be lawfully required by the employer, in case of need, to work for any time not exceeding three hours in any one day over and above the eight hours hereinbefore mentioned, and shall be entitled to receive for such extra work pay at the rate of not less than one eighth part of his ordinary daily wages for each half hour of overtime worked."

"(iv) In case of emergency, any labourer may be required by the employer, subject to the approval in writing of the Controller, to work at the cultivation of foodstuffs suitable for the subsistence of labourers for any time not exceeding three hours in any one day over and above the eight hours hereinbefore mentioned, or over and above his task for that day assigned under § 64, and shall be entitled to receive for such extra work pay at the rate of not less than one sixteenth part of his ordinary daily wages for each half hour of overtime worked."

North Borneo.

Indian Penal Code (adopted as law in North Borneo under the Procedure Ordinance, 1926), § 374.
 Land Ordinance (No. 9 of 1930), § 66.
 Village Administration Ordinance No. 5 of 1931, § 9 (ii), as amended by Notifications Nos. 95 of 1931 and 37 of 1933.
 Prohibition of Forced Labour Ordinance (No. 4 of 1933) (L.S. 1933, N.B. 1), as amended by Notification No. 66 of 1938.
 Native Administration Ordinance (No. 2 of 1937), paragraphs 6, 7 and 15.
 Food Control Ordinance (No. 1 of 1938).
 Native Rice Cultivation Ordinance (No. 1 of 1939).
 Notification No. 505 of 1930 (issued under the Land Ordinance, 1930), § 5.
 Notification No. 159 of 1931 (issued under the Agricultural Pests Ordinance, 1917).
 Notification No. 152 (issued under the Food Control Ordinance of 1938).
 Food Production Proclamation of 1946.

The report refers to the information given in previous reports concerning the various forms of compulsory labour which may be exacted in the territory. No forced or compulsory labour has been exacted during the period under review except, under Article 18 of the Convention, for portage in certain districts where voluntary labour is not obtainable and conditions render human portage an administrative necessity. During the period under review, 3,227 persons were called out for the purpose of facilitating the transport of Government officers and Government stores. The average number of days worked per person was 3.6, and the average number of hours per person per day was 6.8. Payment, made in cash in all cases, ranged between 60 cents and 1 dollar per day. One case of sickness resulting in death occurred, that of a porter who developed pneumonia.

All voluntary engagements have been omitted from the report. Where it has not been possible to distinguish with certainty between persons engaging voluntarily and those responding under menace of penalty, doubtful cases have been considered as compulsory service. There were no decisions by courts of law and no observations concerning the application of the Convention.

Nyasaland.

Forced Labour Ordinance (Chapter 40 of the Revised Edition (1933) of the Laws of Nyasaland).

The Convention has been applied without modification. The illegal exaction of forced or compulsory labour is punishable, under § 18 of Chapter 40 of the Forced Labour Ordinance, by a fine not exceeding £50, or by imprisonment with or without hard labour for a period of six months, or by both such fine and imprisonment. No case of illegal exaction of compulsory labour has come before the courts during the period under review. There were no decisions by courts of law and no observations from organisations of employers or workers.

Sarawak.

Native Administration Ordinance (Chapter 26).

§ 7 of the above Ordinance is in conformity with the provisions of the Convention and provides that forced labour may be required when a state of famine exists.

§ 15 (b) of the Ordinance provides for compulsory portage as authorised under Article 18 of the Convention.

The Native Administration Ordinance referred to above is to be replaced shortly by a new Local Authority Ordinance. This new Ordinance will contain no provisions similar to § 8 of the Native Administration Ordinance, but it will contain provisions similar to §§ 7 and 15 (b). The possibility of abolishing compulsory labour for transport has been considered, but it is felt that, for the time being, owing to the undeveloped state of communications and the wide dispersion of the population, this measure is not practicable. Regulations will, however, be issued under the new Ordinance in accordance with Article 18 of the Convention; a draft of the proposed regulations is appended to the report.

Compulsory labour is used in the territory only for the transport of administrative officers on tour in their districts. Launches and outboard motors are used whenever possible, and the number of occasions where portage is needed is thus considerably reduced. It is estimated that, during the year, some 7,000 men were employed; these men performed a total of approximately 34,000 hours of work. In most cases, payment is made in kind. It is emphasised that this work does not amount to compulsory labour in the ordinary sense of the term. The provision of transport from village to village for administrative officers on tour is a minor communal service of long standing. The performance of such work is reflected in the low rate of taxation imposed, and its value is readily appreciated by the people in that it facilitates the speedy settlement of minor cases and disputes on the spot, as well as the distribution of medical supplies where needed. It is only in extremely rare instances that an ample supply of willing volunteers for the conveyance of officers is not readily available.

No decisions were given by any courts. There are no representative organisations of employers or workers in the territory.

Sierra Leone.

Forced Labour Ordinance (Chapter 82 of the Laws of Sierra Leone, 1946).
 Workmen's Compensation Ordinance (Chapter 268 of the Laws of Sierra Leone, 1946).
 Workmen's Compensation Ordinance (application to certain employments) Order in Council, 1940.

The Convention has been applied with slight modifications. There is a tendency to suppress the use of forced labour.

The report gives the following details regarding the application of the Convention: Article 1, paragraph 1, is applied by § 3 (1)

of the Forced Labour Ordinance; Article 1, paragraph 2, is applied by § 6 of Chapter 82; Article 2 paragraph 1, is applied by § 2 of the same chapter. As regards Article 2, paragraph 2 (a), the report states that there are no compulsory military service laws in the territory in peace time, and this provision of the Convention is applied by the words "in the event of war" in § 2 (d) of Chapter 82. Paragraphs 2 (c), (d), and (e) of Article 2 are applied by § 2 (c), (d) and (e) of Chapter 82.

The "competent authority" in the meaning of Article 3 of Convention is the Government of the territory.

§§ 4 (1) and 6 (c) of Chapter 82 indicate that the competent authorities for the purposes of Article 4 are the recognised Chiefs, Government officers and private persons.

Article 5 is not applicable in the territory, as no concessions would be granted to private individuals, companies or associations allowing the use of forced labour.

Article 6 is covered by § 10 of Chapter 82.

§ 2 of Chapter 82 defines the term "recognised Chief" given in Article 7, paragraph 1. No Chief who does not exercise administrative functions is recognised. Article 7, paragraph 2, is applied by § 4 (1) of Chapter 82. Paragraph 3 is applied by § 4.

Article 8, paragraph 1, is covered by § 8 (2) and (3) and § 9⁷(3) of Chapter 82. Article 8, paragraph 2 is covered by § 9 (3) in relation to § 6 (c) of the same Chapter.

Article 9 (a) and (b) is covered by § 8 (2) (a) and (b) in relation to § 6 (a) of Chapter 82. Article 9 (c) is covered by § 9 (2) in relation to § 6 (b) and (c), and Article 9 (d) by §§ 8 (2) (c) and 9 (4) of Chapter 82.

Article 10, paragraph 1, is covered by §§ 4 (3) and 5 of Chapter 82. Article 10, paragraph 2, is covered by § 8. The use by recognised Chiefs of forced labour exacted as a tax or under the terms of § 6 (a) and (b) of Chapter 82 has been virtually abolished by administrative action.

Article 11, paragraph 1, is covered by §§ 7 (2) and 9 (4), (5) and 6 of Chapter 82. Article 11, paragraph 2, is covered by § 9 (4) of Chapter 82. The proportion of the resident adult able-bodied male population which may be taken at any one time has been fixed by § 9 (4) at 25 per cent.

Article 12, paragraph 1, is covered by § 4 (2) (a) for services allowed under § 4 (1) of Chapter 82 (personal services rendered to recognised Chiefs); and by § 7 (3) for services allowed under § 6 (public works, portage, etc.). Article 12, paragraph 2, is covered by §§ 7 (4) and 9 (10) of Chapter 82.

Article 13, paragraph 1 is covered by § 8 (5) for services allowed under § 6 (a) of Chapter 82 (public works). This limited application is not fully in harmony with the Convention but extension to other forms of forced labour is not regarded as essential in present circumstances. Article 13 paragraph 2 is covered by §§ 4 (2) (d) and 7 (5) of Chapter 82.

Article 14, paragraph 1 is covered by § 9 (7) for services allowed under § 6 (b) and (c) of Chapter 82 (construction and portage). There is no similar provision for the services allowed under §§ 4(1) and 6 (a) of Chapter 82 but in present circumstances this is not regarded as essential. Paragraph 2 of Article 14 is not covered, but forced labour by Chiefs exercising their administrative functions is almost non-existent in the territory. Paragraph 3 is not covered, but it is understood that wages are invariably paid to each worker individually. Paragraph 4 of Article 14 is covered by § 9 (7) for services allowed under § 6 (b) and (c) of Chapter 82 (construction and portage); for services allowed under §§ 4 (1) and 6 (a) (personal services rendered to Chiefs, and public works) the requirement is not necessary. Paragraph 5 is covered, except for deductions, by §§ 9 (7) for services allowed under § 6 (b) and (c) of Chapter 82 (construction and portage). There is no similar provision for the services allowed under §§ 4 (1) and 6 (a) of Chapter 82 (personal services rendered to Chiefs, and public works), but in present circumstances this is not regarded as essential. No steps have been taken to introduce payment of wages in accordance with paragraph 2 but, as already stated, the use of forced labour in the circumstances quoted is very rare in the territory.

As regards Article 15, paragraph 1, the Workmen's Compensation Ordinance, Chapter 268, applies equally to forced labour and to voluntary workers, provided they are employed in one or other of the employments specified in the Workmen's Compensation (Application to Certain Employments) Order in Council, 1940. Article 15, paragraph 2 is covered by § 7 (6) for services allowed under § 6 of Chapter 82 (public works, portage, etc.). There is no similar provision for the services allowed under § 4 (1) of Chapter 82 (personal services rendered to Chiefs).

Paragraphs 1 to 3 of Article 16 are not specifically covered or applicable in the territory. For the services allowed under §§ 4 (1) and 6 (a) of Chapter 82 (personal services rendered to Chiefs and public works) it is not permitted to remove workers from their habitual place of residence (§§ 4 (2) (b) and 8 (4) of Chapter 82). For the services allowed under §§ 6 (b) and (c) of Chapter 82, it is not permitted to remove workers more than five normal days' march from their habitual place of residence. Within these limits, food and climate remain unchanged.

Paragraph 4 of Article 16 is not covered, but the performance of regular work to which workers are not accustomed does not occur in the territory.

Article 17 is not covered, but the employment of forced or compulsory labour for considerable periods is not permitted in the territory (§§ 7 (3) and 9 (9) of Chapter 82), and application of this Article is therefore not considered necessary.

Article 18, paragraphs 1 and 2 are covered by § 9 of Chapter 82. Paragraph 3 of Article 18 is covered by § 9 (8) of Chapter 82. Provincial commissioners are aware of the necessity for reducing and eventually abolishing altogether the use of forced or compulsory labour for the transport of persons or goods. During the past year it has only been necessary to employ forced labour in two out of the thirteen districts in the territory. The gradual extension of the system of motor roads is also a factor in reducing the use of forced labour. The report refers in this connection to §§ 6 (c), 9 (5), 9 (8), 9 (9) and 9 (3) of Chapter 82.

As regards Article 19, paragraphs 1 and 2, it should be pointed out that § 4 (1) (a) of Chapter 82 permits the customary personal agricultural services to recognised Chiefs. With this exception, compulsory cultivation is not authorised under Chapter 82, except in time of famine or other threatened calamity. § 2 (d) of Chapter 82 excludes from the definition of the term "forced labour" exactions in these circumstances.

As regards Article 20, the report states that there are no collective punishment laws in the territory. Under Article 21, it is pointed out that the use of forced or compulsory labour for work underground in mines is not authorised by Chapter 82. During the year ended 30 September 1948, there has been no change in the legislation concerning the employment of compulsory labour in the territory.

During the period under review, forced labour specifically exacted under the Forced Labour Ordinance, No. 50 of 1932 (Chapter 82 of the Laws) was employed as follows :

Work carried out	No. of men ordered out	No. of man days worked	Average days per man
Porterage	222	1,210	5.45
Maintenance and repairs to buildings	—	—	—

No labour was engaged for maintenance and construction of War Department roads during this period.

The above labour was ordered out mainly for the purpose of conveying loads of district commissioners and staff on house tax collection in the Koinadugu and Pujehun Districts. No prosecutions were made under the Forced Labour Ordinance during the period under review. There were no reported cases of sickness, fatal or non-fatal, among the workers called out to do forced labour during the period of their employment. The average time worked by these workers was 3 hours a day at Pujehun and 4½ to 6½ hours a day at Koinadugu. As regards the method of payment, wages were paid in accordance with Government regulations which require that recognised terms and conditions, *i.e.*, as agreed by representatives of both employers (including

Government) and of trade unions in the various trades and occupations concerned, shall be observed by all employers. There were no reported cases of accidental death or injury arising out of forced labour during the period under review.

No special instructions governing the use of forced or compulsory labour have been issued under Article 23 as the terms of the Ordinance itself are regarded as sufficiently explicit. § 7 (7), in relation to the services allowed under § 6 of Chapter 82, permits workers to lay complaints, and the powers of the Governor to make rules under § 13 (2) are regarded as an additional safeguard. It has not so far been found necessary to make any rules in this connection.

As regards Article 24, the report states that responsibility for the enforcement of the terms of the Ordinance rests with the Provincial Administration of the protectorate. This authority is aware of the necessity for a strict application of the regulations governing the employment of forced or compulsory labour, but no inspection is undertaken, other than general supervision of the work of district commissioners. A large proportion of the workers in the protectorate is illiterate and the regulations on forced labour and other matters are brought to the notice of the people orally during the course of visits to villages, etc.

Article 25 is covered by §§ 3 (2), 4 (2) and 12 of Chapter 82.

The Convention is applied by laws enforced through the Provincial Administration which realises that the desideratum is to suppress entirely the exaction of forced or compulsory labour. As stated above, there are now only a few instances of forced labour in the territory. There were no decisions by courts of law and no observations from organisations of employers or workers.

Tanganyika.

Penal Code, § 256.

Memorandum on the Recruitment, Care and Employment of Government Labour (Second Edition), 1938.

Native Tax Ordinance, 1934.

Native Authority Ordinance (Chapter 47 of the Laws).

§ 256 of the Penal Code makes it an offence to compel unlawfully any person to work against his will, and otherwise by administrative instructions contained in a memorandum on the "Recruitment, Care and Employment of Government Labour (Second Edition)", published in 1938. The memorandum is in process of revision and copies of the new edition are not yet available.

The Convention is applied by the local legislation. Under Article 10, the report states that forced or compulsory labour exacted as a tax, which is sanctioned by the Native Tax Ordinance, 1934, in cases where a person is unable to discharge his tax obligations in cash, has been progressively

reduced; reduction is expected to continue as opportunities for earning by gainful employment or by peasant production increase. Forced or compulsory labour for the execution of public works levied by Chiefs who exercise administrative functions, which is permitted under § 8 (i) of the Native Authority Ordinance (Chapter 47 of the Laws), is subject to the restrictions imposed in the memorandum mentioned above. As regards the application of Article 18 of the Convention, the report adds that, with the improvement of communications, the use of forced or compulsory labour for transport has been greatly reduced. Statistical information on compulsory labour exacted is appended to the report. Enforcement of the regulations is in the hands of officers of the Provincial Administration and the Labour Department. There were no decisions by courts of law and no observations from organisations of employers or workers.

Uganda.

Penal Code (Chapter 128, Laws of Uganda § 254).

Native Authority Ordinance (Chapter 112, Laws of Uganda).

Native Authority Rules (Chapter 112, Laws of Uganda).

Regulations and General Instructions for the Control of Compulsory Labour, 1932.

The Convention has been applied without modification. The employment of forced labour is, in general, prohibited by § 254 of the Penal Code, except in so far as it may be employed for public purposes at the instance of the public authorities under the Ordinances and Laws mentioned above. In such cases, the employment of forced labour is regulated by the above-mentioned regulations. The definition of "forced or compulsory labour" used in the protectorate is in harmony with the definition given in the Convention. The "competent authority", in the meaning of the Convention, is the Governor. No forced or compulsory labour for private individuals, companies or associations has existed for many years and its employment in this manner is prohibited by § 254 of the Penal Code. No concessions are granted to private individuals, companies or associations which contain provisions involving forced or compulsory labour. Any constraint exercised by officials of the Administration within the meaning of Article 6 would be a breach of § 254 of the Penal Code, besides rendering the officials concerned liable to disciplinary penalties. Whether a Chief exercises administrative functions or not, he is not allowed to have recourse to forced labour. The Governor has delegated to Provincial commissioners (as the highest local authorities) powers to exact forced or compulsory labour in certain circumstances in accordance with the terms of the Convention. The only recourse to compulsion of labour in the territory has been under Article 18 of the Convention and the

conditions of this Article are applied to any use which is made of forced labour thereunder. Compulsion for services rendered as a tax or for the public interest, as provided for in Article 10, no longer exists.

Only adult able-bodied males are called out. Medical examination is carried out where possible, but in many cases, owing to the remoteness of an area where porters are required for load carrying, it is impracticable to despatch the men to the nearest aid post. Chiefs have been given strict instructions only to employ men in good health for such purposes. School-teachers, pupils and officials of the administration in general are normally exempt from any form of compulsion. Compulsory labour is used on such a small scale that the provisions of Article 11 (c) and (d) do not apply. The legislative provisions make it clear that the recruiting of the head of a family shall not be deemed to involve the recruiting of any member of his family. Such compulsory labour as is still used seldom involves more than two to three days' work annually on the part of any individual man.

The provisions of Articles 13 and 14 are applied under the Uganda Employment Ordinance Rules, 1946, Rules 30 and 31, and by Administrative Instructions. No porter may carry a load for a distance greater than 15 miles nor for a period longer than five hours in any one day. The payment for compulsory portage is at the same rate as that paid for voluntary work. The application of the Workmen's Compensation Ordinance (No. 14 of 1946) does not differ as between compulsory or voluntary labourers. It should be noted, however, that an accident must arise out of and in the course of the employment to enable a labourer to make a claim under the Ordinance. The very limited use now made in the territory of forced labour means that the provisions of Article 16 are inapplicable to local circumstances. Compulsory labour is never used in Uganda in violation of the principles of this Article. Forced labour is never used in Uganda in circumstances which necessitate the labourers remaining for long periods away from their homes.

The only recourse to compulsion of labour in Uganda has been for transport purposes. The extension of the road system and the resulting increased use of mechanical transport will result in a decreasing use of compulsion for portage. The use of compulsory labour is progressively disappearing and its complete disappearance will be gradually brought about without further recourse to legislative or direct administrative action.

There has been no recourse to compulsory cultivation during the period under review. The Uganda Collective Punishment Ordinance does not contain provisions for forced or compulsory labour. No forced or compulsory labour is employed on underground work in mines.

The information requested in Article 22

is set out in the schedule accompanying the report. The figures for compulsory labour given in this schedule are in certain cases slightly higher than those given in the last annual report. It is considered, however, that the statement made above as to the progressive disappearance of forced labour is correct, and the increase in compulsory labour may be ascribed to the fact that there is now a considerably increased number of Government servants, of whom there was a shortage during the war; this has led to an increased demand for compulsory labour. As has already been explained, the only use of forced or compulsory labour in the territory is in connection with the transport of persons or goods. The rights of the individual in this respect are well known among the population as a whole. All grades of the Provincial Administration hold meetings during their tours of inspection and it is the common practice to register complaints and express grievances at these meetings.

§ 254 of the Penal Code (Chapter 128) defines the offence dealt with in Article 25. The penalties for general misdemeanours are defined in § 34 as follows: "When in this Code no arrangement is specially provided for any misdemeanour, it shall be punishable with imprisonment for a period not exceeding two years, or with a fine, or with both".

As stated above, the use of forced or compulsory labour within the territory is very restricted, and it is hoped ultimately that it will lapse completely, but for the immediate future it is considered that a certain amount of compulsion will continue to be necessary under Article 18. There were no decisions by courts of law and no observations from organisations of employers or workers, of which there are none in the territory.

Zanzibar.

Forced or Compulsory Labour (Prohibition) Decree, Chapter 131 of the Revised Laws of Zanzibar 1934 (in force since 9 July, 1932).

As regards Article 1, the report states that § 3 of Chapter 131 of the Revised Edition of Laws has made the imposition of forced or compulsory labour, as defined in § 2 of the Decree of 1932, a criminal offence. No special provisions have been made in respect of Chiefs under Article 7.

Under Article 19 the report states that the Defence (Land Requisition and Personal Service) Regulations, 1943 (Government Notice No. 201 of 1943), are still in force and provide for compulsory cultivation of food crops by able-bodied males of not less than 18 or more than 45 years, the produce remaining the property of the cultivator. Recent shortage of food in Pemba Island, due to the failure of the islanders to cultivate sufficient food crops, illustrates the necessity of the continued use by the Government of the powers contained in these Regulations while world

economic conditions remain so unsettled. The very variable nature of the staple revenue-earning crop of the protectorate, namely, cloves, necessitates the continued use of the Government's powers. No recourse has been had to forced or compulsory labour, and illegal exaction of such labour is punishable with imprisonment up to two years and a fine (§ 3 (1) of Chapter 131 of the Revised Edition of Laws). No instances of forced labour have come to the notice of Government officers. There were no decisions by courts of law and no observations from organisations of employers or workers.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

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Voluntary Reports

Voluntary reports on the application of the Convention have been received from *Southern Rhodesia* and the *Anglo-Egyptian Sudan*. Summaries of these reports will be found below.

Southern Rhodesia. The report refers to the information given in previous reports, and adds that no form of compulsory labour exists in the colony. The Compulsory Native Labour Supply Act, 1942, introduced as an emergency measure during the war, has been repealed. The Native is amply protected under the existing laws.

Anglo-Egyptian Sudan.

Sudan Penal Code (§ 311) prohibiting forced or compulsory labour.
Sudan (Unskilled Labour Control) Regulations, 1943, issued under the Defence of the Sudan (War Emergency) Legislation.
Locust Destruction Ordinance, 1907.

As regards the application of Articles 1, 2 and 3 of the Convention, the report recalls that the Unskilled Labour Control Regulations of 1943 gave powers to Governors of provinces to move surplus labourers to other areas where they could be more usefully employed. These Regulations have not yet been repealed as it is considered that the Governors should possess powers to move surplus non-permanent resident labour if it constitutes a danger to security, the livelihood of the community owing to local food, water or housing shortages, or the labour supply position for essential services in adjacent areas. The Government intends to retain the powers granted under these regulations while the whole problem is being investigated, with a view to enactment of other legislation if this is considered necessary. Exacted labour has been local and has been performed by

members of the community concerned as a part of their normal civic obligations.

Owing to the absence of locust hoppers during the period under review, no labour was exacted under §§ 3, 4, 5 and 8 of the Locust Destruction Ordinance, 1907.

Work performed by convicts has been under direct control of the prisons authorities only and has been expended on works of public utility and preservation of amenities. Such work is not hired out and is not placed at the disposal of private individuals or bodies.

As regards the application of Articles 4, 5 and 6 of the Convention, the report states that there is no compulsory labour for the benefit of private individuals, companies or associations. Under Articles 7, 8, 9 and 10, the report states that forced labour exacted administratively on road maintenance is on a paid basis and is regarded as a normal civic responsibility. The work has been reorganised to ensure that it is borne fairly by persons living within the areas served by roads.

Under Article 25, the report adds that no convictions for illegal exaction of forced labour have been reported under § 311 of the Penal Code.

The report states that the following

legislative measures have recently been enacted and will be promulgated during the first quarter of 1949 :

Trade Unions Ordinance, 1948, and Trade Unions Regulations, 1948.
Trade Disputes (Arbitration and Enquiry Ordinance) 1948.
Employers' and Employed Persons' Ordinance.
Workmen's Compensation Ordinance.
Factories Ordinance.

An Employment Exchange Service Ordinance is envisaged for a later date.

Government recognition of the Workers' Affairs Association has continued in spite of the fact that the Association has not at all times taken a responsible attitude towards industrial problems. Following extravagant demands from the Association, the Government appointed an independent committee to enquire into the conditions of employment in the railway services. Nevertheless, the Association called a general strike on the railways which lasted for 33 days. Work was resumed on the basis of the committee's recommendation, which provided for considerable increases of pay to the lower grade workers and the creation of a new grade of leading artisans. There were no cases of sabotage during the strike and essential services were run by volunteers.

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	Reports received
Austria ¹	16. 2. 1933	
Bulgaria	22. 6. 1932	
Chile	18. 10. 1935	2. 4. 1949
Cuba	24. 2. 1936	30. 3. 1949
Finland	13. 1. 1936	26. 10. 1948
Mexico	12. 5. 1934	3. 12. 1948
New Zealand	29. 3. 1938	26. 12. 1948
Nicaragua	12. 4. 1934	
Spain	29. 8. 1932	
Uruguay	6. 6. 1933	23. 12. 1948

¹ Conditional ratification.

Constitution (§ 66) of 1940 (L.S. 1940, Cuba 1).
Decision No. 1280 of 1947 authorising the opening of commercial undertakings, in conformity with § 66 of the Constitution.

Finland.

Act of 8 December 1934 respecting the conditions of employment in commercial establishments and offices (L.S. 1934, Fin. 4) replaced by the Act of 2 August 1946 (L.S. 1946, Fin. 4).
Order of 5 December 1935 respecting the application of the Convention.
Act of 4 March 1927 respecting industrial inspection (L.S. 1927, Fin. 1).
Resolution of the Council of State of 4 March 1927 respecting the application of the Act of that date (L.S. 1927, Fin. 1 B).

Mexico.

Political Constitution of the United States of Mexico, 1917.
Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).
Act fixing the Civil Servants' Statute, 1941 (to repeal the Statute promulgated in the *Diario Oficial* of 27 September 1938).
Presidential Decree of 16 May 1944, fixing business hours in commercial establishments in the Federal District.

New Zealand.

The Shops and Offices Act, 1921-1922.
The Shops and Offices Amendment Acts, 1927, 1936, 1945 and 1946.
Statutes Amendment Act 1937, § 29.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Chile.

Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (Book I, Part IV) (L.S. 1931, Chile 1).
Decree No. 969 of 18 December 1933, issuing Administrative Regulations in application of Book I, Part IV, of the Labour Code.
Decree No. 702 of 8 June 1935 to approve the Regulations for hours of work in railway undertakings (superseding Decree No. 224 of 16 March 1932) (L.S. 1932, Chile 1).

Cuba.

Decree No. 2513 of 19 October 1933, to issue general Regulations regarding the 8-hour day (L.S. 1933, Cuba 4).

Uruguay.

Act No. 5350 of 17 November 1915 concerning the 8-hour day for workers and employees (B.B., 1916, Vol. XV, p. 29).

Decree of 15 May 1935 issuing administrative Regulations in pursuance of the above Act. Act No. 8797 of 22 October 1931 concerning the compulsory weekly half-holiday (L.S. 1931, Ur. 1).

Decree of 21 May 1943 issuing administrative Regulations in pursuance of the above Act. Legislative Decree No. 9347 of 13 April 1934 concerning the uniform closing of establishments in certain circumstances.

Decree of 2 July 1941 respecting the closing of pharmacies in Montevideo and establishing a work schedule for these undertakings.

Legislative Decree No. 10322 of 25 January 1943 fixing closing hours for hairdressers' establishments in the capital and establishing a work schedule for these undertakings.

Act No. 10421 of 16 April 1943 respecting the working week in banks and similar institutions.

Act No. 10489 of 6 June 1944 establishing special hours for certain commercial undertakings.

Decree of 10 November 1944 issuing administrative Regulations in pursuance of the above act.

SUMMARY OF OTHER INFORMATION

Chile. The report repeats information previously given and adds that, while decisions regarding the provisions of the Convention are given fairly frequently, no copies of such decisions for the last year were received by the General Directorate of Labour. § 102 of the Labour Code provides that hours of work shall be fixed after consultations, in which the employers, employees, workers and labour inspectors participate. The number of workers protected by the legislation is approximately 180,000. No other statistical information is available. There were no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers.

Cuba. The report refers to information previously given and adds that Decision No. 1280 of 1947, permitting the opening of commercial undertakings, is in conformity with § 66 of the Constitution of 1940 which applies the Convention. No breaches of the legislation were reported by the national labour inspection service. No decisions were given by courts of law and no observations received from employers' or workers' organisations.

The International Labour Questions Department of the Ministry of Labour holds the annual reports at the disposal of the employers' and workers' organisations.

Finland. The report repeats the information previously furnished. The inspection report for 1947 states that 21,395 workplaces were covered by the Act respecting commercial establishments and offices; the total number of persons employed in these undertakings was 72,556, including 45,656 women. The labour inspectors reported six

breaches of the legislation to the Attorney General, for the necessary legal action.

There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Finnish Employers' Organisations and to the Confederation of Finnish Trade Unions.

Mexico. The report repeats the information previously furnished and adds that no line of division has been fixed between commercial undertakings on the one hand and industrial or agricultural undertakings on the other. No statistical data are available. There were no decisions by courts of law. Attention is called to the fact that the sudden change-over from the traditional system, permitting a midday rest period for meals between 1 and 4 p.m., to a system of continuous hours similar to that prevailing in the United States of America, at first caused inconvenience to commercial undertakings, as well as to employees and workers. Employers and workers submitted complaints, stating that sales in commercial establishments had decreased and that the new time-table was detrimental to workers in transport, since it upset the alternation of shifts, etc. However, the system of continuous hours has now become customary and special arrangements have been made for the consumer, as well as for shops selling food and pharmaceutical goods. Objections to the new system have thus practically disappeared.

Copies of the report have been communicated to the most representative organisations of employers and workers.

New Zealand. The report refers to information previously given and draws attention to several changes in the awards referred to in the report for 1946-1947. The annual report of the Department of Labour and Employment for 1948 shows that the estimated number of shops on 31 March 1946 was 28,700, 12,800 of which were carried on without assistance; 28,900 males and 30,000 females were employed. The estimated number of offices was 8,700, employing 11,000 men and 15,800 women. The maximum hours of work in commercial establishments ranged from 37 ½ to 40 hours a week, the daily limits varying from seven to eight. The number of hours of overtime worked in shops in 1947 was 51,104. Visits of inspection numbered 9,274 to shops and 708 to offices, disclosing 471 breaches. Investigations were made into 290 complaints, 34 of which were without foundation. The number of warnings issued was 663, and 38 proceedings were instituted. The total amount imposed in fines was £23. One hundred and fifty-one writs were served relating to compliance with the Act. No decisions were given by courts of law and no observations received from employers' or workers' organisations.

Copies of the report have been communicated to the New Zealand Employers'

Federation and the New Zealand Federation of Labour.

Uruguay. The report for 1946-1947, also valid for 1947-1948, states that hairdressers' establishments outside the capital are covered by Act No. 5350 of 17 November 1915. Only hairdressers' establishments in the capital have a 46-hour work week. Other commercial establishments work a 44-hour week, with the exception of banks and similar institutions where the staff works a continuous 6 $\frac{1}{4}$ -hour day, with a 15 minute rest period between the fourth and the fifth hour; in these latter establishments, 45 additional hours may be worked in a period of three months, subject to certain conditions.

The national legislation contains none of the exceptions provided for by Article 1, paragraphs 2 and 3, of the Convention. The definition of hours of work is in conformity with that of the Convention. The maximum working week is 44 hours and, in certain commercial establishments, employees work less than eight hours per day. Work in excess of eight hours is prohibited. As regards Article 5 of the Convention, the report states that only §§ 14 and 15 of the Decree of 10 November 1944 refer to accidents and cases of *force majeure*. The national legislation does not permit the distribution of hours of work over a period longer than one week. Even in exceptional cases, the legal period may not be exceeded. There are no permanent exceptions and the temporary exceptions which are permitted do not go beyond the limits set by the

Convention, since they do not exceed 48 hours per week, and the four additional hours are paid for at a double rate.

Workers' and employers' organisations are in general consulted before administrative regulations are issued. The inspection notices, the work-books for non-continuous hours and the work-books of persons employed on the public highways ensure the full application of the relevant regulations. Act No. 9347 of 13 April 1934 facilitates supervision of the legislation in the vast majority of commercial establishments, since the compulsory closing hours make it easier to detect infractions. During the year 1947, the inspection service made 57,000 visits, 173 breaches were reported and the total amount imposed in fines was 2,624 pesos.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

New Zealand

Western Samoa.

Hours for Shops Ordinance, 1921.

The extension of the Convention is receiving consideration. The High Commissioner is being consulted as to whether complete harmony exists between the existing legislation and the requirements of the Convention.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

SIXTEENTH 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	Reports received
Canada	6. 4. 1946	9. 11. 1948
Chile	18. 10. 1935	2. 4. 1949
China	30. 11. 1935	
India	10. 2. 1947	11. 1. 1949
Italy	30. 10. 1933	8. 4. 1949
Mexico	12. 5. 1934	3. 12. 1948
New Zealand	29. 3. 1938	26. 12. 1948
Pakistan ¹	10. 2. 1947	
Spain	28. 7. 1934	
Sweden	3. 8. 1938	2. 12. 1948
United Kingdom	10. 1. 1935	7. 12. 1948
Uruguay	6. 6. 1933	23. 12. 1948

¹ See footnote 3 to Convention No. 1.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Canada.

Regulations for the protection against accidents of workers employed in loading or unloading ships, approved by Order in Council, P.C. 3120, 14 December 1938, as amended by Order in Council, P.C. 1342, 19 February 1943, made under § 467 of the Canada Shipping Act, 1934 (L.S. 1934, Can. 7).

Chile.

Decree No. 217 of 30 April 1926 to approve the Regulations respecting industrial hygiene and safety (Extracts in L.S. 1926, Chile 2).
Decree No. 655 of 25 November 1940 issuing Regulations concerning industrial hygiene and safety.
Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (§§ 244 and 248) (L.S. 1931, Chile 1).
Decree No. 100 of 31 January 1948 approving Regulations to lay down the functions of the Labour Service, the Maritime Authority and the Maritime Health Service, and organising the collaboration among these bodies.

India.

Indian Dock Labourers Act, 1934.
Indian Dock Labourers Regulations, 1948.

Italy.

Royal Decree No. 1319 of 21 September 1933 to give effect to the Convention.
Navigation Code approved by Decree No. 327 of 1942.

Mexico.

Decree of 2-31 July 1935, to promulgate the Convention (*Diario Oficial*, No. 39, 14 August 1935).

New Zealand.

Harbours Act, 1923 (No. 40), as amended by the Acts of 1925 and 1933.
General Harbour Regulations, 9 January 1935.
General Harbour (Safe Working Load) Regulations, 3 July 1935.

Sweden.

Royal Decree No. 815 of 8 October 1937 respecting the precautions incumbent upon the master in connection with the loading and unloading of a vessel, as amended by Decree No. 842 of 10 December 1943.
Royal Decree No. 816 of 8 October 1937 respecting the precautions incumbent upon the employer, etc., in connection with the loading and unloading of a vessel.
Order of the General Directorate of Trade, dated 4 May 1938, respecting Royal Decree No. 815 of 8 October 1937.
Order No. 599 of 30 July 1938 of the State Insurance Office, containing certain exceptions to Royal Decree No. 816 of 8 October 1937.
Order No. 600 of 30 July 1938 of the State Insurance Office, containing special provisions under Royal Decree No. 816 of 8 October 1937.
Instruction No. 1/1941 of the State Insurance Office respecting the protection against the hazards involved in the loading and unloading of vessels.
Order of the General Directorate of Public Health, dated 9 March 1939 respecting first-aid facilities on board.
Royal Decree No. 321 of 21 June 1946, amending § 2, paragraphs 1 (a) and (b) of Royal Decree No. 815 of 8 October 1937.

United Kingdom.

Factories Act, 1937.
Explosives Act of 14 June 1875.
Petroleum (Consolidation) Act of 3 August 1928.
Docks Regulations of 6 March 1925 (Regulations 18, 19, 20 and 46 only) (in Northern Ireland 1926) (L.S. 1925, G.B. 1).
Docks Regulations of 5 March 1934 (in Northern Ireland also 1934) (L.S. 1934, G.B. 1), as amended by the First-Aid Regulations, 1937. (The Northern Ireland Code is, save for certain slight differences in administrative machinery, the same as the Code in Great Britain.
Model By-laws under the Explosives Act of 1875 and the Petroleum (Consolidation) Act, 1928.

Uruguay.

Act No. 5032 of 21 July 1914 concerning the prevention of accidents.

Decree of 22 January 1936 in application of the above Act (Chapter XVIII, § 150).

Decree of 10 August 1938 issuing Regulations for the prevention of accidents to dockers and seamen.

SUMMARY OF OTHER INFORMATION

Canada. The report contains a detailed analysis of the legislation ensuring the application of the various Articles of the Convention. There were no decisions by courts of law. Inspectors of ships' tackle have been appointed at the principal ports in Canada. The number of contraventions reported is small and they apply usually to defects of a secondary order. Of the 1,360 inspections carried out on ships, 330 revealed defects necessitating repairs. Twenty serious accidents, two of them fatal, have been reported; however, very few accidents have been caused by infringements of the regulations. No outstanding observations were received from employers' or workers' organisations.

The reports on the application of the Convention have not been communicated to any representative organisations of employers or workers.

Chile. The report refers to previous information and adds that Decree No. 100 of 31 January 1948 approves regulations laying down the functions of the Labour Service, the Maritime Authority and the Maritime Health Service, and organising the collaboration among these bodies as regards the supervision of the laws and regulations. However, the revision of the regulations concerning the protection of workers engaged in loading and unloading ships (Decree No. 655 of 25 March 1941) has not as yet been completed. Chile has not concluded any reciprocal arrangements with other countries having ratified the Convention, but is ready to do so. There are frequent decisions by courts of law regarding the legislation which applies the Convention. The inspection services have reported that the legislation is complied with in a more or less satisfactory manner. The number of workers protected by the legislation is 17,661 and the number of accidents which occurred in the loading and unloading of ships during the year 1946 was 2,044, including six fatal and 39 of a serious nature. There were no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers.

India. The detailed first report gives full particulars regarding the legislation applying the Convention. The relevant regulations apply only to the five major Indian ports (Bombay, Calcutta, Cochin, Madras and Vizagapatnam). Dock safety inspectors have

so far been appointed in the three first named of these ports. In addition, the Chief Adviser of Factories and his deputies have been assigned the task of administering these regulations. There were no decisions by courts of law. No information as regards the application of the Convention is as yet available. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Master Stevedores' Association, the Bombay Stevedores' Association, the Madras Stevedores' Association and the All-India Port and Dock Workers' Federation.

Italy. The Government repeats information previously given and states that no decisions were given by courts of law and no observations were received from employers' and workers' organisations.

Mexico. The Secretariat of Labour has decided to incorporate the provisions of the Convention in the Industrial Accident Prevention Regulations when the latter are revised. Meanwhile, the Directorate of Social Welfare has instructed the inspection service to supervise the application of the provisions of the Convention in accordance with § 133 of the Mexican Constitution, and has also called the attention of State Governors to their obligations in this respect. The Secretariat of Labour has therefore ceased to make representations to the Secretariat of Communications as mentioned in previous reports. No decisions were given by courts of law.

Copies of the report have been communicated to the most representative organisations of employers and workers.

New Zealand. The report refers to information previously given. There were no decisions by courts of law. On 31 December 1947, 7,182 persons were members of industrial unions covering waterside employees, stevedores and timekeepers. No observations were received from employers' or workers organisations.

Copies of the report have been communicated to the New Zealand Employers' Federation and to the New Zealand Federation of Labour.

Sweden. There are no statistical data concerning the number of workers covered by the relevant legislation. In 1947, 2,227 accidents (5 fatal) occurred during the loading and unloading of ships. The report gives the principal causes of these accidents and adds that it is not possible to determine how many were due to breaches of the provisions of the Convention. No agreements have been concluded under Article 18 of the Convention.

Copies of the report have been communicated to the Swedish Employers' Association, the Swedish Confederation of Trade Unions and the Central Organisation of Salaried Employees.

United Kingdom. The Government repeats the information previously given. There were no decisions by courts of law or other courts. During the period under review, 6,114 accidents, 50 among them fatal, were reported at docks, wharves and quays in *Great Britain*. The principal causes of these accidents were the following : handling of goods in manufacturing, etc., (1,823 accidents, including 2 fatal) ; blows from falling objects (967, 3 fatal) ; lifting machinery (953, 27 fatal) ; persons falling (844, 9 fatal) ; stepping on or striking against objects (358) ; use of hand tools (336, 1 fatal) ; railway locomotives and rolling stock (288, 5 fatal) ; other vehicles, excluding hand trucks (220, 2 fatal). Legal proceedings for breaches of the Dock Regulations were instituted against employers in nine cases and convictions were secured on seven occasions. No observations were received from employers' or workers' organisations.

In *Northern Ireland*, two fatal and 172 non-fatal accidents were reported.

Copies of the report have been communicated to the British Employers' Confederation and to the Trades Union Congress.

Uruguay. The report for 1946-1947 also valid for 1947-1948, states that the National Institute of Labour and its subsidiary services are entrusted with the application of the Convention and try to give as wide publicity as possible to its text among the workers concerned. The supervision of the application of social legislation is entrusted to the harbour inspectors.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

United Kingdom

Aden.

There is no specific legislation to cover the Convention ; the latter is not enforced except by established practice, which generally accords with the standards laid down in the Convention. As soon as a welfare officer is appointed, the Government will consider the enactment of suitable legislation and the setting-up of administrative machinery for enforcing the Convention. There are no representative organisations of employers or workers.

Barbados.

The Convention has not been applied.

Basutoland.

The Convention is inapplicable to Basutoland, which is an inland territory.

Bechuanaland.

The Convention is not applicable to the Bechuanaland Protectorate.

Bermuda.

No legislation or administrative provisions apply the provisions of the Convention.

British Guiana.

Regulation of Dangerous Trades Ordinance, No. 3 of 1938.

The Ordinance in force is an enabling Ordinance, and gives the Governor in Council powers to make regulations for safety of persons employed in dangerous trades. The provisions of the Ordinance are applicable to docks, wharves, quays and warehouses, and all machinery or plant used in the process of loading or unloading or coaling of any ship in any dock, harbour or canal. During the year under review no regulations were made under the Ordinance.

British Honduras.

In view of the small volume of ocean-going shipping and the few accidents in connection with loading or unloading of cargoes, it has not been considered necessary to apply the provisions of the Convention. The question is, however, now under consideration.

Brunei.

The elaborate regulations provided for in the Convention appear to be inapplicable and unnecessary to deal with the handling of local shipping, but should the expansion of the oil industry lead to an increase in shipping, the advisability of introducing protective legislation on the lines of the Convention will not be overlooked.

Cyprus.

Docks (Regulation) Law, No. 8 of 1939.
Docks Regulations, 1939 and 1940.

The Convention is applied by the legislation in force. Supervision is vested in the port superintendent and provision is made to penalise breaches of regulations. No decisions were given by courts of law. The provisions of the Convention have been carried out satisfactorily.

Dominica.

The Convention has not been applied. The Government is at present considering the advisability of introducing legislation to cover some of its provisions.

Falkland Islands.

Ordinance No. 10 of 1937.

The Convention is almost inapplicable on account of the small amount of shipping.

Fiji.

Although local practice is substantially in conformity with the provisions of the

Convention, legislation to enforce the requirements of the Convention has not yet been enacted. Draft factory legislation with a separate section concerning the protection of stevedoring workers is at present under consideration; when this legislation is enacted, the Convention will be fully applied.

Gambia.

Regulation of Docks Ordinance No. 33 of 1940.
Wharves (Safety of Workers) Regulations No. 21 of 1938.

The Regulations provide for an exception to the provisions of Article 3, as regards sailing vessels not exceeding 250 net register tons, and steam vessels not exceeding 120 gross register tons. The Regulations name the harbour master and marine superintendent as the officer responsible for due enforcement of its provisions. Provision is also made for a system of inspection by the harbour master and marine superintendent and for penalties for breaches of the regulations.

Gibraltar.

There is no legislation applying the provisions of the Convention at present. The introduction of a Factories Ordinance is under consideration and it is intended that docks regulations shall be made under that Ordinance based on the current United Kingdom Regulations. During the course of the year under review, the Director of Labour and Welfare, who is a qualified factory inspector, carried out inspections of the docks, wharves and quays and it has been reported that the provisions of the United Kingdom Docks Regulations are substantially observed. The number of workers covered by docks regulations is approximately 2,000. Pending the introduction of legislation providing for the notification of accidents, the system of voluntary reporting of accidents was introduced in May 1947 and, during the year under review, 26 accidents involving absence from work for more than three days were reported; none of these was fatal. Fifteen accidents were due to handling goods, five to being struck by a falling body and six to persons falling. The standard of maintenance and inspection of cranes and lifting gear is high.

Gilbert and Ellice Islands.

The Convention has not yet been specifically applied. The employment and recruitment of labour is subject to control by licence by the Resident Commissioner, who is therefore in a position to check any possible malpractice in this matter. The question of more detailed safeguards is under consideration.

Gold Coast.

Regulation of Docks Ordinance.

Cap. 189 of this Ordinance empowers the Governor to make regulations for the protection of dock workers. These regulations are in the course of preparation and will be introduced in the near future.

Grenada.

The Convention is not applicable at present.

Hong Kong.

Factories and Workshops Ordinance, No. 18 of 1937.
Dangerous Goods Ordinance, No. 1 of 1873.

The Convention is partially applied. The handling of goods on docks, quays, wharves and warehouses is "an industrial undertaking". Where power-driven machinery is in use, the workplace becomes a factory, all such workplaces being liable to inspection by factory inspectors. General safety precautions are the concern of the large commercial establishments, shipbuilding and repair establishments, these undertakings having staffs fully competent to carry out the required duties in this connection. The loading and unloading of goods at docks, etc., are covered by regulations under the Factories and Workshops Ordinance, 1937. The application of the provisions of Articles 2, 9, 10 and 11 of the Convention is entrusted to the companies concerned. The Dangerous Goods Ordinance, 1873, provides for the movement and storage of dangerous goods. The relevant regulations under this Ordinance deal, *inter alia*, with the following: schedules of dangerous goods, marking of labels, precautions in handling such goods, loading, shipping, etc. The fire brigade is responsible for ensuring compliance with the legislation. Protective clothing is issued in some instances. First-aid equipment is kept permanently on the premises of workplaces. It is extremely difficult to draft legislation in the precise terms of the Convention as this would be followed immediately by practical difficulties of application. In any legislation to give effect to the Convention, junks and river shipping would almost certainly have to be excluded in accordance with Article 15 of the Convention. No observations were received from organisations of employers or workers.

Jamaica.

Dock Workers (Protection against Accidents) Law, 1941.
Factories Law, 1940.
Factories (Amendment) Law, 1942.
Factories Regulations, 1943.

The Dock Workers (Protection against Accidents) Law, 1941, empowers the Governor in Executive Council to make regulations for the safety and protection of persons

employed on or about any dock or in loading or unloading ships. No such regulations have yet been made. The Factories Law and Regulations apply to docks which are "factories" as defined by the Factories Law. The Labour Adviser has appointed full-time officers on the staff of the Labour Department as "inspectors" and "labour officers" under the provisions of the Factories Law and the Labour Officers (Additional Powers) Law, 1943, respectively. "Inspectors" are empowered to inspect docks which are "factories". "Labour officers" may inspect all places to which the Dock Workers (Protection against Accidents) Law applies. There were no decisions by courts of law and no observations from organisations of employers or workers.

A copy of the report was sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica and the Jamaica Manufacturers' Association.

Kenya.

Kenya and Uganda Railways and Harbours Regulations, 1945, Part XII, Regulations 186 to 227.

These regulations are fully in harmony with the Convention. No contraventions were reported during the year. No observations were received concerning the application of the Convention.

Leeward Islands.

Workmen's Compensation Act No. 11 of 1937.

No legislative action has been taken in this matter and none is contemplated in the near future. In the event of any accident, the terms of the above Act would apply.

Federation of Malaya.

No legislation has been enacted. It is hoped that the Government will be able to undertake a survey of the position in the near future with a view to drafting comprehensive legislation.

Malta.

Workmen's Compensation Ordinance No. XXVIII of 1934 — Chapter 128 of Revised Edition.
Regulations of 23 June 1939, issued under this Ordinance.

The Regulations of 1939 give effect to the Convention.

Mauritius.

Ordinance No. 8 of 1937 (Safety of Dockers Ordinance).
Government Notice No. 15/37, as amended by Notice 23/39.

The Convention is applied by the legislation in force. Exceptions are allowed in

the case of sailing vessels not exceeding 250 net register tons, and steamships not exceeding 150 gross register tons, if no undue risk is involved. The requirement for coverage of hatchways does not apply during meal times and other short interruptions of work. The harbour master has the power to declare any person not to be a competent person if he considers him not technically qualified to carry out the tests or examinations required by the regulations. The report specifies the fixed gear on board ship which is required to be thoroughly examined or inspected as prescribed in paragraph 2 of Article 9, and the kinds of gear specified and the "other sufficient treatment" prescribed, by national laws or regulations under paragraph 3. Cranes may be loaded beyond the safe working load as approved by the engineer-in-charge, provided that the written consent of the owner is obtained and a record of the overload kept. The harbour master is responsible for the enforcement of the regulations, which cover about 1,000 workers. There were no decisions by courts of law.

Reports have been communicated to the General Port and Harbour Workers' Union and to the Federation of Port and Harbour Employers.

Nigeria.

Regulation of Docks Ordinance No. 18 of 1937.
General Port Regulations, No. 54 of 1917, as amended by General Port (Amendment) Regulations No. 41 of 1939.
Shipping and Navigation Ordinance of 1917 (Cap. 104).
General Port (Amendment) Regulations, No. 49 of 1941.
Docks (Safety of Labourers) Regulations No. 35 of 1940, as amended by the Docks (Safety of Labourers) (Amendment) Regulations No. 18 of 1941.
Piers Regulations, No. 7 of 1917, as amended by Piers (Amendment) Regulations No. 22 of 1941.
Petroleum Regulations, 1928.
Explosives Regulations, 1946.

The Articles of the Convention are covered by the above legislation. At present, the Docks (Safety of Labourers) Regulations, No. 35 of 1940 only apply to the ports of Lagos and Port Harcourt, traffic in the other ports being small and confined to small ships. Under § 14 of the Shipping and Navigation Ordinance of 1917, the Director of Marine or any officer appointed by him has power to examine any handling device or method of working aboard any ship. Adequate provisions are made in the various Ordinances and Regulations as regards penalties for violation of the law. There were no decisions by courts of law.

North Borneo.

Owing to the small amount of traffic and the small size of ships using the ports of the colony, the elaborate regulation envisaged by the Convention would be inappropriate. It may be said, however, that local practice accords substantially with its provisions.

Northern Rhodesia.

The Convention does not apply to Northern Rhodesia as there are no seaports.

Nyasaland.

As there are no docks in the protectorate, the Convention has not been applied.

St. Helena.

Interpretation and General Law Ordinance, 1895 (§ 24 applies Docks Regulations of 1925 and 1934 of the United Kingdom to St. Helena).

In so far as the Convention is applicable to local conditions, it is effectively enforced. A number of the provisions of the Convention are inapplicable on account of the simple nature of the port facilities, which consist of three small cranes and six wooden lighters.

St. Lucia.

The Convention is not applied by any legislation, but effect is given to it in practice, and ample provision is made for the protection of the workers employed on ships calling at the port.

St. Vincent.

The Convention has not been applied. There are no docks or quays at which ships lie alongside, and steamship traffic is small. Workers proceeding to and from ships by water provide their own means of transport.

Sarawak.

In view of the fact that the number of accidents is very small and that many legislative measures are in course of preparation, it will not be possible to legislate for some time on the matter covered by the Convention.

Seychelles.

Certain provisions of the Convention are not applicable in the colony. None of the locally registered ships exceeds 125 net register tons. There are no docks and no mechanical cranes on the piers, nor mechanical means of transport along pier edges. The traffic at Port Victoria is small and no vessel larger than 125 net register tons goes alongside any pier; the handling of cargo is done by hand from ship to shore or *vice versa*.

Sierra Leone.

Docks Regulation Ordinance (Cap. 66).
Docks Regulation (Safety of Wharf Workers) Rules.
Explosives Ordinance (Cap. 76).
Explosives Rules.
Petroleum Ordinance (Cap. 172).
Petroleum Rules.

The Convention is applied by the above legislation, and by the system of inspection

laid down in that legislation. There were no decisions by courts of law and no observations from organisations of employers or workers.

Singapore.

Protection of Workers' Ordinance 1939.

No rules have yet been made under this Ordinance.

Solomon Islands.

There is no special provision at present, but legislation to deal with protection against accidents generally is under consideration.

Swaziland.

The Territory of Swaziland has no coastline and therefore has no responsibility for the control of navigation or employment at sea.

Tanganyika.

The Convention has not yet been applied in Tanganyika and a decision is reserved regarding its application, pending consideration of draft factory legislation which is now in the course of preparation.

Trinidad and Tobago.

The provisions of the Convention have not yet been applied to the colony. However, in the Factories Ordinance, No. 44 of 1946, which is to come into force on proclamation, provision has been included for making rules and regulations giving full effect to the Convention. It is proposed to make these within the coming year.

Uganda.

There is no legislation, as there are no large harbour, dock or port installations in Uganda which would justify special legislation.

Zanzibar.

Ports (Amendment) Decree No. 25 of 1937, amending Chap. 74 of the Revised Laws of Zanzibar, 1934.

Ports (Amendment No. 2) Rules of 1937, adding Part X to the Port Rules, 1927.

As regards the application of Article 12 of the Convention, the report states that Part II of the Dangerous Goods (Petroleum) Rules, 943 (Government Notice No. 1 of 1944) prescribes precautions to be taken in the transport, import, loading and unloading of petroleum. There is no provision in the local legislation for the application of Articles 13 and 14. As regards the application of Article 15, the report adds that the provisions of the above-mentioned Rules do not apply to the unloading of fish from

a vessel employed in catching fish; and barges and lighters are exempt from certain of the Rules (see Rule 179). There were no decisions by courts of law. There are no accident statistics, but instances of anything more than minor accidents have been few. First-aid boxes are provided at the wharf by both the Government and the African Wharfage Company; the former also provides life-belts and a stretcher. No ob-

servations were received from organisations of employers or workers.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

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	Reports received
Austria	26. 2. 1936	7. 12. 1948
Belgium	6. 6. 1934	29. 11. 1948
Cuba	24. 2. 1936	30. 3. 1949
France	29. 4. 1939	9. 12. 1948
Netherlands	12. 7. 1935	27. 12. 1948
Spain	22. 7. 1934	
Uruguay	6. 6. 1933	23. 12. 1948

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Austria.

Federal Act of 1 July 1948 respecting the employment of children and young persons (L.S. 1948, Aus. 3).

Belgium.

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

Royal Order of 27 April 1927 concerning the employment of women and children; prohibition of the employment of children under the age of sixteen years in theatres, music halls, dancing establishments and night bars (L.S. 1927, Bel. 2).

Cuba.

§ 66 of the Constitution of 1940 (L.S. 1940, Cuba 1).

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

Act No. 53 of 29 March 1935 respecting employment of young persons in commercial and agricultural establishments (L.S. 1935, Cuba 2).

France.

Labour Code, Book II, §§ 2-5, as amended by the Acts of 11 August 1936 (L.S. 1936, Fr. 10 B), 24 August 1942 and 25 September 1948 (L.S. 1948, Fr. 6).

Netherlands.

See under Convention No. 5.

Uruguay.

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

SUMMARY OF OTHER INFORMATION

Austria. The employment of children and young persons, as covered by the Convention, is governed by the Federal Act of 1 July 1948 superseding the German Youth Protection Act of 1938 and the regulations issued thereunder, which had hitherto been applied in Austria under the Federal Act of 1 May 1945, providing for legislative measures covering the transitional period until the new Austrian legislation is enacted.

Under Article 1 of the Convention, the report states that the Federal Act covers the employment of children on work of all kinds and the employment of young persons whether they are in the service of an employer, or are apprentices or perform other services placed on the same footing as the work performed by apprentices. The employment of children and young persons in agriculture and forestry and in domestic service is excepted. There is no need in Austria for a special delimitation of the scope of the Conventions governing the employment of children, since the terms "agriculture and forestry" are clearly defined in Austrian legislation. According to the provisions regarding compulsory school attendance, children may not attend technical or professional schools. Family undertakings are not exempted from the Federal Act.

Article 2 of the Convention is fully covered by § 1 (2) of the Federal Act, which provides that the term "children" shall mean all boys and girls who have not attained the age of 14 years and that children who complete their fourteenth year before the end of their period of compulsory school attendance shall continue

to be covered until the end of the last year of school attendance. The Federal Act makes no use of the exemption provided for in Article 3 of the Convention. The employment of children is, in principle, prohibited and only slight exceptions in conformity with Article 4 are permitted. The provisions of this Article are applied by §§ 6 and 7 of the Federal Act which permit employment of children in connection with musical, theatrical or other performances and in the taking of films, provided a permit has been issued by the competent office of the provincial Government and provided that the work in question is necessary in the special interests of art, science or education and is of a suitable nature. The employment of children is not authorised in variety shows, cabarets, night clubs, dance halls and similar establishments, or in circus performances. In the case of children required to attend school, a permit for employment may only be issued after consultation with the competent school authority and, if the performance is for profit, with the competent labour inspector and provided that the consent of the child's legal representative has been obtained. In the case of performances for profit, the child's physical fitness must be attested by a qualified doctor. In the case of employment in connection with the taking of films, arrangements must be made for protecting the eyes of the child, who must be placed under the supervision of an oculist. In the case of performances for profit, the permit must contain specific provisions regarding hours of work, rest periods and work on Sundays and public holidays. Children may only be employed in connection with such performances in so far as their health, physical and intellectual development and morality are not endangered and provided their attendance at school and the performance of their religious duties are not prejudiced. In addition, children may only be employed between 8 a.m. and 10 p.m. (including the time required for going to and from work) and not before morning school. They must enjoy an uninterrupted free period of at least two hours after morning school and one hour after afternoon school. Their employment during school holidays is prohibited.

As regards Article 5, the report states that the Federal Act contains a list of undertakings and operations which are either prohibited for all young persons under 18 years of age or in which they may only be employed on reaching a certain age (generally 16 years), which in some cases is higher for females than for males. The above-mentioned list also contains the provisions contained in Article 6 of the Convention.

There is no change with regard to the system of public inspection required under Article 7 (a). Under Article 7 (b) of the Convention, the report states that § 26 of the Federal Act provides for the keeping

of lists of young workers; these lists must include the dates of birth and must be made available to the labour inspectors and the representatives of works councils. Under Article 7 (c) of the Convention, the report states that §§ 30 and 31 of the Federal Act contain provisions regarding penalties for infringements of the prohibition of the employment of young persons.

No decisions were given by courts of law or other courts and no observations were received from employers' or workers' organisations. No statistical data or reports are available from the labour inspection service, which is now being reorganised.

The report has been communicated to the Federal Chamber of Industry, the Austrian Chamber of Labour and the Austrian Federation of Trade Unions.

Belgium. The Government refers to previous reports and adds that the Administration does not possess the texts of decisions which may have been given by courts of law. The Convention has been satisfactorily applied and no observations were received from employers' or workers' organisations.

The report has been communicated to the Federation of Belgian Industries, the General Federation of Labour of Belgium, the Confederation of Christian Trade Unions and the General Association of Liberal Trade Unions.

Cuba. The report repeats information previously given and adds that there were no decisions by courts of law and no breaches of any kind. No observations were received from employers' and workers' organisations.

Those organisations registered with the Ministry of Labour have copies of the annual reports at their disposal in the International Labour Affairs Department.

France. Children of both sexes may not be employed in commercial establishments until they have completed compulsory school education (*i.e.*, in virtue of the legislative texts now in force, until they have attained the age of 14 years).

No decisions by courts of law were recorded in the case-books for the period under review, and no observations were received from employers' or workers' organisations. See also under Convention No. 5 for information relating to the reports to be supplied by the inspection services.

The report has been communicated to the French National Employers' Council, the General Confederation of Labour, the Labour Force (C.G.T.-F.O.) and the French Confederation of Christian Workers.

Netherlands. See under Convention No. 5.

Uruguay. The Government refers to its report for 1946-1947, also valid for 1947-1948, in which it stated that the Bill amending §§ 223 to 252 of the Children's Code, which was submitted in 1937 by the National Institute of Labour, will bring the national legislation into complete harmony with the Convention.

Apart from certain provisions of the Children's Code fixing various higher ages for admission to work in public entertainments, specified hazardous work in circuses and cabarets and to itinerant occupations, there exists no legislation regulating the employment of young persons in non-industrial occupations in general.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

Netherlands

Indonesia.

Ordinance No. 647 of 1925.

The Convention has not been applied. The report states, however, that, in general, the provisions of the Convention are met by the local legislation.

See also under Convention No. 5.

Netherland West Indies.

The employment of children under 13 years of age is strictly prohibited. See under Convention No. 5.

Surinam.

The Convention has not been published or promulgated. Serious contraventions of the provisions of the Convention have not occurred.

SEVENTEENTH 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	Reports received
Chile	18.10.1935	2. 4. 1949
Finland	13. 1. 1936	26.10.1948
Mexico	21. 2. 1938	3.12.1948
Spain	27. 4. 1935	
Sweden	1. 1. 1936	2.12.1948
Turkey	27.12.1946	

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Chile.

Decree No. 113 of 12 March 1926 concerning collective recruitment.
Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L.S. 1931, Chile 1).

Finland.

Act of 23 July 1936 respecting employment exchanges (L.S. 1936, Fin. 2).
Order of 23 July 1936 to implement the above Act.
Order of 23 July 1936 concerning placings effected by the Society of Hospital Nurses.
Ordinance of 2 November 1945 respecting the local and regional administration of manpower.
Decision of the Council of Ministers of 2 November 1945 respecting the provisional organisation of the employment service.

Mexico.

Political Constitution of the United States of Mexico, 1917.
Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).
Regulations of 6 March 1934 respecting employment agencies (L.S. 1934, Mex. 2).
Decree of the President of the Republic of 26 August 1942 to set up the Central Employment Exchange.
Presidential Order of 23 October 1942, to authorise the establishment, in co-operation with the Government of the State of Vera Cruz, of a joint employment exchange in that State.
Resolution of 23 March 1943 respecting the Joint Employment Exchange to be set up in Vera Cruz under the Presidential Order of 23 October 1942.

Sweden.

Act of 18 April 1935 containing certain provisions respecting placing in employment (L.S. 1935,

Swe. 1), as amended by the Acts of 31 August 1940, 30 April 1942 and 30 June 1947.
Royal Decree of 28 June 1935 respecting the authorisation by the State of employment agencies for hospital nurses.
Royal Decree of 10 February 1939 respecting the extension of the authorisation to engage in fee-charging placing operations.

SUMMARY OF OTHER INFORMATION

Chile. The report refers to previous information. There were no decisions by courts of law and no observations from employers' and workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers.

Finland. The Government repeats the information given in its report for 1946-1947 and adds that no decisions by courts of law have come to its notice. No observations were received from employers' or workers' organisations.

The report has been communicated to the Central Confederation of Employers' Organisations of Finland and to the Confederation of Finnish Trade Unions.

Mexico. The Government repeats the information supplied in previous reports and adds that no decisions were given by courts of law.

Enforcement of the relevant legislation is entrusted to the Secretariat of Labour, through the Directorate of Social Welfare and, more recently, the officials of the Institute of Social Insurance.

The engagement of Mexican workers for work in the United States is effected by means of agreements between the Mexican and United States Governments. The commission set up in this connection includes representatives of the two Governments and of the employers concerned.

A copy of the report has been communicated to the most representative employers' and workers' organisations.

Sweden. The Government repeats the information supplied in its previous reports and adds that in 1947 permits were granted to 61 private employment agencies conducted

with a view to profit (under the provisions of the Act of 18 April 1935) to operate until the end of the year. At the beginning of 1948, 49 such agencies continued to operate.

The report has been communicated to the Swedish Employers' Association, the Swedish Confederation of Trade Unions and

the Central Organisation of Salaried Employees.

NON-METROPOLITAN TERRITORIES
(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 outworkers and domestic servants

This Convention came into force on 18 July 1937

Countries	Date of registration of ratification	Reports received
Chile	18.10.1935	2. 4.1949
France	23. 8.1939	1.12.1948
Italy	22.10.1947	
Peru	8.11.1945	
Poland	29. 9.1948	
United Kingdom	18. 7.1936	3. 1.1949

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Chile.

- Decree No. 34 of 22 January 1926 promulgating the text of Act No. 4054 of 8 September 1924 (L.S. 1924, Chile 1) respecting compulsory insurance against sickness, invalidity and old age (L.S. 1926, Chile 1).
- Decree No. 205 of 8 April 1925 issuing Regulations under Act No. 4054.
- Legislative Decree No. 203 of 14 July 1932 concerning the method of constituting the Council of the Compulsory Insurance Fund.
- Legislative Decree No. 499 of 26 August 1932, specifying the powers of the Council and general manager of the Compulsory Insurance Fund.
- Legislative Decree No. 331 of 29 July 1932 including illegitimate children among the heirs entitled to refund of the contributions paid by their deceased insured parent.
- Act No. 5067 of 20 February 1932 concerning the inspection service of the Compulsory Insurance Fund.
- Act No. 5937 of 29 September 1937 increasing the maximum income compatible with liability to insurance.
- Act No. 6172 of 31 January 1938 increasing the rate of the employer's contribution in order to finance workers' housing.
- Act No. 6236 of 25 August 1938 increasing the rate of the State contribution, in order to finance maternal and infant welfare services.
- Act No. 6174 of 31 January 1938 establishing a preventive medical service for the insured population (L.S. 1938, Chile 1).
- Decree No. 360 of 9 May 1938 issuing Regulations under Act No. 6174.
- Act No. 7771 of 23 June 1944, to abolish the maximum salary limit of workers covered by the Compulsory Sickness and Invalidity Insurance Fund.

France.

- Ordinance of 4 October 1945, respecting the organisation of social security (L.S. 1945, Fr. 14).

Public administrative regulations of 8 June 1946, as amended, for the application of the above-named Ordinance, supplemented by the Decrees of 27 November and 23 December 1946.

Ordinance of 19 October 1945 to prescribe the social insurance system applicable to employees and persons placed on the same footing in non-agricultural occupations (L.S. 1945, Fr. 1 G).

Public administrative regulations of 29 December 1945, as amended, for the application of the above-named Ordinance (L.S. 1945, Fr. 1 I), amended by the Decree of 14 June 1947.

Act of 22 May 1946 respecting generalisation of the social security system (L.S. 1946, Fr. 1 C).

Act of 13 September 1946 to fix the date of the application of the above-named Act in so far as it concerns old-age insurance, establishing a temporary old-age allowance, and respecting State aid to economically weak social groups (L.S. 1946, Fr. 1 D.)

Act of 24 October 1946 to reorganise the legal departments for the social security system and mutual benefit societies in agriculture.

Public administrative regulations of 31 December 1946 for the application of the above-named Act.

Act of 7 October 1946, to increase the rates of allowances to aged employees, revised old-age pensions and invalidity pensions, as fixed by the Act of 3 January 1946, and to amend the Ordinances of 2 February 1945, 4 October 1945, and 19 October 1945 respecting social security (L.S. 1946, Fr. 1 E).

Act of 30 October 1946, to prescribe rules for the election of the members of the administrative boards of social security carriers (L.S. 1946, Fr. 1 G).

Act of 25 June 1947 respecting the effecting of economies and the husbanding of resources and to increase allowances to aged workers.

Act of 8 July 1947 to annul § 1 of the Act of 1 September 1946.

Act of 4 September 1947, to continue the temporary allowances to aged persons during the third quarter of 1947.

Public administrative regulations of 28 December 1946, to apply the Ordinance of 30 October 1946, prescribing rules for the election of the members of the administrative boards of social security carriers.

Decree of 13 March 1947, to apply §§ 2 to 6 of Part I of the Act of 13 September 1946.

Decree of 29 April 1947, to lay down rules to govern the accountability of social security funds.

Decree of 21 July 1947 respecting the regional old-age insurance fund for employees.

Decree of 24 September 1947, to increase the maximum remuneration to be taken into account for the computation of social security contributions.

- Act of 7 January 1948 to increase the basic allowance to aged employees and the minimum invalidity and old-age pensions payable under the social insurance scheme.
- Act of 10 March 1948 to co-ordinate the scheme set up by the Ordinance of 2 February 1945 with the pension schemes under the Acts of 14 April 1924, 29 June 1927 and 21 March 1928.
- Act of 21 March 1948 to authorise expenditures for the fiscal year 1948 (for the continuation of temporary allowances during the first and second quarters of 1948).
- Act of 23 August 1948 to amend the old-age insurance scheme.
- Act of 23 August 1948 to adapt the law governing social security to meet the needs of persons employed in a managerial capacity.
- Act of 29 September 1948 to continue the payment of a temporary allowance to aged persons for the third quarter of the year 1948, to increase the rate of the temporary allowance and of the home allowances unifying the minimum rate of the increment in respect of a dependent spouse and to amend Ordinance No. 45-2250 of 5 October 1945.
- Decree of 12 January 1948 to apply Act No. 47-1706 of 4 September 1947 to continue the temporary allowance to aged persons for the third quarter of the year 1947.
- Decree of 2 March 1948 to increase the maximum remuneration to be taken into account for the computation of social security contributions.
- Decree of 16 April 1948 to co-ordinate the scheme set up by the Ordinance of 2 February 1945 and the pension schemes set up by the Acts of 14 April 1924, 29 June 1927 and 21 March 1928.

United Kingdom.

Great Britain.

- Widows', Orphans' and Old-Age Contributory Pensions Act, 1936 (L.S. 1936, G.B. 5).
- Widows', Orphans', and Old-Age Contributory Pensions (Voluntary Contributors) Act, 1937 (L.S. 1937, G.B. 1).
- National Health Insurance Act, 1936 (L.S. 1936, G.B. 8), as amended in 1938 (L.S. 1938, G.B. 2).
- National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939 (L.S. 1939, G.B. 5).
- Old-Age and Widows' Pensions Act, 1940 (L.S. 1940, G.B. 1).
- National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941 (L.S. 1941, G.B. 2).
- Ministry of National Insurance Act, 1944.
- Family Allowances Act, 1945 (L.S. 1945, U.K. 3).
- National Insurance Act, 1946 (L.S. 1946, U.K. 3).
- Various Orders and Regulations concerning contributory pensions, national health insurance and national insurance, dating from 1937 to 1948.

Northern Ireland.

- 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 (Northern Ireland), 1936, as amended in 1938.
- Old-Age and Widows' Pensions Act (Northern Ireland), 1940 (L.S. 1940, G.B. 1).
- National Health Insurance and Contributory Pensions Act (Northern Ireland), 1941.
- National Insurance Act (Northern Ireland), 1946.
- Various Orders and Regulations concerning contributory pensions, national health insurance and national insurance, dating from 1937 to 1948.

SUMMARY OF OTHER INFORMATION

Chile. In addition to the information previously given, the report states that the Decision of the Compulsory Insurance Fund, adopted on 31 October 1947, increases the money value placed on board, lodging and other remuneration in kind used in computing insurance contributions of domestic servants and of employees of hotels, bakeries and slaughterhouses. No relevant decisions by the labour courts are available. The report refers to Convention No. 24 for statistical information regarding old-age insurance payments. There were no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Confederation of Chilean Workers.

France. The report refers to amendments to the legislation concerning compulsory insurance of employed persons, in particular, the Act of 23 August 1948. An annual pension is not awarded unless it amounts to a minimum sum fixed by the Minister of Labour and Social Security (previously 200 francs). The new Act tends, by a system of revaluation of wages, to give to persons who have been insured for many years and have paid a large number of contributions pensions higher than those granted to workers who have paid practically no contributions. The contribution is reduced to 2 per cent. of the wages of employed persons over 65 years of age, but the employer's contribution in respect of such persons remains unchanged. The maximum amount of earnings on which contributions are based has been raised to 228,000 francs per year. The insurance of employed persons is covered by the legislation applicable at their place of employment. This principle has been maintained in agreements recently concluded by France with Belgium, Italy, Poland and Great Britain. However, a certain number of exceptions were provided for various categories of workers. The temporary allowances to aged persons other than employees, instituted by the Act of 13 September 1946, were continued for the first three quarters of 1948 and the rates of allowances were raised. The right to the allowance granted to aged employees has been made conditional on employment in France (including the Departments of Guadeloupe, Martinique, French Guiana and Reunion) after reaching 50 years of age. The basic allowance to aged employees has been raised to 29,000 francs, or 26,000 francs, depending on whether the worker lives in a city of more or less than 5,000 inhabitants, with a special allowance for beneficiaries living in Paris. A supplement is payable in respect of a dependent spouse and also for children. The Act of 23 August 1948 provides that the persons concerned may appeal to special regional committees or to a national committee against the decisions

of the funds ; this applies also to questions of inaptitude or incapacity.

Under the terms of agreements signed with Belgium, Italy, Poland and Great Britain, the allowance for aged employees is granted under certain conditions to aged employees of the contracting parties who have resided in France for a specified number of years. The temporary allowance is also granted to foreign women who have resided in France for at least 25 years and have had two or more French children.

There were no decisions by courts of law. The report contains statistical data showing the total number of persons covered by social insurance (8,300,000 on 31 December 1947), the number of beneficiaries (1,900,000) the total expenditure for old-age pensions, which was estimated at 68,000 million francs, benefits paid to aged workers and non-contributory benefits. Receipts (which do not relate to old-age insurance in particular) are made up of contributions from insured persons and employers. An appendix to the report contains information concerning the extension of the social security legislation to the new French Departments of Guadeloupe, Guiana, Martinique and Reunion. This extension of the legislation takes place progressively, and only the benefit payable to aged workers under Title II of the Order of 2 February 1945, as amended, applies to the above-mentioned Departments.

United Kingdom. The report contains detailed information regarding the new scheme for compulsory insurance for retirement pensions, which came into force on 5 July 1948 under the National Insurance Act of 1946 and is of much wider application than the old scheme.

Reference is made to previous reports for information regarding the position up to 4 July 1948.

Under the new Act, in general, all persons over 15 years of age, whatever their occupation or even if they have no gainful occupation, are compulsorily insured for the purpose of retirement pensions. Those excepted from contributions include persons already over the normal pensionable age (65 years for men and 60 years for women) on 5 July 1948 ; persons in receipt of a new scheme pension or benefit ; self-employed or non-employed persons whose income does not exceed £104 a year and who elect to be excepted ; and married women, who are normally covered by their husband's insurance but may choose to continue payment of contributions on marriage.

The rights of insured persons are automatically maintained even if their payments of contributions cease. The minimum age for qualification for a retirement pension is 65 years for a man and 60 for a woman ; payment of a pension at these ages, however, is subject to retirement from regular employment. Men who have already reached the age of 70 years and women who have reached the age of 65 years are deemed to

have retired. The right to a pension, except in certain transitional cases, is not conditional on completion of a qualifying period, but is subject to the condition that at least 156 contributions have been paid. A person who has once been insured does not lose his rights in respect of the contributions he has paid because, even if payment of contributions ceases, he remains an insured person throughout life.

The rate of pension under the new scheme is not dependent on the time spent in insurance. The standard rate of pension for a married man or single person is 26s. per week, which may be increased by 16s. per week for a dependent wife under the age of 60 years and by 7s. 6d. for the eldest or only child ; the rate is 16s. per week for an uninsured married woman over 60 years of age. Payment at a reduced rate may be made where the yearly average of contributions credited is below 50, and if the average falls below 13 no pension is payable. Persons postponing retirement above the normal pensionable age may qualify for a pension on retirement or on reaching 70 years of age (65 years for women) at a rate above the standard rate. The pension is increased by one shilling for every 25 contributions paid during the five years following pensionable age during which retirement is postponed. The rate of the wife's pension is also increased. Recovery of amounts fraudulently obtained may be made by deduction of the benefit but the right to future benefit is not forfeited.

Pensions are reduced : (a) in the case of men between the age of 65 and 70 (60 and 65 for women), in the case of persons who have retired and have subsequently become employed again and whose earnings exceed 26s. a week ; (b) after the first eight weeks of free in-patient treatment in a hospital maintained by State funds ; a further reduction may be made if the treatment continues for another 52 weeks, but in no case is the benefit reduced below 5s. per week. Benefits may also be reduced where certain benefits under the National Insurance legislation are payable or where a military pension is being received.

Insured persons and their employers are required to contribute to the financial resources of the insurance scheme and there is a State supplement. The rate of contribution by an employed man is 19s. 6d. per week, while the employer pays 19s. 5d. ; the corresponding rates for women are 17s. 5d. and 17s. 4d. respectively. Self-employed and non-employed persons pay contributions varying between 32s. (women) and 36s. 3d. (men). Workers under the age of 18 years (and their employers) and workers earning 30s. a week or less and not receiving free board and lodging from the employer pay contributions at a reduced rate ; in such cases the employer pays a correspondingly higher rate of contribution. For the year ended 31 March 1948, the annual grant by the State towards the cost of the contributory benefits scheme (including old-

age benefits) of the old Act was £117,025,000. The State supplement in respect of full contributions by employed persons varies between 1s. 1d. for each contribution by an adult male worker (and 1s. for his employer's contribution) and 6d. for every contribution paid by a girl under 18 years of age (and 5d. for her employer's contribution). The annual grant in the first year of the scheme will be £3 million for each complete month from the start of the scheme to 31 March 1949.

The insurance scheme is administered by the Ministry of National Insurance. The Insurance Funds are administered separately from the public funds. All questions arising out of claims to benefits, with certain exceptions, are decided in the first instance by Insurance Officers, appointed by the Minister of National Insurance. The decisions of Insurance Officers are subject to appeal to a local tribunal. In certain cases, the decisions of local tribunals are subject to appeal to a Commissioner or Deputy-Commissioner.

Foreign employed persons are treated in all respects on a footing of equality with nationals. The insurance of employed persons is governed by a uniform law applicable at their place of employment, although an agreement made between the Government of the United Kingdom and the French Government will provide variants for this rule. It is not possible to furnish separate statistics in regard only to the persons covered by the Convention. Statistical information is given relating to all persons who are covered by the contributory pensions scheme during periods before the new National Insurance Scheme came into operation. No decisions by courts of law or administrative decisions have been given.

The report has been communicated to the British Employers' Confederation and the Trades Union Congress.

The contributory pensions scheme in *Northern Ireland* is exactly the same as that in operation in Great Britain, with some minor differences in administrative machinery. *Northern Ireland* has, however, a land frontier with *Eire* and persons resident in *Eire* who are employed in *Northern Ireland* are subject to special conditions indicated in the report. The report contains statistical information.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

United Kingdom

Aden.

There is no specific legislation to cover the Convention. The application of the Convention is at present impracticable and remains an aim of policy. There are no representative organisations of employers or workers in *Aden*.

Barbados.

The Convention has not been applied.

Basutoland.

The Convention is designed to meet the requirements of communities in an advanced state of development where the worker and his family are entirely dependent for their livelihood on wages derived from regular employment, and are sufficiently educated to appreciate the benefits to be derived from a system of compulsory insurance. The Basuto are not entirely dependent on the wages they earn, as they till their own lands and have communal grazing rights. They seldom remain in employment for long periods and return to their villages after each period of employment.

Bechuanaland.

There are neither legislation nor administrative instructions relating to the Convention.

Bermuda.

No legislation or administrative provisions apply the provisions of the Convention.

British Guiana.

The application of the Convention is not considered practicable in the present stage of development of the colony.

British Honduras.

It would be impossible to apply the Convention in the colony owing to its economic situation.

Brunei.

As most of the organised labour, notably on the oilfield, is drawn from the peasant proprietor and similar classes, among whom it is unusual to find persons destitute on account of old age, the application of the Convention seems to be inappropriate at present. Although the expansion of the oil industry is undoubtedly creating changes, these do not involve changes which render the adoption of the principles of the Convention necessary or advisable at present.

Cyprus.

No legislation has been enacted to give effect to the Convention, nor is it deemed practicable at the present time. The need for insurance as covered by the Convention is not yet felt by public conscience and trade unions have made only tentative representations in this connection. This is explained by the local custom for the able-bodied to accept responsibility for their old relatives. Provision for old-age pensions has not been definitely ruled out but, in view of the difficulty of collecting contributions and a probable reluctance to contribute

to any scheme not yielding immediate returns, it is deemed possible that, in the first instance, old-age pensions would be non-contributory and on a somewhat small scale.

Dominica.

Owing to the casual nature of employment in the agricultural industry, it has not been considered advisable to enact legislation to give force to the Convention.

Falkland Islands.

The Convention is inapplicable.

Fiji.

The Convention has not been applied. Only a small fraction of the population is employed in wage-earning occupations and a large proportion of those so employed are casual workers. The care of the aged and the infirm is a communal responsibility under the Fijian communal system. Destitution among Fijians is unknown; destitute persons among the other races in the colony receive Government aid. In the present stage of the colony's economic and industrial development, any form of advanced social security legislation would be impracticable.

Gambia.

The application of the Convention would not be practicable in the present stage of development.

Gibraltar.

Pending the introduction of legislation, for which purpose statistics are being compiled, an *ad hoc* system of financial assistance to persons who would otherwise be eligible for old-age pensions has been brought into operation. Unemployed males and females aged 65 years or over are eligible for assistance; the total number of persons receiving assistance at the end of the last annual period was 434.

Gilbert and Ellice Islands.

The Convention has not been applied. Every Native worker is a landowner, and has a secure place in Native society. He is entitled to free medical attention, so that the necessary conditions for the operation of insurance as covered by the Convention do not exist at present.

Gold Coast.

The Convention is considered inapplicable at present.

Grenada.

The Convention is not applicable at present.

Hong Kong.

The Convention is not applied. Owing to local circumstances, including, *inter alia*, constant fluctuations of population and a preponderance of the population enjoying dual nationality, it is unlikely that the application of the Convention will be possible. Many Chinese migrate to Hong Kong seeking employment, but such employment is usually not permanent. The Government, the armed forces employing civilian labour and some of the larger European firms have old-age pensions schemes, usually of a contributory nature. Only about 5 per cent. of the population is covered by these schemes.

Jamaica.

No action has been taken to apply the provisions of the Convention.

A copy of the report has been sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica and the Jamaica Manufacturers' Association.

Kenya.

The Convention is not applicable in Kenya owing to the still undeveloped state of the colony.

Leeward Islands.

No legislative action has been taken. An Old-Age Pensions Committee was appointed by the Government in St. Kitts-Nevis in 1945 to consider the question in respect of that Presidency and reported in the following year.

Federation of Malaya.

No legislation has been enacted to give effect to the Convention, nor does the Government consider that the provisions of the Convention can be applied at the present time.

Malta.

Act XXV of 1948.

The Act to make provision for non-contributory pensions for persons of the age of 60 years and over came into force on 29 September 1948.

Mauritius.

No legislation has been enacted to give effect to the Convention. There is a system of poor law relief administered by the Public Assistance Department.

Nigeria.

It is not practicable to apply the Convention in the present state of development of the

territory, where the population consists mainly of peasants working on their own account.

North Borneo.

There is no legislation specifically applying the Convention. A poor rate levied under the Paupers Ordinance, 1924, is used for maintaining institutions for the destitute and decrepit. Only about 5 per cent. of the population is engaged in wage-earning employment. The remainder is engaged in peasant agriculture or small trading activity. Only a small minority of the population is literate. The colony is thinly populated and communications are very difficult. Therefore, the application of the Convention has been impracticable in the present stage of development.

Northern Rhodesia.

There is no legislation.

Nyasaland.

The application of the Convention is not practicable in the present stage of development of the protectorate.

St. Helena.

Pensions Consolidation Ordinance, No. 1 of 1930.

The application of the Convention is not practicable in present circumstances owing to the lack of regular employment and the rates of wages of the majority of workers. Old-age allowances are paid by the friendly societies of which the majority of the population are members. Government employees are covered by a non-contributory pension scheme as laid down in the above Ordinance. The total number of pensioners under this scheme at the beginning and end of 1947 was 24 and 25 respectively, and the expenditure during the year amounted to £915.

St. Lucia.

It has been found impracticable to apply the Convention in the present stage of the colony's development. However, the report of an Old-Age Pensions Committee appointed earlier in the year is now being studied by the Government.

St. Vincent.

The application of the Convention is not practicable in the present stage of development.

Sarawak.

No legislation has been enacted to give effect to the Convention. The compact nature of the Chinese family ensures the support of the aged among the Chinese. Among Native people, the community generally cares for its own aged persons. There are several community and Government homes for the aged.

Seychelles.

The Convention is not applicable in Seychelles in the present state of development.

Sierra Leone.

No legislation has been enacted to give effect to the Convention, nor has it been possible under present conditions to introduce any compulsory old-age insurance scheme. A practical difficulty is that the ages of old people are not ascertainable as registration of births is compulsory only in certain districts. It is also not yet possible to arrange for the organisation necessary to administer the scheme.

Singapore.

The Convention has not been applied to Singapore.

Solomon Islands.

There is no legislation, nor is any required at the present stage of development. The only persons who spend the greater part of their working lives in employment are public servants.

Swaziland.

There is no legislation and there are no representative organisations of employers or workers.

Tanganyika.

The Convention has not yet been applied in Tanganyika, since the territory has not reached a stage of development which would make its application practicable. The Convention is accepted as an aim of policy.

Trinidad and Tobago.

The application of the Convention is not practicable in the present stage of the economic development of the colony.

Uganda.

The Convention has not been applied to Uganda, as the majority of the inhabitants are peasant cultivators on their own or tribal lands. It seems, therefore, that legislation relating to the Convention is premature in the present stage of development of the territory. By administrative directions, district commissioners and protectorate agents are empowered, for reasons of old age, poverty or disease, to exempt old persons, either wholly or in part, from the payment of any taxes in force, whether imposed by the Uganda Government or by the Native Governments.

Zanzibar.

There is no legislation applying the Convention. The very small number of

workers in industry and the comparatively low income level, combined with the high cost to Government of administering an insurance scheme as proposed by the Convention, make its realisation impossible at present. Moreover, in the absence of any direct contribution to revenue by the working population, the protectorate's exchequer in its present depleted condition could not contemplate undertaking responsibility for a State insurance scheme. In the home for aged poor at Walezo, in the welfare services of the Government, in the functions of local unofficial philanthropic organisations, and in the acceptance of a

duty, both religious and social, towards the community's poor in this Muslim country, there exist means of ensuring that the aged need not become entirely destitute. No observations were received from organisations of employers or workers.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

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	Reports received
Chile	18.10.1935	2. 4.1949
France	23. 8.1939	1.12.1948
Italy	22.10.1947	
Poland	29. 9.1948	
United Kingdom	18. 7.1936	3. 1.1949

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Chile.

- Decree No. 34 of 22 January 1926 promulgating the text of Act No. 4054 of 8 September 1924 (L.S. 1924, Chile 1) respecting compulsory insurance against sickness, invalidity and old age (L.S. 1926, Chile 1).
- Decree No. 205 of 8 April 1925 issuing Regulations under Act No. 4054.
- Legislative Decree No. 203 of 14 July 1932 concerning the method of constituting the Council of the Compulsory Insurance Fund.
- Legislative Decree No. 499 of 26 August 1932, specifying the powers of the Council and general manager of the Compulsory Insurance Fund.
- Legislative Decree No. 331 of 29 July 1932 including illegitimate children among the heirs entitled to refund of the contributions paid by their deceased insured parent.
- Act No. 5067 of 20 February 1932 concerning the inspection service of the Compulsory Insurance Fund.
- Act No. 5937 of 29 September 1937 increasing the maximum income compatible with liability to insurance.
- Act No. 6172 of 31 January 1938 increasing the rate of the employer's contribution in order to finance workers' housing.
- Act No. 6236 of 25 August 1938 increasing the rate of the State contribution in order to finance maternal and infant welfare services.
- Act No. 6174 of 31 January 1938 establishing a preventive medical service for the insured population (L.S. 1938, Chile 1).
- Decree No. 360 of 9 May 1938 issuing Regulations under Act No. 6174.

Act No. 7771 of 23 June 1944, to abolish the maximum salary limit of workers covered by the Compulsory Sickness and Invalidity Insurance Fund.

France.

- Act of 14 March 1941 to establish an old-age allowance for employees and to modify the system of social insurance in agriculture.
- Decree of 28 June 1941 to abolish non-occupational bodies for social insurance in agriculture.
- Act No. 4 of 1 February 1943 to amend the Act relating to social insurance in agriculture (L.S. 1943, Fr. 1 A).
- Decree of 4 January 1944 respecting the transitional system of social insurance in agriculture.
- Decree of 8 November 1944 to issue public administrative regulations for the application of the Decree of 30 October 1935.
- Ordinance of 30 December 1944 respecting the financing of the allowance to aged employees not covered by social insurance.
- Ordinance No. 45-170 of 2 February 1945 to organise on a national basis the system of old-age allowances for employees and to amend the social insurance, old-age and invalidity system (L.S. 1945, Fr. 1 A).
- Order of 1 June 1945 for the application of the above-named Ordinance.
- Ordinance of 19 October 1945 to amend the system of social insurance for agriculture (L.S. 1945, Fr. 4 B).
- Act of 3 January 1946 to organise the system of old-age allowances for employees.
- Order of 9 April 1946 respecting the allocation of compulsory insurance contributions.
- Act of 22 May 1946 to effect a generalisation of social security (L.S. 1946, Fr. 1 C).
- Act of 13 September 1946 to fix the date of application of the above-named Act in so far as it concerns old-age pensions (L.S. 1946, Fr. 1 D).
- Act of 7 October 1946 to increase the rate of old-age allowances and pensions to employees (L.S. 1946, Fr. 1 E).
- Act of 24 October 1946 respecting the legal departments of the mutual benefit societies.
- Act No. 47-1127 of 25 June 1947 amending the rates of old-age allowances for employees.
- Act No. 48-34 of 7 January 1948 to amend the rates of allowance to aged employees.

Act No. 48-1306 of 23 August 1948 to amend the old-age insurance scheme.
 Act No. 48-1522 of 29 September 1948 unifying the rate of increase for a dependent spouse.

United Kingdom.

Great Britain.

Widows', Orphans' and Old-Age Contributory Pensions Act, 1936 (L.S. 1936, G.B. 5).
 Widows', Orphans' and Old-Age Contributory Pensions (Voluntary Contributors) Act, 1937 (L.S. 1937, G.B. 1).
 National Health Insurance Act, 1936 (L.S. 1936, G.B. 8), as amended in 1938 (L.S. 1938, G.B. 2).
 National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939 (L.S. 1939, G.B. 5).
 Old-Age and Widows' Pensions Act, 1940 (L.S. 1940, G.B. 1).
 National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941 (L.S. 1941, G.B. 2).
 Ministry of National Insurance Act, 1944.
 Family Allowances Act, 1945 (L.S. 1945, U.K. 3).
 National Insurance Act, 1946 (L.S. 1946, U.K. 3).
 Various Orders and Regulations concerning contributory pensions, national health insurance and national insurance, dating from 1937 to 1948.

Northern Ireland.

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 (Northern Ireland), 1936, as amended in 1938.
 Old-Age and Widows' Pensions Act (Northern Ireland), 1940 (L.S. 1940, G.B. 1).
 National Health Insurance and Contributory Pensions Act (Northern Ireland), 1941.
 National Insurance Act (Northern Ireland), 1946.
 Various Orders and Regulations concerning contributory pensions, national health insurance and national insurance, dating from 1937 to 1948.

SUMMARY OF OTHER INFORMATION

Chile. After referring to information supplied in previous years, the report mentions the coming into force, on 1 January 1948, of a new scale of contributions fixed by the Compulsory Insurance Fund; the money value placed on remuneration in kind received by agricultural workers has been increased. No decisions by the labour courts are available. The report refers to Convention No. 24 for the relevant statistical information. There were no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers.

France. The report repeats the information previously given and adds that the pension for agricultural social insurance beneficiaries, eligible for an allowance for aged employees, was at first fixed at 22,000 francs by the Act of 7 January 1948 and then increased to 29,000 francs by the Act of 23 August 1948. Since

1 July 1948, the expenses of these pensions are borne by the Central Autonomous Fund of the Agricultural Old-Age Mutual Benefit Societies, under § 19 of the Act of 23 August 1948. There were no decisions by courts of law and no administrative decisions. The report contains statistical data showing the number of insured persons in contributory schemes, pensioners, liquidated or expired pensions and the total expenses and receipts, the latter being covered by the contributions from employers and insured persons. Data are also given showing the amounts of non-contributory pensions.

Copies of the report have been communicated to the National Federation of Agricultural Producers' Unions, to the National Federation of Agricultural and Forestry Workers and to the Confederation of Christian Trade Unions of Agricultural Workers.

United Kingdom. The scheme of national insurance applies to persons employed in agriculture on the same basis as other persons.

See under Convention No. 35 for detailed information regarding the principal features of the new scheme and the application of the Convention in Great Britain and Northern Ireland under the National Insurance Acts of 1946.

The report has been communicated to the British Employers' Confederation and the Trades Union Congress.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

France

Territories of the French Union.

There is nothing to report.

United Kingdom

Aden.

There is no specific legislation to cover the Convention. It is impracticable in present circumstances to apply the Convention, and it remains an aim of policy. There are no representative organisations of employers or workers in Aden.

Barbados.

The Convention has not been applied.

Basutoland.

The Convention is designed to meet the requirements of communities in an advanced state of development where the worker and his family are entirely dependent for their livelihood on wages derived from regular employment, and are sufficiently educated to appreciate the benefits to be derived from a system of compulsory insurance. The Basuto are not entirely dependent on the wages they earn, as they till their own lands and have communal grazing

rights. They seldom remain in employment for long periods and return to their villages after each period of employment.

Bechuanaland.

There are neither legislation nor administrative instructions relating to the Convention.

Bermuda.

No legislation or administrative provisions apply the provisions of the Convention.

British Guiana.

The application of the Convention is not considered practicable in the present stage of development of the colony.

British Honduras.

It would be impossible to apply the Convention in the colony owing to its economic situation.

Brunei.

Although there is some organised agricultural labour on rubber estates, this is drawn from the peasant proprietor and similar classes, who are not entirely dependent upon their wage-earning employment and amongst whom it is unusual to find persons destitute on account of old age. The application of the Convention therefore seems to be inappropriate at present.

Cyprus.

No legislation has been enacted to give effect to the Convention, nor is it deemed practicable at the present time. Agriculture is mainly in the hands of small landowners who cultivate their lands with family help. The few large estates offer employment of a seasonal and casual nature.

Dominica.

It has not been found advisable to introduce legislation to give effect to the Convention, owing to local employment conditions in the basic industries.

Falkland Islands.

The Convention is inapplicable.

Fiji.

The Convention has not been applied. Only a small fraction of the population is employed in wage-earning occupations and a large proportion of those so employed are casual workers. The care of the aged and the infirm is a communal responsibility under the Fijian communal system. Destitution among Fijians is unknown; destitute persons among the other races in the colony receive Government aid. In the present stage of the economic and industrial develop-

ment of the colony any form of advanced social security legislation would be impracticable.

Gambia.

The application of the Convention would not be practicable in the present stage of development.

Gibraltar.

Pending the introduction of legislation, for which purpose statistics are being compiled, an *ad hoc* system of financial assistance to persons who would otherwise be eligible for old-age pensions has been brought into operation. Unemployed males and females aged 65 years or over are eligible for assistance; the total number of persons receiving assistance at the end of the last annual period was 434.

Gilbert and Ellice Islands.

The Convention has not been applied. Every Native worker is a landowner, and has a secure place in the Native society. He is entitled to free medical attention, so that the necessary conditions for the operation of such insurance are not yet present.

Gold Coast.

The Convention is considered inapplicable at present.

Grenada.

The Convention is not applicable at present.

Hong Kong.

The Convention has not been applied.

See under Convention No. 35 for information regarding non-application.

Jamaica.

No action has been taken to apply the provisions of the Convention.

A copy of the report has been sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica and the Jamaica Manufacturers' Association.

Kenya.

The Convention is not applicable in Kenya owing to the still undeveloped state of the colony.

Leeward Islands.

No legislative action has been taken. An Old-Age Pensions Committee was appointed by the Government in St Kitts-Nevis in 1945 to consider the question in respect of that Presidency and reported in the following year.

Federation of Malaya.

No legislation has been enacted to give effect to the Convention, nor does the Government consider that the provisions of the Convention can be applied at the present time.

Malta.

Act XXV of 1948.

The Act to make provision for non-contributory pensions for persons of the age of 60 years and over came into force on 29 September 1948.

Mauritius.

No legislation has been enacted to give effect to the Convention. There is a system of poor law relief, administered by the Public Assistance Department.

Nigeria.

It is not practicable to apply the Convention in the present state of development of the territory, where the population consists mainly of peasants working on their own account.

North Borneo.

There is no legislation specifically applying the Convention. A poor rate levied under the Paupers Ordinance, 1924, is used for maintaining institutions for the destitute and decrepit. Only about 5 per cent. of the population is engaged in wage-earning employment. The remainder is engaged in peasant agriculture or small trading activity. Only a small minority of the population is literate. The colony is thinly populated and communications are very difficult. Therefore, the application of the Convention has been impracticable in the present stage of development.

Northern Rhodesia.

There is no legislation.

Nyasaland.

The application of the Convention is not practicable in the present stage of development of the protectorate.

St. Helena.

Pensions Consolidation Ordinance No. 1 of 1930.

The application of the Convention is not practicable in present circumstances owing to the lack of regular employment and to the low rates of wages of the majority of workers. The larger part of the population are members of the five friendly societies which pay an allowance in old age. Government employees are covered by a non-contributory pension scheme as laid down in the above Ordinance. There are at present no pensioners under this scheme.

St. Lucia.

It has been found impracticable to apply the Convention in the present stage of development of the colony. However, the report of an Old-Age Pensions Committee appointed earlier in the year is now being studied by the Government.

St. Vincent.

The application of the Convention is not practicable in the present stage of development.

Sarawak.

No legislation has been enacted to give effect to the Convention. The compact nature of the Chinese family ensures the support of the aged among the Chinese. Among Native people, the community generally cares for its own aged persons. There are several community and Government homes for the aged.

Seychelles.

The Convention is not applicable in Seychelles in the present state of development.

Sierra Leone.

No legislation has been enacted to give effect to the Convention, nor has it been possible under present conditions to introduce any compulsory old-age insurance scheme. A practical difficulty is that the ages of old people are not ascertainable as registration of births is compulsory only in certain districts. In some of the smaller districts in which agricultural workers are employed, registration is still not compulsory. It is also not yet possible to arrange for an organisation to administer the scheme.

Singapore.

The Convention has not been applied.

Solomon Islands.

There is no legislation, nor is any required at the present stage of development. The only persons who spend the greater part of their working lives in employment are public servants.

Swaziland.

There is no legislation and no representative organisation either of employers or workers.

Tanganyika.

The Convention has not yet been applied in Tanganyika, since the territory has not reached a stage of development which would make its application practicable. The Convention is accepted as an aim of policy.

Trinidad and Tobago.

The application of the Convention is not practicable in the present stage of the economic development of the colony.

Uganda.

The Convention has not been applied to Uganda, as the majority of the inhabitants are peasant cultivators on their own or tribal lands. It seems, therefore, that such legislation is premature in the present stage of development of the territory. By administrative directions, district commissioners and protectorate agents are empowered, for reasons of old age, poverty or disease, to exempt old persons either wholly or in part from the payment of any taxes in force, whether imposed by the Uganda Government or by the Native Governments.

Zanzibar.

There is no legislation applying the Convention. The comparatively low income level, combined with the high cost to the Government of administering such an insurance scheme, make its realisation im-

possible at present. Moreover, in the absence of any direct contribution to revenue by the working population, the protectorate's exchequer in its present depleted condition could not contemplate undertaking responsibility for a State insurance scheme. A considerable proportion of the agricultural labour is independent and itinerant, and comes from the mainland of Africa for a few months or years and returns there. In the home for aged poor at Walezo, in the welfare services of the Government, in the functions of local unofficial philanthropic organisations, and in the acceptance of a duty, both religious and social, towards the community's poor in this Muslim country, there exist means of ensuring that the aged need not become entirely destitute. There were no observations from organisations of employers or workers.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

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

This Convention came into force on 18 July 1937

Countries	Date of registration of ratification	Reports received
Chile	18.10.1935	2. 4.1949
France	23. 8.1939	1.12.1948
Italy	22.10.1947	
Peru	8.11.1945	
Poland	29. 9.1948	
United Kingdom	18. 7.1936	24. 1.1949

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Chile.

- Decree No. 34 of 22 January 1926 promulgating the text of Act No. 4054 of 8 September 1924 (L.S. 1924, Chile 1) respecting compulsory insurance against sickness, invalidity and old age (L.S. 1926, Chile 1).
 Decree No. 205 of 8 April 1925 issuing Regulations under Act No. 4054.
 Legislative Decree No. 203 of 14 July 1932 concerning the method of constituting the Council of the Compulsory Insurance Fund.
 Legislative Decree No. 499 of 26 August 1932, specifying the powers of the Council and general manager of the Compulsory Insurance Fund.
 Legislative Decree No. 331 of 29 July 1932 including illegitimate children among the heirs entitled to refund of the contributions paid by their deceased insured parent.
 Act No. 5067 of 20 February 1932 concerning the

inspection service of the Compulsory Insurance Fund.

Act No. 5937 of 29 September 1937 increasing the maximum income compatible with liability to insurance.

Act No. 6172 of 31 January 1938 increasing the rate of the employer's contribution in order to finance workers' housing.

Act No. 6236 of 25 August 1938 increasing the rate of the State contribution in order to finance maternal and infant welfare services.

Act No. 6174 of 31 January 1938 establishing a preventive medical service for the insured population (L.S. 1938, Chile 1).

Decree No. 360 of 9 May 1938 issuing Regulations under Act No. 6174.

Act No. 7771 of 23 June 1944, to abolish the maximum salary limit of workers covered by the compulsory Sickness and Invalidity Insurance Fund.

France.

Ordinance of 4 October 1945 respecting the organisation of social security (L.S. 1945, Fr. 14).

Ordinance of 19 October 1945 to prescribe the social insurance system applicable to insured persons in non-agricultural occupations (L.S. 1945, Fr. 1 G).

Act of 22 May 1946 to effect a generalisation of social security (L.S. 1946, Fr. 1 C).

Act of 13 September 1946 to fix the date of application of the above-named Act in so far as it concerns old-age insurance, establishing a temporary old-age allowance, and regulating State aid to economically weak social groups (L.S. 1946, Fr. 1 D).

Act of 7 October 1946 to increase the rate of allowances to aged employees, the revised old-age pensions and the invalidity pensions established under the Act of 3 January 1946, and to amend the Ordinances of 2 February, 4 October and 19 October 1945 respecting social security.

Act of 24 October 1946 to reorganise the legal departments of the social security system and mutual benefit societies in agriculture.

Act of 30 October 1946, to fix rules to govern the election of members to the governing bodies of social security carriers (L.S. 1946, Fr. 1 G).

Decrees of 27 November and 23 December 1946, supplementing the provisions of the Decree of 8 June 1946 prescribing public administrative regulations with regard to the application of the Ordinance of 4 October 1945 respecting the organisation of social security (L.S. 1945, Fr. 14).

Decree of 28 December 1946 prescribing public administrative regulations with regard to the application of the provisions of the Act of 30 October 1946 to fix rules to govern the election of members of the governing bodies of social security carriers (L.S. 1946, Fr. 1 G).

Decree of 31 December 1946 establishing a social security system for officials (L.S. 1946, Fr. 1 H).

Act of 19 March 1947 to amend the Ordinance of 4 October 1945 concerning the administrative organisation of social security in the interests of the French mutual benefit societies (L.S. 1947, Fr. 2 A).

Order of 27 March 1947 concerning the composition and functions of regional commissions entrusted with questions concerning the degree of disablement under § 52 of the Ordinance of 19 October 1945.

Act of 9 April 1947 to ratify the Decree of 31 December 1946 establishing a social security system for officials (L.S. 1947, Fr. 2 C).

Decree of 29 April 1947 to fix rules respecting the accountancy of social security funds.

Decree of 14 June 1947 amending the Decree of 29 December 1945 prescribing public administrative regulations with regard to the application of the Ordinance of 19 October 1945 to establish the system of social insurance with regard to insured persons in non-agricultural occupations.

Act of 25 June 1947 respecting the management and distribution of means and increasing the minimum of invalidity pensions.

Act of 8 July 1947 § 1 of which repeals § 1 of the Act of 13 September 1946 which brought into force the provisions of the Act of 22 May 1946 relating to old-age insurance.

Act of 2 September 1947 granting the advantages, allowed for disabled persons under § 56, paragraph 3, of Ordinance No. 45.24.54 of 19 October 1945, to seriously disabled persons entitled to allowances or invalidity pensions liquidated before the coming into effect of the Ordinance of 19 October 1945.

Decree of 24 September 1947 to increase the salary limit established for calculating social security contributions.

Act of 7 January 1948 to increase the basic allowance to aged employees and the minimum invalidity and old-age pensions payable under the social insurance scheme.

Act of 23 August 1948 to amend the old-age insurance scheme.

Act of 23 August 1948 to adapt the law governing social security to meet the needs of persons employed in a managerial capacity.

Decree of 2 March 1948 to increase the maximum remuneration to be taken into account for the computation of social security contributions.

United Kingdom.

Great Britain.

National Health Insurance Act, 1936 (L.S. 1936, G.B. 8).

National Health Insurance (Amendment) Act, 1937 (L.S. 1937, G.B. 4 A).

National Health Insurance (Amendment) Act, 1938 (L.S. 1938, G.B. 2).

Widows', Orphans' and Old-Age Contributory Pensions Act, 1936 (L.S. 1936, G.B. 5).

Widows', Orphans' and Old-Age Contributory Pensions (Voluntary Contributors) Act, 1937, (L.S. 1937, G.B. 1).

National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939 (L.S. 1939, G.B. 5).

Old-Age and Widows' Pensions Act, 1940 (L.S. 1940, G.B. 1).

National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941 (L.S. 1941, G.B. 2).

Ministry of National Insurance Act, 1944.

National Insurance Act, 1946 (L.S. 1946, U.K. 3).

National Health Service Act, 1946 (L.S. 1946, U.K. 5).

Various Orders and Regulations concerning contributory pensions, national health insurance and national insurance and health service, dating from 1937 to 1948.

Northern Ireland.

National Health Insurance Act, 1936 as amended in 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.

National Health Insurance and Contributory Pensions Act (Northern Ireland), 1941.

National Health Insurance and Contributory Pensions Act (Northern Ireland), 1946.

National Insurance Act (Northern Ireland) 1948 (L.S. 1946, G.B. 3).

National Insurance (Industrial Injuries) Act (Northern Ireland) 1946 as amended in 1948.

Various Orders and Regulations concerning contributory pensions, national health insurance and national insurance (Northern Ireland) dating from 1937 to 1948.

SUMMARY OF OTHER INFORMATION

Chile. After referring to information previously given, the report mentions a Decision, adopted by the Compulsory Insurance Fund on 31 October 1947, which increases the money value placed on board, lodging and other remuneration in kind used in computing insurance contributions of domestic servants and of employees of hotels, bakeries and slaughterhouses. No relevant decisions by labour courts are available. See under Convention No. 24 for statistical data. There were no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Confederation of Chilean Workers.

United Kingdom. The report supplies detailed information regarding the National Insurance Acts, 1946, which came into force in Great Britain and Northern Ireland on 5 July 1948. These Acts, which replace

the former National Health Insurance Acts, provide cash benefits during incapacity for work. Under the new national insurance scheme, there is no invalidity pension as such, but sickness benefit is paid for an unlimited period during incapacity provided that certain contribution conditions are fulfilled. Compensation for incapacity caused by accidents arising out of and in the course of employment or by occupational disease comes under the industrial injuries scheme, which is dealt with in the reports on Conventions Nos. 12, 19 and 42.

See under Convention No. 24 for information regarding the persons covered by compulsory insurance.

There are no special provisions regarding contributions for invalid workers, retired public officials, persons with private incomes, or workers who, during their studies, give lessons or work for remuneration in preparation for an occupation corresponding to such studies. Retirement pensioners are not eligible for sickness benefits. Domestic servants are insurable under the ordinary rules. No exception has been made for persons who, by virtue of any law, regulation or special scheme, are entitled to benefits equivalent to those provided for by the Convention. Serving members of the armed forces are entitled to sickness benefits immediately on discharge. Sickness benefit is payable to a person who is, or is deemed to be, incapable of work by reason of some specific disease or bodily or mental disablement.

See under Convention No. 24 for information regarding the right to benefit of married women, the required number of contributions, waiting days, benefits in kind (medical), suspension of the right to benefit if the incapacity has been caused by misconduct or failure to attend for medical or other treatment, the financial resources of the insurance fund, the administration of the insurance scheme, and the right of appeal of insured persons. Tables are appended to the report showing the amounts paid in contributions and in benefits in kind.

In general, foreign employed persons are insurable in the same way as nationals and are required to start paying contributions on entering the country. There are special rules covering foreign persons and employers who are not ordinarily resident in Great Britain.

Sickness benefit is ordinarily payable only to persons in Great Britain, Northern Ireland, the Isle of Man or, in the case of temporary residence, in the Channel Islands.

No decisions were given by courts of law or other courts and no observations were received from employers' or workers' organisations. As the new scheme has operated only from 5 July 1948, it is not yet possible to supply the required statistical information.

Copies of the report have been communicated to the British Employers' Confederation and the Trades Union Congress.

In *Northern Ireland* the scheme is the same as that in operation in Great Britain, with some minor differences in administrative machinery.

France. The report deals with recent changes in the legislation. Widows' and survivors' pensions are, under certain conditions, assimilated to invalidity pensions. The minimum invalidity pension was raised to 29,000 francs a year. The increase in the pension payable to invalids who are wholly unable to work and who require the constant assistance of another person cannot be more than 25,000 francs. Invalidity pension beneficiaries do not have to contribute to medical and pharmaceutical expenses as regards sickness caused by the invalidity. The minimum invalidity pension payable in case of hospitalisation is at present 7,250 francs per quarter. The maximum combined pension in case of accumulation of a military pension and of an accident insurance pension with an invalidity pension has been raised to 29,000 francs. See under Convention No. 35 as regards the rates of contribution, etc., applicable to aged workers over 65, the maximum remuneration on which the calculation of the contribution is based, the relevant social insurance legislation and the agreements recently concluded with various countries. There were no decisions by courts of law and no administrative decisions. The report contains statistical data showing the total number of persons covered by social insurance, estimated at 8,300,000, the number of pensioners, which was approximately 175,000 on 31 December 1947, and the total expenses, estimated for 1948 at 4,200 million francs for pensions and at 1,500 million for payments in kind (treatment). The receipts which do not relate to invalidity insurance as such are made up from contributions paid by insured persons and employers.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

United Kingdom

Aden.

There is no specific legislation to cover the Convention. It is impracticable in present circumstances to apply the Convention, which remains an aim of policy. There are no representative organisations of employers or workers in Aden.

Barbados.

The Convention has not been applied.

Basutoland.

The Convention is designed to meet the requirements of communities in an advanced state of development where the worker and his family are entirely dependent for their

livelihood on wages derived from regular employment, and are sufficiently educated to appreciate the benefits to be derived from a system of compulsory insurance. The Basuto are not entirely dependent on the wages they earn, as they till their own lands and have communal grazing rights. They seldom remain in employment for long periods and return to their villages after each period of employment.

Bechuanaland.

There is neither legislation nor administrative instruction relating to the Convention.

Bermuda.

No legislation at present applies the Convention. A Social Security Bill now being considered by the Legislature will, when passed as law, give effect to the Convention.

British Guiana.

The application of the Convention is not considered practicable in the present stage of development of the colony.

British Honduras.

It would be impossible to apply the Convention in the colony owing to its economic situation.

Brunei.

Under local conditions the Convention is inapplicable. Although there is some organised labour, particularly in the oilfield, most of this labour is drawn from the peasant proprietor and similar classes who seek outside wage-earning employment only to supplement the means of livelihood obtainable from their small holdings.

Cyprus.

No legislation has been enacted to give effect to the Convention, nor is it deemed practicable at the present time. The need for such insurance is not yet felt by the public conscience. Voluntary schemes are almost non-existent and the trade unions have as yet made only tentative representations. Provision for invalidity insurance is not entirely precluded from consideration by the Government but it is felt that priority should be given to a "State" medical service, to be subsequently supplemented by sickness insurance. An extension to invalidity insurance might then be practicable.

Dominica.

It has not been found possible, owing to local conditions, to introduce any scheme of invalidity insurance and no legislation has been enacted.

Falkland Islands.

The Convention is inapplicable.

Fiji.

The Convention has not been applied. Only a small fraction of the population is employed in wage-earning occupations and a large proportion of those so employed are casual workers. The care of the aged and the infirm is a communal responsibility under the Fijian communal system. Destitution among Fijians is unknown; destitute persons among the other races in the colony receive Government aid. In the present stage of the economic and industrial development of the colony, any form of advanced social security legislation would be impracticable.

Gambia.

The application of the Convention would not be practicable in the present stage of development.

Gibraltar.

Pending the introduction of legislation, persons who would otherwise be eligible for invalidity pensions are granted financial assistance under an *ad hoc* system administered by the Labour and Welfare Department and, in addition, they are eligible for free medical attention and treatment.

Gilbert and Ellice Islands.

The Convention has not been applied. Every Native worker is a landowner, and has a secure place in the Native society. He is entitled to free medical attention, so that the necessary conditions for the operation of such insurance are not yet present.

Gold Coast.

The Convention is considered inapplicable at present.

Grenada.

The Convention is not applicable at present.

Hong Kong.

The Convention has not been applied. The fact that 95 per cent. of the population is non-resident makes the introduction of an invalidity insurance scheme practically impossible. Workers who become incapacitated usually return to their Native villages in China, where social convention demands that their families care for them.

Jamaica.

No action has been taken to apply the provisions of the Convention.

A copy of the report has been sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica and the Jamaica Manufacturers' Association.

Kenya.

The Convention is not applicable in Kenya owing to the still undeveloped state of the colony.

Leeward Islands.

No legislative action has been taken, although on several occasions the matter covered by the Convention has been the subject of review.

Federation of Malaya.

No legislation has been enacted to give effect to the Convention, nor does the Government consider that the provisions of the Convention can be applied at the present time.

Malta.

Workmen's Compensation Ordinance No. XXVII of 1934 — Chapter 128 of Revised Edition.

Provision is made for a weekly contribution of 2d., shared equally by employers and workers, and for the payment of compensation for injury, life pensions for permanent total incapacity and widows' and orphans' pensions in the event of death by accident.

Mauritius.

No legislation has been enacted to give effect to the Convention. There is a system of poor law relief administered by the Public Assistance Department.

Nigeria.

It is not practicable to apply the Convention in the present state of development of the territory, where the population consists mainly of peasants working on their own account.

North Borneo.

No legislation has been enacted applying the Convention. Only about 5 per cent. of the population is engaged in wage-earning employment. The remainder is engaged in peasant agriculture or small trading activity. Only a small minority of the population is literate. The colony is thinly populated and communications are very difficult. The application of the Convention has thus been impracticable in the present stage of development.

Northern Rhodesia.

There is no legislation.

Nyasaland.

The application of the Convention is not practicable in the present stage of development of the protectorate.

St. Helena.

Pensions Consolidation Ordinance No. 1 of 1930.

The Convention has not been applied. The establishment of a compulsory invalidity insurance scheme would, in present circumstances, be impracticable owing to the rates of wages and irregularity of employment of some of the workpeople. Five friendly societies, however, to which some 90 per cent. of the workers subscribe, provide some assistance in this direction. In the case of Government employees, invalidity pensions may be granted as prescribed by the Pensions Consolidation Ordinance. The number of pensioners at the beginning and end of 1947 was 24 and 25 respectively and the expenditure during that year was £915.

St. Lucia.

The application of the Convention is not practicable in the present stage of development of the colony.

St. Vincent.

The application of the Convention is not practicable in the present stage of development.

Sarawak.

No legislation has been enacted to give effect to the Convention.

Seychelles.

The Convention is not applicable in Seychelles in the present state of development.

Sierra Leone.

No legislation has been enacted to give effect to the Convention, nor is it deemed possible at the present time, as organisational difficulties are insuperable. The medical profession is already overloaded and could not take on additional responsibilities; suitable staff, African or European, are not available; and co-operation from employers could not be depended upon. It is hoped that in course of time, as development plans materialise, these difficulties will lessen and that it will be possible to apply the Convention.

Singapore.

The Convention has not been applied.

Solomon Islands.

There is no legislation, nor is any required at the present stage of development. The

only persons who spend the greater part of their working lives in employment are public servants.

Swaziland.

There is no legislation and no representative organisation either of employers or workers.

Tanganyika.

The Convention has not yet been applied in Tanganyika, since the territory has not reached a stage of development which would make its application practicable. The Convention is accepted as an aim of policy.

Trinidad and Tobago.

The application of the Convention is not practicable in the present stage of the economic development of the colony.

Uganda.

There is no legislation applying the Convention and it does not seem in the present stage of development of the territory that such legislation would be appropriate.

Zanzibar.

There is no legislation applying the Convention. The very small number of workers in industry and the comparatively low income level, combined with the high cost to the Government of administering such an insurance scheme make its realisation impossible at present. Moreover, in the absence of any direct contribution to revenue by the working population, the protectorate's exchequer in its present depleted condition could not contemplate undertaking responsibility for a State insurance scheme. In the home for aged poor at Walezo, in the welfare services of the Government, in the functions of local unofficial philanthropic organisations, and in the acceptance of a duty, both religious and social, towards the poor of the community in this Muslim country, there exist means of ensuring that the aged need not become entirely destitute. No observations were received from organisations of employers or workers.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

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	Reports received
Chile	18.10.1935	2. 4.1949
France	23. 8.1939	1.12.1948
Italy	22.10.1947	
Poland	29. 9.1948	
United Kingdom	18. 7.1936	24. 1.1949

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Chile

- Decree No. 34 of 22 January 1926 promulgating the text of Act No. 4054 of 8 September 1924 respecting compulsory insurance against sickness, invalidity and old age (L.S. 1926, Chile 1).
- Decree No. 205 of 8 April 1925 issuing Regulations under Act No. 4054.
- Legislative Decree No. 203 of 14 July 1932 concerning the method of constituting the Council of the Compulsory Insurance Fund.
- Legislative Decree No. 499 of 26 August 1932, specifying the powers of the Council and general manager of the Compulsory Insurance Fund.
- Legislative Decree No. 331 of 29 July 1932 to include illegitimate children among the heirs entitled to refund of the contributions paid by their deceased insured parent.

Act No. 5067 of 20 February 1932 concerning the inspection service of the Compulsory Insurance Fund.

Act No. 5937 of 29 September 1937 to increase the maximum income compatible with liability to insurance.

Act No. 6172 of 31 January 1938 to increase the rate of the employer's contribution in order to finance workers' housing.

Act No. 6236 of 25 August 1938 to increase the rate of the State contribution in order to finance maternal and infant welfare services.

Act No. 6174 of 31 January 1938 to establish a preventive medical service for the insured population (L.S. 1938, Chile 1).

Decree No. 360 of 9 May 1938 issuing Regulations under Act No. 6174.

Act No. 7771 of 23 June 1944 to abolish the maximum salary limit of workers covered by the Compulsory Sickness and Invalidity Insurance Fund.

France.

- Act of 5 April 1941 respecting the operation of social and family legislation in agriculture.
- Decree of 28 June 1941 to abolish non-occupational social insurance carriers in agriculture.
- Act of 1 February 1943 to amend the social insurance system for agriculture.
- Act of 4 January 1944 respecting the payment of social insurance contributions in agriculture.
- Decree of 4 January 1944 respecting the transitional social insurance system for agriculture.
- Decree of 8 November 1944 to issue public admi-

- nistrative regulations for the application of the Decree of 30 October 1935 (establishment of reduced occupational capacity).
 Ordinances of 19 April and 19 October 1945 to amend the social insurance system in agriculture.
 Order of 9 April 1946 respecting the allocation of social insurance contributions in agriculture.
 Order of 8 July 1946 respecting the registration, removal from register, and affiliation of persons covered by the social insurance system in agriculture.
 Act of 22 May 1946 to effect a generalisation of social security.
 Act of 13 September 1946 to fix the date of application of the above-named Act.
 Act No. 46-2153 of 7 October 1946 to increase the rates prescribed in Act No. 46-1 of 3 January 1946 for old-age allowances for employees, old-age pensions (as revised) and invalidity pensions, and to amend Ordinances Nos. 45-170 of 2 February 1945, 45-2250 of 4 October 1945 and 45-2454 of 19 October 1945, respecting social security (L.S. 1946, Fr. 1 E).
 Act No. 46-2339 of 24 October 1946 concerning the reorganisation of the procedure for the settlement of disputes in social security and the mutual benefit movement for agricultural workers.
 Act of 23 December 1946, § 7 concerning finance.
 Act No. 48-1398 of 7 September 1948 increasing the compensation payable under the legislation on industrial accidents in agriculture and forestry.

United Kingdom.

Great Britain.

- National Health Insurance Act, 1936 (L.S. 1936, G.B. 8).
 National Health Insurance (Amendment) Act, 1937 (L.S. 1937, G.B. 4 A).
 National Health Insurance (Amendment) Act, 1938 (L.S. 1938, G.B. 2).
 Widows', Orphans' and Old-Age Contributory Pensions Act, 1936 (L.S. 1936, G.B. 5).
 Widows', Orphans' and Old-Age Contributory Pensions (Voluntary Contributors) Act, 1937 (L.S. 1937, G.B. 1).
 National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939 (L.S. 1939, G.B. 5).
 Old-Age and Widows' Pensions Act, 1940 (L.S. 1940, G.B. 1).
 National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941 (L.S. 1941, G.B. 2).
 Ministry of National Insurance Act, 1944.
 National Insurance Act, 1946 (L.S. 1946, U.K. 3).
 National Health Service Act, 1946 (L.S. 1946, U.K. 5).
 Various Orders and Regulations concerning contributory pensions, national health insurance, national insurance and national health service, dating from 1937 to 1948.

Northern Ireland.

- National Health Insurance Act, 1936, as amended in 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 (L.S. 1940, G.B. 1).
 National Health Insurance and Contributory Pensions Act (Northern Ireland), 1941.

- National Health Insurance and Contributory Pensions Act (Northern Ireland), 1946.
 National Insurance Act (Northern Ireland), 1946.
 National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, as amended in 1948.
 Various Orders and Regulations concerning contributory pensions, national health insurance and national insurance (Northern Ireland) dating from 1937 to 1948.

SUMMARY OF OTHER INFORMATION

Chile. After referring to information previously given, the report mentions a new scale of contributions fixed by the Compulsory Insurance Fund which came into force on 1 January 1948, and which increases the money value placed on remuneration in kind received by agricultural workers. No relevant decisions by the labour courts are available. See under Convention No. 24 for statistical data. There were no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Confederation of Chilean Workers.

France. The report states that § 11 of the Act No. 48-1398 of 7 September 1948 increased by 25 per cent. the pension payable to a totally incapacitated person who requires the constant attendance of another person. This pension may in no case be less than 25,000 francs. There were no decisions by courts of law and no administrative decisions. The report contains statistical data showing the number of insured persons in contributory schemes, pensioners, liquidated or expired pensions, and the total expenses and receipts, the latter being made up of the contributions from employers and insured persons. There are no non-contributory pensions for invalidity insurance in agriculture.

Copies of the report have been communicated to the National Federation of Agricultural Producers' Unions, the National Federation of Agricultural and Forestry Workers and the Confederation of Christian Trade Unions of Agricultural Workers.

United Kingdom. No special provision is made for agricultural workers, who are included in the insurance scheme in the same way as other workers.

See under Convention No. 37 for a description of the principal features of the new scheme.

The national insurance scheme in *Northern Ireland* is identical with that in force in Great Britain except for some differences in administrative machinery.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

France

Territories of the French Union.

There is nothing to report.

*United Kingdom**Aden.*

There is no specific legislation to cover the Convention. It is impracticable in present circumstances to apply the Convention, which remains an aim of policy. There are no representative organisations of employers or workers.

Barbados.

The Convention has not been applied.

Basutoland.

The Convention is designed to meet the requirements of communities in an advanced state of development where the worker and his family are entirely dependent for their livelihood on wages derived from regular employment, and are sufficiently educated to appreciate the benefits to be derived from a system of compulsory insurance. The Basuto are not entirely dependent on the wages they earn, as they till their own lands and have communal grazing rights. They seldom remain in employment for long periods and return to their villages after each period of employment.

Bechuanaland.

There is neither legislation nor administrative instruction relating to the matter covered by the Convention.

Bermuda.

No legislation at present applies the Convention. A Social Security Bill now being considered by the legislature will, when passed as law, give effect to the Convention.

British Guiana.

The application of the Convention is not considered practicable in the present stage of development of the colony.

British Honduras.

Owing to the economic situation of the colony, it would be impossible to apply the Convention.

Brunei.

Under local conditions, the Convention is inapplicable. Although there is some organised labour on rubber estates, most of this labour is drawn from the peasant proprietor and similar classes who seek outside wage-earning employment only to supplement the means of livelihood obtainable from their smallholdings.

Cyprus.

No legislation has been enacted to give effect to the Convention, nor is it deemed practicable at the present time. Agriculture

is mainly in the hands of small landowners who cultivate their lands with family help. The few large estates offer employment of a seasonal and casual nature.

Dominica.

No local legislation has been enacted to enforce the Convention.

Falkland Islands.

The Convention is inapplicable.

Fiji.

The Convention has not been applied. Only a small fraction of the population is employed in wage-earning occupations and a large proportion of those so employed are casual workers. The care of the aged and the infirm is a communal responsibility under the Fijian communal system. Destitution among Fijians is unknown; destitute persons among the other races in the colony receive Government aid. In the present stage of the economic and industrial development of the colony, any form of advanced social security legislation would be impracticable.

Gambia.

The application of the Convention would not be practicable in the present stage of development.

Gibraltar.

Pending the introduction of legislation, persons who would otherwise be eligible for invalidity pensions are granted financial assistance under an *ad hoc* system administered by the Labour and Welfare Department, and in addition, they are eligible for free medical attention and treatment.

Gilbert and Ellice Islands.

The Convention has not been applied. Every Native worker is a landowner, and has a secure place in the Native society. He is entitled to free medical attention, so that the necessary conditions for the operation of insurance as covered by the Convention are not yet present.

Gold Coast.

The Convention is considered inapplicable at present.

Grenada.

The Convention is not applicable at present.

Hong Kong.

The Convention is not applied to Hong Kong for the reasons mentioned under

Convention No. 37; it would be even more difficult to apply the present Convention to agricultural workers.

Jamaica.

No action has been taken to apply the provisions of the Convention.

A copy of the report has been sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica and the Jamaica Manufacturers' Association.

Kenya.

The Convention is not applicable in Kenya owing to the still undeveloped state of the colony.

Leeward Islands.

No legislative action has been taken, although on several occasions the matter covered by the Convention has been the subject of review.

Federation of Malaya.

No legislation has been enacted to give effect to the Convention, nor does the Government consider that the provisions of the Convention can be applied at the present time.

Malta.

Workmen's Compensation Ordinance No. XXVIII of 1934 — Chapter 128 of Revised Edition.

Provision is made for a weekly contribution of 2d., shared equally by employers and workers, and for the payment of compensation for injury, life pensions for permanent total incapacity and widows' and orphans' pensions in the event of death by accident.

Mauritius.

No legislation has been enacted to give effect to the Convention. There is a system of poor law relief administered by the Public Assistance Department.

Nigeria.

It is not practicable to apply the Convention in the present state of development of the territory, where the population consists mainly of peasants working on their own account.

North Borneo.

No legislation has been enacted applying the Convention. Only about 5 per cent. of the population is engaged in wage-earning employment. The remainder is engaged in peasant agriculture or small trading activity. Only a small minority of the population is literate. The colony is thinly

populated and communications are very difficult. The application of the Convention has thus been impracticable in the present stage of development.

Northern Rhodesia.

There is no legislation.

Nyasaland.

The application of the Convention is not practicable in the present stage of development of the protectorate.

St. Helena.

Pensions Consolidation Ordinance, No. 1 of 1930.

The Convention has not been applied. The establishment and maintenance of a compulsory invalidity insurance scheme would in present circumstances, be impracticable owing to the rates of wages and irregularity of employment of some of the workpeople. Five friendly societies, however, to which some 90 per cent. of the workers subscribe, provide some assistance in this connection. In the case of Government employees, invalidity pensions may be granted under the above Ordinance.

St. Lucia.

The application of the Convention is not practicable in the present stage of development of the colony.

St. Vincent.

The application of the Convention is not practicable in the present stage of development of the colony.

Sarawak.

No legislation has been enacted to give effect to the Convention.

Seychelles.

The Convention is not applicable in Seychelles in the present stage of development.

Sierra Leone.

No legislation has been enacted to give effect to the Convention, nor is it deemed possible at the present time, as organisational difficulties are insuperable. The medical profession is already overworked and could not take on additional responsibilities; suitable staff, African or European, are not available; and co-operation from employers, particularly in the agricultural areas of the protectorate, could not be relied upon. It is hoped that in course of time, as development plans materialise, these difficulties will lessen and that it will be possible to apply the Convention, although it is anticipated that application to agricultural areas will not be possible until urban areas have been covered.

Singapore.

The Convention has not been applied.

Solomon Islands.

There is no legislation, nor is any required at the present stage of development. The only persons who spend the greater part of their working lives in employment are public servants.

Swaziland.

There is no legislation and no representative organisation either of employers or workers.

Tanganyika.

The Convention has not yet been applied in Tanganyika, since the territory has not reached a stage of development which would make its application practicable. The Convention is accepted as an aim of policy.

Trinidad and Tobago.

The application of the Convention is not practicable in the present stage of economic development of the colony.

Uganda.

There is no legislation applying the Convention and it does not seem, in the present stage of development of the territory, that such legislation would be appropriate.

Zanzibar.

There is no legislation applying the Convention. The comparatively low income level, combined with the high cost to the Government of administering such an insurance scheme, make its realisation impossible at present. Moreover, in the absence of any direct contribution to revenue by the working population, the protectorate's exchequer, in its present depleted condition could not contemplate undertaking responsibility for a State insurance scheme. A considerable proportion of hired agricultural labour is independent and itinerant, and comes from the mainland of Africa for a few months or years and returns there. In the home for aged poor at Walezo, in the welfare services of the Government, in the functions of local unofficial philanthropic organisations, and in the acceptance of a duty, both religious and social, towards the poor of the community in this Muslim country, there exist means of ensuring that the aged need not become entirely destitute. There were no observations from organisations of employers or workers.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

39. Convention concerning compulsory widows' and orphans' insurance for persons employed in industrial or commercial undertakings, in the liberal professions, and for outworkers and domestic servants

This Convention came into force on 8 November 1947

Countries	Date of registration of ratification	Reports received
Peru	8.11.1945	
Poland	29. 9.1948	
United Kingdom	18. 7.1938	3. 1.1949

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

United Kingdom.

Great Britain.

- Widows', Orphans' and Old-Age Contributory Pensions Act, 1936 (L.S. 1936, G.B. 5).
- Widows', Orphans' and Old-Age Contributory Pensions (Voluntary Contributions) Act, 1937 (L.S. 1937, G.B. 1).
- National Health Insurance Act, 1936 (L.S. 1936, G.B. 8).
- National Health Insurance Act (Amendment), 1938 (L.S. 1938, G.B. 2).
- National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939 (L.S. 1939, G.B. 5).

- Old-Age and Widows' Pensions Act, 1940 (L.S. 1940, G.B. 1).
- National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941 (L.S. 1941, G.B. 2).
- Ministry of National Insurance Act, 1944.
- Family Allowances Act, 1945 (L.S. 1945, U.K. 3).
- National Insurance Act, 1946 (L.S. 1946, U.K. 3).
- Various Orders and Regulations covering contributory pensions, national health insurance, national insurance and industrial injuries, dating from 1937 to 1948.

Northern Ireland.

- 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 (Amendment) Act (Northern Ireland), 1938.
- Old-Age and Widows' Pensions Act (Northern Ireland) 1940 (L.S. 1940, G.B. 1).
- National Health Insurance and Contributory Pensions Act (Northern Ireland), 1941.
- National Insurance Act (Northern Ireland), 1946.

Various Orders and Regulations concerning contributory pensions, national health insurance and national insurance, dating from 1937 to 1947.

SUMMARY OF OTHER INFORMATION

United Kingdom.

Great Britain. The report states that the new scheme introduced by the National Insurance Act, 1946, came into force on 5 July 1948. This scheme applies even to persons who are not gainfully employed. The survivors' insurance provided for by the new legislation is at least equivalent to the standards prescribed by the Convention. All persons are compulsorily insured except if they were already over the normal pensionable age on 5 July 1948 or if they are in receipt of a new scheme pension or benefit. Insurance is not compulsory either for self-employed or non-employed persons whose income does not exceed £104 a year and for married women. The right to benefit is conditional upon 156 weekly contributions having been paid. The maximum benefit is dependent upon a yearly average of 50 contributions having been credited. The Act contains special regulations as regards periods of incapacity, as well as transitional provisions. A person who has once been insured never loses his rights in respect of the contributions he has paid. Benefits are payable only to widows and children of deceased insured persons. Nothing is repayable by way of a lump sum, but provision is made for payment of a death grant in addition to widows' benefits. All widows receive a widow's allowance for the first 13 weeks of widowhood. After this period, the right to a widow's benefit is restricted to (a) widows having young children and those who are over 40 years of age or who are incapable of self-support; and (b) widows who have reached 50 years of age or who are incapable of self-support by reason of some infirmity. Only widows who have been married for at least 10 years are entitled to a widow's pension; none is payable if the marriage has been dissolved or the woman is not the lawful widow. A guardian's or widowed mother's allowance is payable only in respect of children under school-leaving age (15 years); the payment of this allowance may be prolonged until 1 August of the following year in cases where the orphan is undertaking full-time instruction or is an apprentice. If the paternity of an illegitimate child has not been established, a guardian's allowance may be payable on the death of the mother alone. The rate of the pension is not dependent on the time spent in insurance, although the rate of the widow's benefit is reduced where the yearly average of contributions falls below 50. The rate of allowance for widow's allowance or widow's benefit varies from 26s. to 36s. per week, with increased allowances for one or several children. The guardian's allowance is 12s. per week. The widow's

pension is reducible if the beneficiary earns in excess of 30s. per week. Recovery of amounts fraudulently obtained may be made by deduction from benefit or pension. Benefits are also reduced after the first eight weeks of free in-patient treatment in a hospital maintained by State funds, or where some other insurance or industrial injuries benefit or a military pension is payable. No benefit is paid for any period during which the widow is cohabiting with a man as his wife. Employed persons and their employers contribute to the financial resources of the insurance scheme, as do self-employed and non-employed persons. The report gives details as to the rates of contributions. Workers under 18 years of age and those earning 30s. or less pay a reduced rate. There is also a State supplement to the national insurance scheme.

The new insurance scheme is administered by the Ministry of National Insurance, but the insurance funds are administered separately from public funds. Except in special cases, claims to benefits are decided by an Insurance Officer appointed by the Ministry. His decision is subject to appeal to a local tribunal and the decision of the tribunal is subject to appeal to a national commissioner. Foreign employed persons are treated in all respects on a footing of equality with nationals. Insurance is governed by a law applicable at the place of employment but an agreement made with the French Government provides variants to this rule. No decisions by courts of law and no administrative decisions were given and no observations were received from employers' or workers' organisations. The report contains various statistical data on the number of insured persons and pensioners and the amount of receipts and expenditure.

Copies of the report have been communicated to the Trades Union Congress and the British Employers' Confederation.

Northern Ireland. The scheme in Northern Ireland is substantially the same as that in operation in Great Britain, with some minor differences in the administrative machinery. Special provision has been made for persons employed in Northern Ireland but residing in Eire.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

United Kingdom

Northern Rhodesia.

There is no legislation.

The Government of the *United Kingdom* states that a copy of the report concerning the application of the Convention in the foregoing non-metropolitan territory has been communicated to the British Employers' Confederation and the Trades Union Congress.

EIGHTEENTH SESSION (GENEVA, 1934)

41. Convention concerning employment of women during the night (revised 1934)

This Convention came into force on 22 November 1936

Countries	Date of registration of ratification	Reports received
Afghanistan	12. 6.1939	
Belgium ¹	4. 8.1937	29.11.1948
Brazil ¹	8. 6.1936	
Burma ²	22.11.1935	
Egypt	11. 7.1947	29.11.1948
Estonia ¹	21.12.1935	
France ³	25. 1.1938	9.12.1948
Greece ¹	30. 5.1936	30. 3.1949
Hungary ¹	18.12.1936	
India ³	22.11.1935	29.11.1948
Iraq	28. 3.1938	27.12.1948
Ireland ¹	15. 3.1937	9. 3.1949
Netherlands ¹	9.12.1935	27.12.1948
New Zealand	29. 3.1938	26.12.1948
Pakistan ⁴	22.11.1935	11. 1.1949
Peru	8.11.1945	
Switzerland ¹	4. 6.1936	30.11.1948
Union of South Africa ¹	28. 5.1935	9.12.1948
United Kingdom ⁵	25. 1.1937	7.12.1948
Venezuela ¹	20.11.1944	

¹ Has denounced Convention No. 4.

² See footnote 2 to Convention No. 1.

³ Has ratified this Convention but has not denounced Convention No. 4.

⁴ See footnote 3 to Convention No. 1.

⁵ Has denounced this Convention.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Belgium.

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

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

Royal Decrees of 16 January and 15 March 1939 authorising (under § 8 of the consolidated text of the Act relating to the employment of women and children), the substitution of the night period for women employed in the manufacture of hats, in the textile industry and in the manufacture of cardboard cylinders in the Vervier region.

Order of the Regent of 17 December 1946 authorising (under § 8 of the consolidated text of the Act of 28 February 1919) the variation of the night rest of women engaged in certain occupations in broadcasting.

Egypt.

Act No. 80 of 10 July 1933 to issue regulations for the employment of women in industry and commerce (L.S. 1933, Egypt 2).

Order of 31 December 1933 respecting the seasonal industries in which women may be employed at night (L.S. 1933, Egypt 3 B).

France.

See under Convention No. 4.

Greece.

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

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

Legislative Decree of 30 October 1935 ratifying the revised Convention No. 41.

India.

See under Convention No. 4.

Iraq.

Labour Law No. 72 (§ 5) (L.S. 1936, Iraq 2), as amended by Labour Law No. 36 (§ 5, para. 3) of 1942.

Law No. 11 of 1937 to ratify the Convention.

Ireland.

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

Netherlands.

Labour Act of 1919, as subsequently amended (L.S. 1930, Neth. 2 B).

Order of 8 September 1936 to issue public administrative Regulations in pursuance of §§ 22 (2) and (3), 23, 25, 31 (1) and (7), 68 (11) and 91 of the Labour Act of 1919 : hours of work in factories and workshops (L.S. 1936, Neth. 2).
Mining Regulations of 1906, amended by the Decrees of 9 February 1917 and 7 October 1922 (L.S. 1922, Neth. 4).

New Zealand.

Factories (Consolidation) Act, No. 43 of 12 October 1946 (L.S. 1946, N.Z. 4).

Coal Mines Act, 1925 (L.S. 1925, N.Z. 2), as amended by the Act of 1937 (L.S. 1937, N.Z. 2 A).

Mining Act, 1926 (L.S. 1926, N.Z. 1), as amended by the Act of 1937 (L.S. 1937, N.Z. 2 B).

Quarries Act, 1944.

Woollen Mills Labour Legislation Suspension and Modification Order, 1946.

Pakistan.

Factories Act No. XXV of 1934 (L.S. 1934, Ind. 2), as subsequently amended by the Factories (Consolidation) Act of 1946 (L.S. 1946, Ind. 1).

Switzerland.

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

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

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

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

Order of 9 October 1936, regulating employment in the watchmaking industry outside factories (L.S. 1936, Switz. 1), prolonged by the Order of 21 December 1945.

Federal Act of 12 December 1940 concerning homework (L.S. 1940, Switz. 2-3).

Order of the Federal Council of 16 July 1943 concerning work in mines.

Order of 24 September 1943, issued by the War-time Office for Industry and Labour concerning hours of work and economy of fuel in undertakings and administrations.

Order of 22 June 1948 respecting the adjustment of working hours in factories necessitated by restrictions in the electricity supply, and replacing the Order of 1 October 1947.

Union of South Africa.

Factories, Machinery and Building Work Act, No. 22 of 1941 (L.S. 1941, S.A. 3).

Wage Act, No. 44 of 1937 (L.S. 1937, S.A. 4).

Industrial Conciliation Act, No. 36 of 1937 (L.S. 1937, S.A. 3).

Mines and Works Act, No. 12 of 1911 (§ 8 (1)), as amended in 1931 (L.S. 1931, S.A. 1 B).

*United Kingdom.**Great Britain.*

Hours of Employment (Conventions) Act, 1936 (L.S. 1936, G.B. 2).

Factories Act, 1937 (L.S. 1937, G.B. 2), which came into force on 1 July 1938, superseding the Factory and Workshop Act, 1901.

Coal Mines Act, 1911 (Extracts, B.B., 1914, Vol. IX, p. 9).

Factories (Hours of Employment in Factories using Electricity) Order, 1947, as amended in 1947.

Northern Ireland.

Factories Act (Northern Ireland), 1938, which came into force on 1 July 1939, superseding the Factory and Workshop Act, 1901.

Supplies and Services (Transitional Powers) Act, 1945.

Various Orders issued under the above Act and under Regulation No. 59 of the Defence (General) Regulations, 1939.

SUMMARY OF OTHER INFORMATION

Belgium. The Government refers to previous reports. Any court decisions which were given confirmed the proceedings instituted by the supervisory service. The prohibition of the night work of women has, in the main, been fully observed and no obser-

vations were received from employers' or workers' organisations.

The report has been communicated to the Federation of Belgian Industries, the General Federation of Labour of Belgium, the Confederation of Christian Trade Unions and the General Association of Liberal Trade Unions.

Egypt. In its first report (for the period 11 July 1948-30 September 1947), the Government states, under Article 1 of the Convention, that Act No. 80 of 1933 enumerates, without any limitations, the commercial and industrial occupations to which the Act applies. Commercial activities are defined in the Commercial Code.

§ 2 of Act No. 80 excludes agricultural occupations. For the purposes of Act No. 80 the term "night" shall mean a period of eleven consecutive hours, including the interval between 9 p.m. and 5 a.m. No use has been made of the exceptions provided for under paragraphs 2 and 3 of Article 2 of the Convention. For the purposes of the Act, the term "women" shall mean all women employed in industrial undertakings whatever the nature of their work. The use of the exceptions provided for in paragraph (a) of Article 4 of the Convention is subject to the following conditions: hours of work shall not exceed 11 in the day on 30 days per year; and the Labour Office shall be notified on the day on which work is resumed. The operations in respect of which the exceptions provided for in Article 4 (b) of the Convention can be applied are: onion sorting between March and June; the sorting and packing of vegetables and fruits between October and March; and the sorting and packing of eggs between November and March.

In general, any operations in respect of which exceptions can be applied are determined by Ministerial Order, after consultation with the Labour Administration. The national legislation does not provide for the exceptions allowed under Articles 6 and 7 of the Convention. Under Article 9, the report states that Act No. 80 of 1933 exempts women holding positions of management or employed in a confidential capacity from the prohibition of night work.

The application of the national legislation is entrusted to inspectors and to women inspectors attached to the Labour Administration, either in Cairo or in the provinces in which there are offices whose activities are under the control of the labour inspection service attached to the Labour Administration.

During the relatively short period which has elapsed since the Convention came into force in Egypt, no decisions were given by courts of law or other courts. No observations were received from employers' or workers' organisations.

France. See under Convention No. 4.

Greece. The report repeats information previously given and adds that no women

are employed on work during the third shift (10 p.m. to 6 a.m.). The labour inspection service must, at the request of the persons concerned, approve any exceptions granted under Article 4 of the Convention.

Copies of the report have been communicated to the Federation of Greek Industries and to the Greek General Confederation of Labour.

India. See under Convention No. 4.

Iraq. § 1, paragraph 1, of the Labour Law defines the line of division which separates industry from commerce and agriculture to the satisfaction of the Government. The application of the legislation and administrative regulations and the application and working of inspection are entrusted to the competent authority in the Ministry of Social Affairs. No decisions were given by courts of law or other courts. No statistics are available at present and no contraventions have been reported. No observations were received from employers' or workers' organisations.

Owing to conditions at present prevailing in the country, it is not possible to communicate the report to the representative employers' and workers' organisations.

Ireland. The only processes for which advantage was taken of the exception provided for by Article 4 (b) of the Convention during the period under review were in connection with the killing, plucking and packing of fowl during a short period preceding Christmas, when there was an abnormal increase in the work and night work was necessary to prevent certain loss of material. Permits were given to 13 undertakings, mostly for a period of two weeks only and in no case for more than four weeks. No advantage was taken of the exception provided in Article 6. No decisions were given by courts of law or other courts. No contraventions were recorded during the period under review and no observations were received from employers' or workers' organisations.

The report has been communicated to the Congress of Irish Unions, the Irish Trade Union Congress and the Federated Union of Employers.

Netherlands. In 1947, no use was made of the possibility provided under the national legislation of employing women on herring-skewering between 10 p.m. and 2 a.m. No cases have arisen where a woman has not been allowed a nightly rest period of eleven hours, including the interval between 10 p.m. and 5 a.m.

New Zealand. The Government refers to its report for 1946-1947. The Factories Act, 1946, applies to factories as defined in the Act, including bakeries, power plants, laundries, abattoirs, places or buildings in which the business of pasteurising milk is carried on for trade or sale, otherwise than on farms, and buildings and places in which any noxious handicraft, process or employment is carried on. § 19 of the Factories Act,

1946, provides for restrictions with regard to the night work of women similar to those which heretofore were provided for by the Factories Amendment Act, 1945. § 24 of the Act, of 1946 contains the same provisions with regard to seasonable overtime work in fruit-canning and jam factories as those contained in § 22 of the Factories Act, 1921-1922.

The number of women employed in registered factories during the year 1947-1948 was 36,812. According to an estimate of the National Employment Service, the number of women employed in manufacturing at the end of April 1948 was 40,000.

The Woollen Mills Labour Legislation Suspension and Modification Order, introduced as a result of the war and mentioned in last year's report, is still in force in respect of one factory, located in a small town, for which there have been considerable difficulties in providing labour. As it is considered necessary to continue maximum production to meet supply deficiencies, the Order has not been revoked. Several measures to adjust the position have been introduced. On 30 September 1948, there were eight women employed on the late shift. Three of these women only worked a late shift on alternate fortnights. Further adjustments are being recommended to the employer and it is hoped that, in the next report, or even before the 32nd Session of the International Labour Conference, it will be possible to report that the Order in question has been revoked.

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

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

Pakistan. The Labour Act of Pakistan is the same as that in force at the time of the partition of India on 15 August 1947, subject to the formal modifications affected by the Pakistan (Adaptation of Existing Pakistan Laws) Order, 1947.

The exception provided for in Article 8 of the Convention is not used in Pakistan.

See also under Convention No. 4 for information relating to the application of the relative legislation, and inspection.

The report has been communicated to the following workers' organisations: the Eastern Pakistan Trade Union Federation; the Pakistan Trade Union Federation; and the Pakistan Federation of Labour. There are as yet no representative employers' organisations in Pakistan, but copies of the report have been forwarded to the Provincial Governments for being supplied to the important chambers of commerce.

Switzerland. During the period under review, the Federal Court was called upon in one instance only to consider an appeal in connection with the Federal Factories Act; the case was dismissed. As a result of the favourable conditions prevailing, the scope of the Factories Act and the Act

respecting the employment of young persons and of women in industry has been considerably extended.

Owing to the shortage of electric power, undertakings are frequently obliged to curtail or even suspend their operations for a certain time in order to reduce the consumption of electric current. On 1 October 1947 and on 22 June 1948, therefore, the Federal Office of Industry, Arts and Crafts and Labour promulgated Orders respecting the adjustment of working hours in factories necessitated by the restrictions in the electricity supply. In virtue of these Orders, the legal number of hours in factories, which is 48, may be exceeded during the period for which compensation is allowed for time lost. In point of fact, the daily hours of a shift for workers over 18 years of age may be extended to nine, including a half-hour rest period. The nightly rest period, however, must be at least ten consecutive hours, including the interval between 11 p.m. and 5 a.m. Employers' and workers' organisations were consulted in the drawing up of these two Orders.

The reports of the Federal Factory Inspectors on their activities in 1947 and 1948 will be published in 1949. In the spring of 1948, the cantons were called upon to submit reports on the application of the Federal Act relating to the employment of young persons and women during 1946 and 1947. An account of these reports, which are not published, will be supplied at a later date.

During the period under review, the federal authorities were notified of 15 convictions for breaches of the prohibition of the night work of women, as laid down in the Factories Act. In all these cases fines were imposed. The federal authorities were not notified of any convictions for breaches of the Act relating to the employment of young persons and women in industry. Among the cases relating to the Factories Act, there were several where a breach of the legislation was committed not outside the hours prohibited by the Convention but in the interval between 8 p.m. (5 p.m. on Saturdays and on the eve of public holidays) and 10 p.m. which is defined as "night" in the legislation. Certain of the convictions were for non-compliance with the minimum nightly rest period prescribed in the Convention and in the national legislation.

The report adds that the Convention continues to be fully applied in Switzerland. The report submitted by the Federal Council to the Chambers on its administration during 1947, a copy of which is appended to the report, gives a general account of the application of the provisions which ensure the application of the Convention. No suggestions, complaints or observations were received from employers' or workers' organisations. All occupational groups co-operate with the authorities. See under Convention No. 5 for information relating to the organisation of the supervisory services.

The report has been communicated to the following organisations: Central Federation of Swiss Employers' Associations; Swiss Federation of Commerce and Industry; Swiss Federation of Arts and Crafts; Swiss Federation of Trade Unions; Federation of Swiss Associations of Salaried Employees; Swiss Federation of Christian-National Trade Unions; Swiss Association of Protestant Workers and Salaried Employees; Swiss Federation of Independent Trade Unions.

Union of South Africa. Exemptions in conformity with Article 4 of the Convention were granted under § 54 (4) of the Factories, Machinery and Building Work Act of 1941 to permit the employment during 12 months of nine women between 6 p.m. and 10 p.m. in the creamery process and of seven women between 6 p.m. and 8 p.m. on two nights per week in the laundry process. No exemptions were granted to permit a woman to work later than 10 p.m. No decisions were given by courts of law. Conditions in South Africa are such that the necessity for imposing severe restrictions on the employment of women at night does not exist. The principle that women should not work at night is generally accepted, and no difficulty is experienced in administration.

During the period under review, representations were received through the Department of Commerce and Industries from employers of newly-established spinning mills regarding the application of the Convention. It has been suggested to the employers concerned that they submit their representations to the commission which has been appointed to enquire into industrial legislation in the Union of South Africa.

Copies of the report have been communicated to the following employers' and workers' organisations: South African Employers' Committee on International Affairs; South African Trades and Labour Council; Western Province Federation of Labour Unions; Federal Consultative Committee of South African Railways and Harbour Staff Associations; Co-ordinating Council of South African Trade Unions.

United Kingdom. No decisions defining the line which separates industry from commerce and agriculture have so far been given by the competent authority, which in the United Kingdom would be the courts of law. The emergency powers of the Minister of Labour and National Service to authorise exceptions from the provisions of the Factories Act, 1937, remained in force during the period under review. In a limited number of cases, it has been found necessary to permit the continued employment of women at night under these powers.

In order to spread the electricity load, and thereby avoid a serious breakdown in supplies, continued use was made of the Factories (Hours of Employment in Factories using Electricity) Order, 1947, which was amended by a subsequent Order in 1947 allowing, among other relaxations, for the employment of women at night. The

use of these Orders was carefully controlled by the Factory Inspectorate and was confined to cases where arrangements for unavoidable staggering of hours could not be brought within normal statutory limits. The Orders ceased to be used in March.

No decisions were given by courts of law or other courts. In 1947 (the latest date for which figures are available), the number of women employed in factories in Great Britain was estimated at 1,850,000. During the period under review, there were four prosecutions for breaches of the Convention. Nine women were found to be illegally employed. No observations were received from organisations of employers or workers.

The report has been communicated to the British Employers' Confederation and the Trades Union Congress.

In *Northern Ireland*, no decisions were given by courts of law or other courts. No information is available regarding the number of workers covered by the relevant legislation. One Order, made under Regulation 59 of the Defence (General) Regulations 1939, and two Orders made under these Regulations and the Supplies and Services (Transitional Powers) Act (1945), authorising the employment of women at night in factories in which food is processed, continue to be in force.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

Order 139/A.E. of 5 October 1935, as amended by Orders 20/A.E. of 24 February 1937 and 504/A.E. of 20 November 1941.

The report refers to information previously given, according to which the provisions of Article 1 of the Convention are reproduced textually in the Order No. 139 of 1935 except for the omission of the words "or telephonic". Under Article 2 it is stated that the term "night" applies to a period of 10 consecutive hours from 8 p.m. to 6 a.m. Under Article 3, the report states that the term "women" includes all employed women without distinction as to the nature of their work. No use is made of the exception provided for in Article 4. Night work of women does not exist in the Belgian Congo.

Copies of the report have been communicated to the Federation of Belgian Industries, the General Federation of Labour of Belgium, the Confederation of Christian Trade Unions and the General Association of Liberal Trade Unions.

Netherlands

Indonesia.

Ordinance No. 647 of 1925.
Ordinance No. 12 of 1941.
Ordinance No. 45 of 1941, as amended by Ordinance No. 82 of 1948.

Although the Convention has not been fully applied in Indonesia, the requirements of the Convention are stated to be substantially covered by the provisions of the existing legislation.

The term "night" signifies a period between 10 p.m. and 5 a.m. The view has been taken that, owing to the tropical climate and with reference to Article 7 of the Convention, a shorter period than that required by the Convention was justified. All women above 12 years of age, except those employed in family undertakings, are covered by the legislation. The Chief of the Department of Social Affairs is empowered, under certain conditions, to make exemptions for special factories and workshops. The provisions of Articles 6 and 8 of the Convention are not covered by the legislation. The labour and safety inspection services supervise compliance with the legislation. During the period under review the inspecting officials reported that in several cases the legislation was not observed. The Chief of the Labour Department, who rarely uses his power to authorise employers to deviate from the provisions of the legislation, only gives this authorisation if the employer observes the following conditions: (1) during a consecutive period of 24 hours a woman may not work more than 8 hours; (2) the manager of the undertaking must furnish every month a list showing: (a) the nights during which female night labour was used; (b) the times of beginning and ending work; (c) the number of women per shift; and (d) the nature of the work.

During 1948, advantage of the exemptions was only taken by some sugar factories during the harvest season, by some rubber undertakings, and by some other factories, on the ground that without night work the material would have deteriorated.

Surinam.

The Convention has not been published or promulgated. As far as is known, night work of women, does not occur.

Netherland West Indies.

No contraventions of the provisions of the Convention were reported.

Union of South Africa

South West Africa.

See under Convention No. 2.

United Kingdom

Aden.

Ordinance No. 20 of 1938.

The legislation in force applies the Convention, but it has no practical application at present as there are no night industries. The district commissioner is in general responsible for the supervision and enforce-

ment of regulations in regard to labour matters. There are no representative organisations of employers or workers in Aden.

Barbados.

Employment of Women, Young Persons and Children Act, 1938-8.

The Convention is applied by the above Act. The term "women" is interpreted in Barbados as covering all women employed in industrial undertakings without distinction as to the nature of their duties. The Labour Commissioner is entrusted with the application of the Act, and § 5 thereof provides penalties for non-compliance with its provisions. No court decisions were given and there were no observations from organisations of employers and workers. There is no single organisation of workers which can be said to represent all workers' organisations in Barbados. The same applies to employers.

Basutoland.

Proclamation No. 71 of 1937.

§ 1 of Proclamation No. 71 reproduces the text of paragraph 1 of Article 1 of the Convention, except that the words "ship-building, harbour, dock, pier, quays, and wharves" are not included, as they are inapplicable to an inland territory. With regard to the application of paragraph 2 of Article 1, the report states that no contraventions of Proclamation No. 71 have yet been reported, and the question of defining the line of division which separates industry from commerce and agriculture has therefore not yet arisen. If an apparent contravention of the law were reported and the offender prosecuted, the judicial officer by whom the case was tried would decide whether the activity in question was an industrial or a commercial undertaking. Article 2 of the Convention is applied by § 1 of the Proclamation. As women are not employed in industrial undertakings in Basutoland, no occasion has arisen for the Resident Commissioner to exercise the powers conferred upon him by this section of the law. Article 3 of the Convention is applied by § 8 of the Proclamation. The term "women" is defined in § 1 of the Proclamation as "all persons of the female sex without distinction of age". Article 4 is applied by subsection 10 (a) of the above Proclamation, and Article 6 of the Convention is applied by § 9. Article 7 is not applied, as the climate does not render work by day particularly trying to the health. The application of the legislation is entrusted to administrative officers and to European members of the Basutoland Mounted Police of or above the rank of superintendent. There were no decisions by courts of law. There are no representative organisations of employers and workers.

Bechuanaland.

Employment of Women, Young Persons and Children Proclamation, No. 72 of 1937.

No women or children are employed on night work in the territory.

Bermuda.

No legislation or administrative provisions apply the provisions of the Convention. There is in practice no night work by women within the meaning of the Convention.

British Guiana.

Employment of Women, Young Persons and Children Ordinance, No. 14 of 1933, as amended by Ordinances Nos. 6 of 1934 and 7 of 1940.

The Convention is applied in the colony. The Governor in Council may make regulations reducing the night period for the non-employment of women to 10 hours on 60 days of the year in industrial undertakings which are influenced by the seasons, and in all cases where exceptional circumstances demand it. No such regulations have, however, been made. No processes are carried on in the colony to which the exception mentioned in paragraph (b) of Article 4 is applicable. A member of the police force is empowered under the Ordinances to prosecute any person who contravenes any of their provisions, and their application is also supervised by the inspectors of labour. No decisions were given by any court. No contraventions of the Ordinances were reported during the year, and no observations were received from organisations of employers or workers.

British Honduras.

Employment of Women, Young Persons and Children Ordinance, No. 12 of 1933.

The above Ordinance applies Convention No. 4. None of the revisions contained in the revised Convention have been introduced in local legislation. The matter is not, however, one of any importance, as women are not employed at night in industrial undertakings.

Brunei.

Labour Code (Enactment No. 4 of 1932), § 68.

The administration of the legislation is entrusted to the Controller of Labour, assisted by the Assistant Resident and the Medical Officer. No decisions were given by courts of law, and no observations were received from organisations of employers or workers. The application of the Convention does not present much difficulty since there is little industrial development, apart from the oil industry. The Convention ceased to apply to the State from 4 October 1948, consequent upon its denunciation by His Majesty's Government. The legislation giving effect to its provisions, however, remains extant.

Cyprus.

Employment of Women (During the Night) Laws Nos. 15 of 1932 and 9 of 1938.

The Convention is applied by the legislation in force. There have been no substitutions of the interval between 11 p.m. and 6 a.m. Supervision of the laws is entrusted to the police and inspectors of the Labour Department. No decisions were given by courts of law and no observations were received from organisations of employers and workers.

Dominica.

Employment of Women, Young Persons and Children Act of 1938 (Leeward Islands Act No. 5 of 1938, adapted to Dominica by the Adaptation of Laws Ordinance, 1939).

The Convention is applied by the legislation in force. The Superintendent of Police and persons authorised by him are responsible for its administration. No decisions were given by courts of law, and no difficulty has been encountered in the enforcement of the Act.

Falkland Islands.

There is no night work of women and the Convention is inapplicable.

Fiji.

Labour Ordinance, No. 23 of 1947, Part VIII.

No decisions were taken in regard to the last paragraph of Article 1. Very few women are employed in any public or private industrial undertaking. Those who are so employed are, in the main, laundry workers, and the prohibition of night work is applied in their case without exception. No contraventions were reported. The Commissioner of Labour supervises the observance of the legislation.

Gambia.

Labour Ordinance, No. 21 of 1944, § 3.

No decision has been taken to define the line of division which separates industry from commerce, and agriculture. No substitution for the standard night interval as provided in Article 2 has taken place, and provision is made in the Ordinance whereby the Governor may by notice declare the term "night" to mean a period of 10 hours only for such period not exceeding a year as he may consider necessary. The term "woman" is defined as meaning any person of the female sex except a woman holding a responsible position and not ordinarily engaged in manual labour. The employment of women in night work within the meaning of the Ordinance is unknown in the Gambia.

Gibraltar.

Employment of Women, Young Persons and Children Ordinance, No. 16 of 1932.

The Convention is applied by the legislation in force which is administered by the Director of Labour and Welfare, who pays periodical visits to industrial undertakings. The standard of compliance with the provisions of the Convention is considered to be high. The number of women employed in industrial undertakings is relatively small and with few exceptions they work a 44-hour and 5-day week. No observations were received from organisations of employers or workers.

Gilbert and Ellice Islands.

Ordinance No. 5 of 1931.

The Convention has been applied by the Ordinance. The district administration is responsible for the application of the legislation. No contraventions are reported. Because of the very limited amount of industrial employment, the Convention is not generally applicable.

Gold Coast.

Labour Ordinance, 1948.

Industrial undertakings are defined in accordance with the Convention. The Ordinance defines the line of division separating industry from commerce and agriculture. § 73 of the Ordinance ensures the application of the first paragraph of Article 2. There is no provision corresponding to the second paragraph of this Article and the third paragraph is considered inapplicable. Articles 3 and 4 are applied. There is no provision concerning the application of Articles 6, 7 and 8 of the Convention. Supervision of the application of the legislation is by the Commissioner of Labour and by inspection. No statistics are available. There were no contraventions, no decisions by courts of law and no observations from organisations of employers or workers.

Grenada.

Employment of Women, Young Persons, and Children Ordinance, as amended by Ordinances Nos. 20 of 1939 and 9 of 1945.

The labour officer, during inspections of places of employment, makes investigations to ensure that the law is observed.

Hong Kong.

The Factories and Workshops Ordinance, No. 18 of 1937, as amended by Ordinances Nos. 31 of 1940, 24 of 1946 and 44 of 1947 and the Regulations made thereunder.

The Convention was denounced in 1948 by the United Kingdom Government, but no change in local legislation is contemplated by the Hong Kong Government. The definition of "industrial undertaking"

is identical with that given in the Convention. As the Convention itself makes a sufficiently clear distinction in this connection, no specific action has been taken to define the line of division separating industry from commerce and agriculture. No women or young persons may be employed in any industrial undertaking between 8 p.m. and 7 a.m. In exceptional cases, however, the Commissioner may authorise the employment of women or young persons of 18 years or over for not more than 60 days in any year between 8 p.m. and 9 p.m. In respect of any specific industrial undertaking, the Commissioner may authorise the employment of women over the age of 18 years between the hours of 6 a.m. and 10 p.m. subject to compliance with certain conditions. The legislation in force applies to all women, irrespective of age, and to all industrial undertakings. The legislation does not allow employers to take advantage of the exception provided for in Article 4 of the Convention.

The processes mentioned under Article 4 (b) of the Convention do not exist in Hong Kong: No applications have been received for exemptions under Article 6. Under Article 7, the report states that the shortening of the night period is not allowed. There is no legislative provision excluding women who are regarded as holding responsible positions of management. The supervision of the application of the legislation is entrusted to the Labour Office which consists, *inter alia*, of four women inspectors. No decisions were given by courts of law. The application of the legislation is made difficult by the fact that the Chinese generally see no reason why women should not work at night and also by the fact that so much of the industry of the colony is carried on in small shops. Women workers themselves generally have no objection to working at night, especially if they are offered extra wages. These circumstances increase the difficulties of inspection and enforcement. There were 49 prosecutions for the illegal employment of women during prohibited hours, and convictions were obtained in all cases. The total number of inspections in the period under review was 9,231, of which 671 were night inspections.

No observations were received from workers' or employers' organisations. A number of employers in the cotton spinning industry complained that the provisions of the law in Hong Kong would handicap the new industry. They were informed that the law could not be changed.

Jamaica.

Employment of Women Law, No. 33 of 1941.
Employment of Women Regulations, 1942.
Employment of Women (Amendment) Regulations, 1948.
Factories Regulations, 1943.
Factories Regulations (Variation) Order, 1945.
Factories Regulations (Variation) (Amendment) Order, 1947.

The Employment of Women Law defines "industrial undertaking" as "every business or undertaking carried on for gain, except a business or undertaking in which only the members of the family of the owner or proprietor are employed." The definition of "night" in the Employment of Women Law is similar to that contained in the first paragraph of Article 2. The Law prohibits the employment of women on night work, except in the following cases: the completion of work commenced by day and interrupted by some unforeseeable cause which could not be prevented by reasonable care; work necessary to preserve raw materials subject to rapid deterioration from certain loss; work performed by women holding responsible positions of management, who are not ordinarily engaged in manual work; work in connection with the preparation, treatment, packing, transportation or shipment of fresh fruit; nursing or caring for the sick; work carried on in a cinematograph or other theatre while such theatre is open to the public; work carried on in connection with a hotel or guest house, or with a bar, restaurant or club; or work carried on by a druggist licensed under the Sale of Drugs and Poisons Law. The Factories Regulations, 1943, prohibit the employment of women in factories on Sunday or after one o'clock in the afternoon on Saturday or a day substituted for Saturday, or during the interval between 6 p.m. and 7 a.m. on other days. The Factories Regulations (Variation) Order, 1945, which allows overtime employment in factories under certain conditions, provides that women shall not be employed in factories between 10 p.m. and 7 a.m. The term "women" is interpreted as covering all women employed in industrial undertakings without distinction as to the nature of their duties. No conditions are imposed as regards paragraph (a) Article 4. As regards paragraph (b) of the same Article, the report states that the Employment of Women Law allows employers to take advantage of this exception without imposing any conditions as regards work carried on in connection with the preparation, treatment, packing transportation or shipment of fresh fruit. Supervision is by the Labour Department, the Medical Department and the Police Department. The Labour Department has undertaken nearly all the responsibility as regards supervision; inspection is carried out by factory inspectors and other inspectors who are full-time officers of the Labour Department. Health officers and officers of the Jamaica Constabulary Force may inspect industrial undertakings where women are employed. There were no decisions by courts of law and no observations from organisations of employers or workers. The work of the inspectors is concentrated on factories and on undertakings such as hotels, guest houses, bars, restaurants and clubs, which are permitted to employ women at night. The period of employment of women in such undertakings is limited to ten hours in

any twenty-four hours. During the calendar year 1947, 24 contraventions were reported in such undertakings when employers either exceeded the ten-hour limit or failed to keep the records prescribed by the Employment of Women Regulations, 1943.

Copies of the report were sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica and the Jamaica Manufacturers' Association.

Kenya.

Ordinance No. 70 of 1948.

The Labour Department inspectorate is responsible for the administration of this legislation. There were no decisions by courts of law. The number of industrial undertakings in Kenya is very small and, up to the present, labour needs have been met by male workers. There are only three or four industrial undertakings which employ women and these do not operate at night. No observations were received from organisations of employers or workers.

Copies of the report are communicated to members of the Labour Advisory Board and are available for perusal by chambers of commerce and registered trade unions.

Leeward Islands.

Employment of Women, Young Persons and Children Act, No. 5 of 1938, § 10.

Federation of Malaya.

Chapter 154 (Labour) of the Laws of the Federated Malay States.

No female labourer under the age of 18 years may be employed in any kind of labour other than domestic service during the night. The term "night" means a consecutive period of 11 hours, including the interval between 10 p.m. and 5 a.m. It is considered unnecessary for the time being to give a definition of the term "industrial undertaking". Article 3 of the Convention is covered by the legislation. With regard to Article 4, the report states that special legislation will be introduced if circumstances require it. In the new legislation which is under consideration, advantage may be taken of the suggestion made in Article 7. As women holding responsible posts of management are not covered by the definition of "labour" in the present legislation or by the definition of "workmen" in the proposed legislation, Article 8 is observed. The application of the legislation is entrusted to the Labour Department. No decisions were given by courts of law. No observations were received from employers' or workers' organisations.

In future, reports will be communicated to the Federal Labour Advisory Board, which is a tripartite body.

Malta.

Ordinance No. X of 1940, Chapter 169 of Revised Edition.

Power to make the necessary regulations is given under the above Ordinance but none has been issued regulating the employment of women.

Mauritius.

Ordinance No. 37 of 1934.

Ordinance No. 16 of 1935.

Government Notice No. 137 of 1939.

The Convention is applied by the legislation in force. The term "industrial undertaking" has been held to include the printing trade. The term "night" has not been provisionally declared to signify a period of only ten hours. The term "women" means all women employed in industrial undertakings without distinction as to the nature of their duties. The Governor has power to permit night employment when necessary. Supervision is entrusted to the Labour Department. Temporary permission has been given to employ a night shift of 80 women in the manufacture of sacks, subject to specified conditions. No decisions were given by courts of law.

Reports will be communicated to the General Workers' Union and the Sugar Producers' Association.

Nigeria.

Labour Code Ordinance No. 54 of 1945, Part III, Chapter IX.

The legislation applying the Convention is enforced through the machinery of the Department of Labour. There were no decisions by courts of law.

North Borneo.

Labour Ordinance, 1936, § 11 (iii).

The Department of Immigration and Labour, in co-operation with district officers, administers and supervises the observance of the legislation. The application of the Convention is not a difficult matter owing to the comparatively small extent of industrial employment in the colony. No decisions were given by courts of law and no observations received from organisations of employers or workers. The Convention ceased to apply to the colony from 4 October 1948, consequent upon its denunciation by His Majesty's Government. The legislation giving effect to its provisions, however, remains extant.

Northern Rhodesia.

Employment of Women, Young Persons and Children Ordinance (Chapter 191 of the Revised Edition of Laws).

Women are not at present employed in industry either by day or by night. The legislation, however, does not cover women holding responsible positions of manage-

ment who are not ordinarily engaged in manual work. No difficulty is experienced in defining the line of division between industry and agriculture. The definition of the term "night" in accordance with Article 2 of the Convention is contained in § 2 of Chapter 191 of the revised edition of laws. There has been no substitution of the interval of time corresponding to night and there has been no provisional declaration.

Nyasaland.

Employment of Women, Young Persons and Children Ordinance, 1939, Part III, as amended by Ordinances Nos. 29 of 1940 and 9 of 1942.

Article 1 of the Convention is applied by § 1 of Ordinance No. 22 of 1939. The term "industrial undertaking" is defined in similar terms. The line of division which separates industry from commerce and agriculture has not yet been defined. The length of the period of night varies according to the season of the year and amounts to eleven or more consecutive hours. No exceptional circumstances affecting the workers employed in a particular industry or area have been brought to the notice of the Government. Paragraph 3 of Article 2 is inapplicable. Articles 3 and 4 are applied without modification. Articles 5, 6 and 7 are inapplicable. The Governor in Council may make regulations for carrying the Ordinance into effect. The application of the above-mentioned legislation is entrusted to the officers of provincial and district administration, the police and the Labour Department. Regular inspections are hampered at present by lack of staff in the Labour Department. No decisions were given by courts of law. No contraventions of the Ordinance were reported and no observations received from organisations of employers or workers.

St. Helena.

Interpretation and General Law Ordinance, 1895, § 24.

No specific local legislation has been introduced since there is no night work in the colony on which women are employed. The Convention is, however, applied to the same extent as in the United Kingdom by the above Ordinance. Supervision is by regular inspections by the factory inspector.

St. Lucia.

Employment of Women, Young Persons and Children Ordinance, No. 22 of 1934.

The legislation applying the Convention is supervised by the labour commissioner and the labour inspector, who pay regular visits to places of employment.

St. Vincent.

Employment of Women, Young Persons and Children Ordinance, No. 20 of 1935.

Supervision of the legislation applying the Convention is entrusted to the labour

commissioner; visits of inspection are paid periodically, with or without notice, to the various places of employment.

Sarawak.

Labour Conventions Ordinance.

§ 7 of the above Ordinance prohibits the employment of women and young persons, except in cases of emergency, in public or private undertakings, other than family undertakings, provided that permission may be obtained from the Resident in the case of certain industries or types of work. "Night" means the period from 10 p.m. to 5 a.m.

Seychelles.

The Convention has now been denounced by the United Kingdom Government but had been applied to Seychelles by Ordinance No. 7 of 1938.

Sierra Leone.

Employers and Employed Ordinance, No. 30 of 1934, as amended by Ordinances Nos. 15 of 1936 and 13 of 1938.

The national law is not fully in harmony with the Convention, but is nearly so, and the employment of women particularly on night work is so exceptional that amending Ordinances have not been deemed necessary. The Employers and Employed Ordinance is to be revised in the near future and opportunity will be taken to incorporate the provisions of all relevant Conventions. Supervision is entrusted to the Labour Department. No cases of women employed at night were reported during inspection visits. No decisions were given by courts of law and no observations received from organisations of employers and workers.

Singapore.

Labour Ordinance, 1923, § 21.

Solomon Islands.

King's Regulation, No. 5 of 1947.

The Convention is applied by the legislation in force, but women workers have never been employed in any industrial organisation.

Swaziland.

Swaziland Employment of Women, Young Persons and Children Proclamation, No. 73 of 1937.

No decision has been taken concerning the application of paragraph 2 of Article 1. There has been no substitution in local legislation of the standard night interval as provided for in Article 2, paragraphs 2 and 3, nor has there been a provisional definition of "night" in accordance with paragraph 3. Article 3 of the Convention is applied by § 8 of the above-mentioned Proclamation.

There has hitherto been no occasion for any special interpretation of the term "women". Article 4 is applied by § 10 of the Proclamation. The application of the legislation is ensured by district and police officers who have had no occasion for recourse to it. There were no decisions by courts of law. There are no representative organisations of employers or workers.

Tanganyika.

Employment of Women and Young Persons Ordinance, No. 5 of 1940.

As regards the application of paragraph 2 of Article 1 of the Convention, the report states that the local legislation has not yet prescribed a line of division between industry and commerce and agriculture. No provisions exist in local legislation corresponding to paragraphs 2 and 3 of Article 2, or to Articles, 4, 6, 7 and 8 of the Convention. The application of the legislation is ensured by the Government Labour Department and carried out by regular inspections. The Convention has been applied satisfactorily. The number of women employed in industrial undertakings is negligible and in no case do they work at night. No observations were received from organisations of employers or workers.

Trinidad and Tobago.

Employment of Women (Night Work) Ordinance, Chapter 22, No. 5.
Employment of Women (Night Work) Regulations, 1940.

No decision has been taken in regard to the line of division which separates industry from commerce and agriculture. The term "women" does not cover women holding responsible positions of management who are not ordinarily engaged in manual work. An exception may be made to the provisions of the legislation in the case of the packing of fresh fruit for immediate shipment. The application of the legislation is entrusted to the police department. The terms of the Convention and the legislation applying it are well observed. The colony is not highly industrialised and there are very few women employed in industrial undertakings. Night work is seldom performed. There were no decisions by courts of law. There have been no observations from organisations of employers or workers.

Uganda.

Employment of Women Ordinance (Chapter 63 Laws of Uganda Protectorate), as amended by Employment of Women Ordinance, No. 11 of 1938.

§ 2 of the Ordinance defines industrial undertakings as in the Convention. "Night" is defined as in the Convention. § 3 of the Ordinance, as amended by Ordinance No. 11 of 1938 (§ 2), provides that women without distinction of age shall not be employed at night. This provision does not apply to women who occupy responsible positions of management. The application of the Convention is ensured by the labour commissioner, medical officers of health, factories inspectors, administrative officers, or other duly authorised officers. European and African officers of the Labour Department are authorised for all purposes under the relevant legislation. Night work by women in industry, commerce or agriculture is almost unknown in Uganda and it is, therefore, extremely unlikely that any infringements have occurred which have not been detected. There were no decisions by courts of law and no observations from organisations of employers or workers. There are in the territory at present one employers' organisation and one registered trade union. Neither of these bodies can be considered as representing all the workers or employers.

Zanzibar.

Employment of Women, Children and Young Persons (Restriction) Decree, Chapter 132 of the Revised Laws of Zanzibar, 1934.

No provision exists in the legislation to apply the provisions of paragraph 2 of Article 1. As regards the application of Article 2, the report states that § 2 of Chapter 132 of the Revised Laws of Zanzibar defines "night" as meaning 6.30 p.m. to 5.30 a.m.; no exceptions have been made. The exceptions provided for in Articles 6, 7 and 8 of the Convention have not been included in local legislation. The application of the legislation is entrusted to police officers of or above the rank of inspector. In the course of their duties, officers are liable to visit factories and report any instance of contravention of the law. There were no decisions by courts of law. The employment of women in industrial undertakings is not customary in the protectorate, and no cases of such employment are known to the authorities. It is the duty of the Factories Board to supervise all factories. There were no observations from organisations of employers or workers.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

42. Convention concerning workmen's compensation for occupational diseases (revised 1934)

This Convention came into force on 17 June 1936

Countries	Date of registration of ratification	Reports received
Austria	26. 2. 1936	7. 12. 1948
Brazil	8. 6. 1936	
Cuba	22. 10. 1936	30. 3. 1949
Denmark	22. 6. 1939	10. 11. 1948
France	17. 5. 1948	
Hungary	17. 6. 1935	
Iraq	25. 7. 1941	27. 12. 1948
Ireland	15. 3. 1937	14. 3. 1949
Japan	6. 6. 1936	
Mexico	20. 5. 1937	3. 12. 1948
Netherlands	1. 9. 1939	27. 12. 1948
New Zealand	29. 3. 1938	26. 12. 1948
Norway	21. 5. 1935	3. 2. 1949
Poland	29. 9. 1948	
Sweden	24. 2. 1937	2. 12. 1948
Turkey	27. 12. 1946	
United Kingdom	29. 4. 1936	14. 1. 1949

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Austria.

German social insurance legislation which replaced previous Austrian legislation :

Federal Insurance Code (R.V.O.) of 19 July 1911, §§ 537 to 1225 (L.S. 1924, Ger. 10).

Act of 19 July 1923 amending accident insurance provisions.

Second Act of 14 July 1925 respecting changes in the accident insurance system (L.S. 1925, Ger. 4 C).

Order of 14 June 1926 respecting lump sum payment of compensation for accidents provided for by Order of 1 September 1941.

Third Act 15 July, 1927, to amend the Second Book of the Federal Insurance Code (L.S. 1927, Ger. 6 A).

Second Order of 10 February 1928 respecting lump sum payment of compensation for accidents.

Order of 14 November 1928 respecting medical care and vocational rehabilitation as regards accident insurance.

Third Act of 20 December 1928 respecting changes in the accident insurance system (L.S. 1928, Ger. 3 C).

Order: Emergency measures of 8 December 1931 (L.S. 1931, Ger. 9).

Order of 15 June 1936 for the regulation of relations between the institutions for sickness insurance and for accident insurance.

Third Order of 16 December 1936 to extend accident insurance to cover occupational diseases (L.S. 1936, Ger. 3).

Decisions of the Federal Insurance Office of 9 March 1937, concerning the application of the above Order of 16 December 1936.

Fifth Act of 17 February 1939 amending accident insurance provisions.

Sixth Act of 9 March 1942 amending accident insurance provisions.

First Order of 20 August 1942 to apply and supplement the Sixth Act amending accident insurance provisions.

Fourth Order of 29 July 1943 respecting the extension of accident insurance to occupational diseases.

Decisions of the Federal Minister of Labour of

26 March 1943 No. II (a), 3340/43 and of 14 February 1944, No. II 786/44.

Order of 9 November 1944 respecting the application of accident insurance to the entire manpower used in the war.

Provisions incorporating Austrian social insurance legislation in the German legislation :

Order of 22 December 1938 respecting the introduction of social insurance in Austria.

Order of 9 February 1939 applying and supplementing the above Order.

Second Order of 5 February 1940 applying and supplementing the above Order of 22 December 1938.

Decision of the Federal Minister of Labour of 21 August 1941 respecting accident insurance in Austria, No. II (a) 11904/41.

Social insurance legislation of the Austrian Republic :

Federal Act of 12 December 1946 respecting the adaptation of social insurance benefits to the existing economic situation.

Transitional Federal Act of 12 June 1947 regarding social insurance.

Federal Act of 30 July 1947 for the amendment of the above Act of 12 June 1947.

Order of the Federal Ministry for Social Affairs of 23 October 1947 respecting the establishment of arbitration tribunals for social insurance.

Federal Act of 16 June 1948 for the amendment of certain provisions of the Federal Act of 12 June 1947.

Cuba.

Decree No. 2687 of 15 November 1933 to repeal and replace the Act of 12 June 1916 on industrial accidents (L.S. 1933, Cuba 3 A), amended by Decrees Nos. 3156 and 3341 of 16 and 30 December 1933 respectively (L.S. 1933, Cuba 3, B and C) and Legislative Decree No. 596 of 18 February 1936 (L.S. 1936, Cuba 1).

Decree No. 1049 of 22 April 1936 enumerating the industries or processes in which silicosis may occur.

Presidential Decree No. 223 of 31 January 1935, issuing Regulations under the Act concerning industrial accidents, amended by Presidential Decrees Nos. 1252 and 1653 of 6 May and 27 June 1936.

Denmark.

Act of 23 March 1948 (L.S. 1948, Den. 1) replacing the Act of 20 May 1933 concerning insurance against the consequences of accidents (L.S. 1933, Den. 5), as amended by the Act of 13 April 1938 (L.S. 1938, Den. 6).

Iraq.

Labour Law No. 72 of 1936 (L.S. 1936, Iraq 2) as amended by Labour Law No. 36 of 1942.

Law No. 28 of 1939 concerning the ratification of the Convention.

Regulation No. 9 of 1937 for the proportionate distribution of compensation to the dependants of the deceased worker, as amended by Regulation No. 32 of 1937.

Regulation No. 12 of 1937 for Claiming and Depositing Compensation.

Regulation No. 15 of 1937 for the Occupational Poisonings and Diseases (L.S. 1937, Iraq 1).

Ireland.

- Workmen's Compensation Act, 1934 (L.S. 1934, I.F.S. 1).
 Workmen's Compensation Act, 1934 (Industrial Diseases) Order, 1934 (L.S. 1934, I.F.S. 2).

Mexico.

- Political Constitution of the United States of Mexico, 1917.
 Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).
 Industrial Hygiene Regulations of 9 October 1934.
 Social Insurance Act of 31 December 1942 (L.S. 1942, Mex. 1).
 Decree of 1 April 1943 to institute in the Federal District compulsory insurance for industrial accidents, occupational diseases, etc.

New Zealand.

- Workers' Compensation Act 1922, amended by the Workers' Compensation Amendment Act 1926 (L.S. 1926, N.Z. 2), 1943 (L.S. 1943, N.Z. 2), 1945 (L.S. 1945, N.Z. 3) and 1947.
 Law Reform Act 1936, Parts III and VI.
 Statutes Amendment Act, 1939, § 70; 1940, §§ 61-62; 1944, §§ 68-71.
 Workers' Compensation Rules, 1939.
 Compensation Court Regulations, 1940, with Amendments Nos. 1, 2 and 3.

Netherlands.

- Act No. 804 of 15 December 1938 (L.S. 1938, Neth. 3 A), to amend the Decree of 28 June 1921 promulgating the Act of 2 January 1921 respecting the statutory insurance of workers against the pecuniary consequences of accidents in specified industries (L.S. 1921, Part II, Neth. 1), amended by the Acts of 2 July 1928 (L.S. 1928, Neth. 1 B), 7 February 1929 (L.S. 1929, Neth. 2 B), 18 July 1930 (L.S. 1930, Neth. 3 A), 23 May 1935 (L.S. 1935, Neth. 3) and 17 July 1936.
 Act No. 808 of 15 December 1938 (L.S. 1938, Neth. 3 B), to amend the Act of 20 May 1922 to insure persons employed in agricultural occupations against the pecuniary consequences of accidents with which they meet in connection with their employment (L.S. 1922, Neth. 2), as amended by the Acts of 21 March 1924 (L.S. 1924, Neth. 2), 13 May 1927 (L.S. 1927, Neth. 1), 2 July 1928 (L.S. 1928, Neth. 2), 7 February 1929 (L.S. 1929, Neth. 2 A) and 18 July 1930 (L.S. 1930, Neth. 3 B).

Norway.

- Act of 24 June 1931 respecting accident insurance of industrial employees (L.S. 1931, Nor. 3).
 Royal Decree of 7 December 1928 assimilating certain specified occupational diseases and accidents for the purpose of compensation.
 Royal Decree of 11 January 1935 respecting occupational diseases.
 Royal Decree of 16 October 1937 respecting the application of the Regulations concerning work in mines involving risk of silicosis.
 Royal Decree of 14 January 1939 assimilating occupational diseases to accidents for the purpose of the Seamen's Accident Insurance Act of 24 June 1924 and the Fishermen's Accident Insurance Act of 10 December 1920 (L.S. 1920, Nor. 2).
 Act of 13 December 1946 (L.S. 1946, Nor. 4) to amend the Industrial Workers' Accident Insurance Act (L.S. 1931, Nor. 3), the Seamen's Accident Insurance Act of 24 June 1924 and the Fishermen's Accident Insurance Act of 10 December 1920 (L.S. 1920, Nor. 2).

Sweden.

- Act of 14 June 1929 respecting insurance for certain occupational diseases (L.S. 1929, Swe. 1), as amended by the Acts of 12 September 1930, 26 June 1936 (L.S. 1936, Swe. 6), 3 June 1938 (L.S. 1938, Swe. 3) and 19 May 1944 (L.S. 1944, Swe. 1).
 Royal Decree of 24 November 1944 containing special provisions with regard to the application of the Act of 14 June 1929.

*United Kingdom.**Great Britain.*

- Workmen's Compensation Acts, 1925-1931 (L.S. 1925, G.B. 3; 1926, G.B. 10 and 1931, G.B. 4).
 The Adoption of Children (Workmen's Compensation) Act, 1934.
 Workmen's Compensation (Supplementary Allowances) Act, 1940 (L.S. 1940, G.B. 4).
 Workmen's Compensation (Temporary Increases) Act, 1943 (L.S. 1943, G.B. 1 B).
 Workmen's Compensation, Pneumoconiosis (Statutory Rules and Orders, No. 886 of 1943).
 Ministry of National Insurance (Workmen's Compensation) Order, 1945.
 Workmen's Compensation (Pneumoconiosis) Act, 1945.
 Workmen's Compensation (Industrial Diseases) Order No. 349 of 12 March 1946, made under § 43 of the Workmen's Compensation Act, 1925.
 Various Industries (Silicosis) Amendment scheme, 1946, dated 17 January 1946, made under § 47 of the Workmen's Compensation Act, the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930 and the Workmen's Compensation Act, 1943.
 Shipping Industry (Pneumoconiosis) Compensation Scheme, 1946, dated 30 January 1946, made under the Workmen's Compensation Act, 1925, the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930, and the Workmen's Compensation Act, 1943.
 Metal-Grinding Industries (Silicosis) Amendment Scheme, 1946 (Statutory Rules and Orders, 1946, No. 594).
 Sandstone Industry (Silicosis) Amendment Scheme, 1946 (Statutory Rules and Orders, 1946, No. 595).
 National Insurance (Industrial Injuries) Act, 1946 Part IV (L.S. 1946, U.K. 2).
 National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1948.

Northern Ireland.

- Adoption of Children (Workmen's Compensation) Act (Northern Ireland), 1934.
 Workmen's Compensation (Supplementary Allowances) Act, 1940 (L.S. 1940, G.B. 4). (A similar Act was passed in Northern Ireland.)
 Workmen's Compensation (Temporary Increases) Act (Northern Ireland), 1943.
 Order No. 87, dated 13 June 1946, made by the Minister of Labour and National Insurance, extending the provisions of § 44 of the Workmen's Compensation Act (Northern Ireland) 1927.
 National Insurance (Industrial Injuries) Act (Northern Ireland), 1946.
 National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland), 1948.

SUMMARY OF OTHER INFORMATION

Austria. The report states that the German provisions concerning social insurance have been brought into force provisionally as Austrian legislation by the Austrian Constitutional Act of 1 May 1945 concerning the restoration of the legal system in

Austria, and by the Federal Act of 12 June 1947 concerning the transition to Austrian law of social insurance matters. The activities of the arbitration tribunals began during 1948. These tribunals are empowered to settle disputes relating to requests for payment by insured persons; they have also assumed the functions of appeals tribunals. In accordance with the provisions concerning the new organisation of social insurance, which came into force on 1 January 1948, accident insurance has been entrusted to the competent organisations for the whole national territory.

Copies of the report have been communicated to the Austrian Chamber of Labour, the Austrian Federation of Trade Unions, the Conference of Presidents of Austrian Agricultural Chambers and the Federal Chamber of Industry.

Cuba. The report repeats information previously given. There were no decisions by courts of law and there were no cases of compensation for occupational diseases. No observations were received from employers' or workers' organisations.

The International Labour Questions Department of the Ministry of Labour holds the annual reports at the disposal of the employers' and workers' organisations.

Denmark. The Act of 20 May 1933 concerning insurance against the consequences of accidents has been replaced by the Act of 23 March 1948. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

See also under Convention No. 18.

France. There have been no changes in the situation described in the report on Convention No. 18, covering the period 1946-1947. In the course of 1947, 7,351 cases of occupational diseases were reported, 7,004 of which received compensation. It is not possible to indicate the total amount paid in compensation as the statistical data make no distinction between the administration of industrial accidents and of occupational diseases. This information will probably be available during 1949. There were no decisions by courts of law.

Copies of the report have been communicated to the most representative organisations of employers and workers.

Iraq. The Government refers to its previous reports. No statistical data are available. No observations were received from employers' or workers' organisations.

The communication of the reports on the application of Conventions to the representative organisations of employers and workers concerned would be premature owing to present local conditions.

Ireland. The report repeats information previously given. There were no decisions by courts of law or other courts and no observations from employers' and workers' organisations.

Copies of the report have been communicated to the Congress of Irish Unions, the Irish Trade Union Congress and the Federated Union of Employers.

Mexico. The report repeats the information previously furnished. It indicates the circumstances under which the Industrial Hygiene Regulations of 1946 were declared unconstitutional; the Secretariat of Labour is preparing new draft Regulations. The texts of 11 decisions by courts of law are appended to the report.

Copies of the report have been communicated to the most representative organisations of employers and workers.

Netherlands. The report repeats the information given in previous years.

New Zealand. The report refers to information previously given. The Workmen's Compensation Amendment Act, 1947, has brought the national legislation into complete harmony with Article 2 of the Convention by making the coverage general so that compensation is now payable in respect of all incapacity due to any disease resulting from an occupation or employment. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

Norway. The report refers to information previously given.

Copies of the report have been submitted to the General Confederation of Trade Unions in Norway and the Norwegian Employers' Confederation.

Sweden. The report repeats the information previously given and adds that 4,858 cases of occupational diseases were reported in 1945, 4,198 of which gave rise to compensation. The decisions of the Insurance Council are published in the *Arbetserskyddet*, which is forwarded regularly to the Office.

Copies of the report have been communicated to the Swedish Employers' Association, the Swedish Confederation of Trade Unions, and the Central Organisation of Salaried Employees.

United Kingdom.

Great Britain. Since 5 July 1948, the provisions of the Convention are applied by the National Insurance (Industrial Injuries) Act, 1946, and the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1948. The Workmen's Compensation Acts and the schemes thereunder continue to apply, however, to certain cases of occupational diseases due to the nature of employment before 5 July 1948.

The diseases enumerated under the First Schedule of the National Insurance (Industrial Injuries) (Prescribed Diseases)

Regulations, 1948, cover those mentioned in Article 2 of the Convention and various other diseases. Compensation is payable if the claimant is suffering from one of the prescribed diseases and has been employed since 5 July 1948 in one of the occupations set out in the second column of Part I of the First Schedule to the Prescribed Diseases Regulations or, in the case of pneumoconiosis, in Part II of the First Schedule. The disease must be due to the nature of insurable employment since 5 July 1948. The benefit payable under the above-mentioned Act in respect of a prescribed disease is the same as in the case of personal injury by accident, with the exception of pneumoconiosis, where no injury benefit and no disablement gratuity are payable, but a disablement pension is payable if the assessment of the disablement is five per cent. or more.

Injury benefit is payable so long as a person is incapable of work for a period not exceeding 26 weeks. The rate for adults is 45s. a week plus dependants' increases. Disablement benefit in the form of a pension or gratuity is payable if the incapacity lasts more than 26 weeks or if the accident causes some disablement. The rate depends on the assessment of disablement, the highest basic rate being 45s. a week. For assessments below 20 per cent. gratuities and not pensions are payable. In some cases, disablement pensions include additional payments.

Many hundreds of decisions in courts of law were given on the interpretation of the Workmen's Compensation Acts. The provisions for the determination of questions under the Industrial Injuries Acts are set out in §§ 36 to 54 of the Industrial Injuries Act, 1946. The Act constitutes medical boards and medical appeal tribunals for the determination of medical questions arising out of claims for disablement benefit, and statutory authorities for the determination of other questions specified in § 36 of the Act. No decisions by the Commissioner have so far been given under the Industrial Injuries Act.

The Prescribed Diseases Regulations, like all Regulations under the Act, were made after consultation with the Industrial Injuries Advisory Council, which includes representatives of employers and workers.

Copies of the report have been communicated to the Trades Union Congress and the British Employers' Confederation.

The information with regard to Great Britain applies to *Northern Ireland*, with the following modifications: the Northern Ireland Industrial Injuries Act is administered by the Ministry of Labour and National Insurance, Belfast. No decisions by the Umpire have so far been given under the Industrial Injuries Acts. No cases of the diseases mentioned in the Schedule to Article 2 of the Convention were reported. The Industrial Injuries Advisory Council, appointed under § 61 of

the Great Britain Act, includes a Northern Ireland representative.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

France

Territories of the French Union.

There is nothing to add to the information contained in the report for 1946-1947.

Netherlands

Indonesia.

The Convention has not been applied. Legislation covering the requirements of the Convention does not exist. Legislation to deal with this matter, however, is in preparation.

Surinam.

The Convention has not been published or promulgated. The requirements of the Convention are taken into account in the Accident Regulation which also covers occupational diseases.

Netherland West Indies.

Accident Regulation, 1936.

The provisions of the Convention are covered by the Accident Regulation, 1936. Occupational diseases are considered as accidents.

New Zealand

Western Samoa ; Tokelau Islands ; Cook Islands.

Workmen's compensation legislation for the above territories is at present being prepared. The enactment of this legislation should enable extension of this Convention.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

United Kingdom

Aden.

No legislation has been enacted applying the Convention, since there are no industries which give rise to occupational diseases in Aden.

Barbados.

The Convention has not been applied.

Basutoland.

Proclamation No. 4 of 1948.

If any "workman" (as defined by §§ 1 and 3 of Proclamation No. 4 of 1948) working in any employment to which the Proclamation is applied suffers personal injury by accident arising out of and in the course

of the employment, his employer is liable to pay compensation. Where death results from the injury, the amount of compensation payable is a sum equal to 30 months' wages or £600, whichever is the less. This sum is divided among the dependants of the deceased workman in such proportions as the court thinks fit. Where permanent total incapacity results from the injury, the amount of compensation payable is a sum equal to 30 months' wages or £750, whichever is the less. Compensation for lesser injuries is payable according to detailed regulations laid down in §§ 7 and 8 of Proclamation No. 4 of 1948, and in the second Schedule to that Proclamation. The employer must report the death of a workman. Compensation may be settled by agreement between the employer and the workman, subject to certain conditions which safeguard the interests of the workman. If compensation is not settled by agreement, the claim must be settled by a subordinate court of first class. An appeal lies to the High Court from any order of the subordinate court. The provisions regarding the payment of compensation for occupational diseases are contained in §§ 28-32 of the Proclamation. The only diseases among those detailed in the Schedule to Article 2 which are thought likely to occur in Basutoland are contained in the first Schedule to the Proclamation. The High Commissioner may amend this Schedule from time to time under § 36 of the Proclamation. The application of this legislation is entrusted to all administrative, judicial and police officers throughout the territory. There were no decisions by courts of law. As Proclamation No. 4 of 1948 has not yet been applied to any specific kind of employment, there are as yet no details of its practical application. There are no representative organisations of employers or workers.

Bechuanaland.

Workmen's Compensation Proclamation, No. 28 of 1936.

First Schedule to the Proclamation, amended by High Commissioner's Notice No. 39 of 1937.

The Schedule contains the following list of diseases for which compensation is payable :

Disease	Work in which disease is incurred
Ankylostomiasis (hookworm)	Mining carried on underground
Cyanide rash	Handling of cyanide or any work involving the use of cyanide
Lead poisoning or its sequelae	Handling of lead or its preparations or compounds or any work involving the use of lead or its preparations or compounds
Mercury poisoning or its sequelae	Any work involving the use of mercury or its preparations or compounds

The Resident Commissioner sees no objection to the Schedule being altered to conform to the Schedule contained in the International Labour Office annual report form for Convention No. 42.

Bermuda.

No legislation or administrative provisions apply the provisions of the Convention. The majority of the industrial processes listed in the Convention are unknown in Bermuda.

British Guiana.

The Convention is not at present applicable to the colony, but consideration is being given to the question of whether it should be applied, and if so, what legislation will have to be introduced.

British Honduras.

The revision of Ordinance No. 4 of 1942 concerning workmen's compensation is under consideration so as to include compensation for industrial diseases. The matter is not one of urgency, as there have been no cases of industrial diseases.

Brunei.

No legislation has been enacted to give effect to the provisions of the Convention. Drafting of workmen's compensation legislation is now under consideration and the requirements of the Convention will be borne in mind.

Cyprus.

No legislation has been enacted to give effect to the Convention. The existing law on workmen's compensation does not include provision for occupational diseases. No statistics are available regarding their occurrence. The enactment of legislation is under consideration.

Dominica.

The provisions of the Convention do not appear to apply to this colony, and no legislation has been passed as a result of its ratification.

Fiji.

Workmen's Compensation Ordinance, Cap. 81. Workmen's Compensation (Amendment) Ordinance, 1946.

For purposes of compensation, no distinction is made between disablement arising from industrial accidents and disablement arising from the contraction of occupational diseases. § (1) of the Workmen's Compensation Ordinance stipulates rates of compensation for injury resulting from industrial accidents. No cases of disablement from the contraction of occupational diseases occurred during the year under review. Such

disablement might conceivably occur in the gold-mining, oil-processing and paint-manufacturing industries. No representations have been received from any employers' or workers' organisation. The Commissioner of Labour supervises the observance of the legislation.

The report has been communicated to the Associated Mining Companies and the Fiji Mine Workers' Union.

Gambia.

Existing legislation concerning workmen's compensation covers specific physical injuries but not occupational diseases. To this extent, the Convention does not apply in the Gambia.

Gibraltar.

A draft Workmen's Compensation Ordinance has been prepared, based substantially on the National Insurance (Industrial Injuries) Act, 1946, and accident statistics are being compiled on which to base contribution and benefit rates. It is intended that occupational diseases included in the Schedule of this Convention shall be compensable under this Ordinance. During the year under review, no cases of persons suffering from occupational diseases mentioned in the Schedule have come to the notice of the medical authorities. In addition to the Workmen's Compensation Ordinance, a draft Notification of Accidents and Occupational Diseases Ordinance has been prepared. Before being taken into employment by the Service Departments, the Colonial Government and the City Council, all industrial grade workers are subject to medical examination including X-ray screening for tuberculosis. It is thought that, in the past, cases of lead poisoning may have occurred amongst painters but, although several suspected cases have been referred to the medical authorities during the past year, none has been confirmed as a case of lead poisoning. The Director of the Department of Labour and Welfare is responsible for the inspection of industrial processes likely to give rise to occupational diseases. No observations were received from organisations of employers or workers, except the Transport and General Workers' Union, which submitted suggestions for the inclusion in the Schedule to the Notification of Accidents and Occupational Diseases Ordinance of certain additional occupational diseases which have been deemed to be compensable under United Kingdom legislation.

Gilbert and Ellice Islands.

The Convention has not been applied, but its requirements will be included in a Workmen's Compensation Ordinance now under enactment.

Gold Coast.

This Convention is not applied owing to practical difficulties. The desirability of

introducing legislation as soon as possible is, however, recognised.

Preliminary discussions have taken place already concerning compensation for silicosis in the mining industry.

Grenada.

The Convention is not applicable at present.

Hong Kong.

The Convention has not been applied. Legislation on workmen's compensation for industrial accidents, however, is under consideration. In this draft legislation, compensation will be given for occupational diseases.

Jamaica.

No action has been taken to apply the provisions of the Convention.

A copy of the report has been sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica and the Jamaica Manufacturers' Association.

Kenya.

Ordinance No. 72 of 1948.

The Ordinance has not yet been brought into force. It was intended to bring it into force on 1 January 1949.

Leeward Islands.

There are no diseases listed as occupational on which it is thought necessary to take action in respect of the colony.

Federation of Malaya.

Laws of the Federated Malay States (Chapter 155: Workmen's Compensation).

The requirements of Article 1 of the Convention are covered by §§ 3, 4 and 5 of the legislation. In the case of an occupational disease, a workman who has been in the continued service of his employer for six months is entitled to the same compensation as that provided for in the case of an injury caused by an accident.

Employers are not liable for compensation in the following cases: an injury which does not result in disablement for a period exceeding seven days; an injury resulting from an accident which is directly attributable to the workman having been at the time thereof under the influence of drink or drugs; the wilful disobedience of the workman to an order given or to a regulation expressly made for the purpose of securing the safety of workmen; the wilful removal by workmen of any safety guard or other device. Compensation is paid when the injury results in death.

The report contains information regarding the application of Article 2 of the Convention

and states, in particular, that workers employed in any employment involving the handling of wool, hair, bristles or animal carcasses, who contract the disease of anthrax, as well as any workers who contract any disease specified in the Schedule contained in the legislation, are entitled to compensation.

The rates of compensation are as follows : where death results from the injury, in the case of an adult, a sum equal to 30 months' wages or \$3,200, whichever is the less, and, in the case of a minor, \$400 ; where total disablement results from the injury, a sum equal to 42 months' wages or \$4,800 and, in the case of a minor, a sum equal to 84 months' wages or \$4,800 dollars, whichever is the less.

The legislation contains various provisions relating to compensation payable where permanent partial disablement results from the injury ; the table contained in the Schedule to the legislation shows that compensation is fixed at a percentage of the compensation which would have been payable in the case of permanent total disablement, according to the percentage of loss of earning capacity caused by the injury. Where temporary disablement results from an injury, the legislation provides for half-monthly payments payable after the expiry of a waiting period of seven days. Rates of compensation are as follows : in the case of an adult, \$30 or a sum equal to one quarter of the monthly wage and, in the case of a minor, \$20 or a sum equal to one third of his monthly wages, whichever is the less. After a minor has become an adult, the rate is fixed at one half of his monthly wages but not exceeding \$20 in any case. The list of occupational diseases provided for in the legislation is not identical with that contained in Article 2 of the Convention, but legislation is being prepared in order to bring this list into complete conformity with the Convention.

The Commissioner of Labour assisted by his inspectorate is responsible for the application of the legislation. The Workmen's Compensation Law is administered by the Commissioner for Workmen's Compensation. The Director of Medical Services advises on all questions relating to occupational diseases. During the period under review, no claims for workmen's compensation have arisen as a result of occupational diseases. Statistics are not available with regard to the number of workers employed in the trades, industries or processes mentioned in the Convention. No decisions were given by courts of law and no observations received from employers' or workers' organisations.

In future, reports will be communicated to the Labour Advisory Board, which is a tripartite body.

Malta.

Workmen's Compensation Ordinance No. XXVIII of 1934 — Chapter 128 of Revised Edition.

§ 2 of the Ordinance specifies the occupational diseases in respect of which compensation may be payable.

Mauritius.

Ordinance No. 32 of 1937 (Workmen's Compensation (Amendment) Ordinance).

The Convention is applied by the legislation in force. Supervision is under the Labour Department. No decisions were given by courts of law. No cases of disease or poisoning have been reported.

Reports will be communicated to the Sugar Producers' Association and the Mauritius Engineering and Technical Workers' Union.

Nigeria.

It has not hitherto been considered practicable to apply the Convention in the existing stage of development of the country, but the position has recently been reviewed and appropriate legislation has been drafted on the lines of the Convention and is being considered.

North Borneo.

Straits Settlements Workmen's Compensation Ordinance, 1933.

There is no workmen's compensation legislation as yet for the whole colony. In Labuan, the above Ordinance provides for payment of compensation for incapacity arising from the following diseases : anthrax ; and poisoning by lead, carbon monoxide gas, benzene and arsenic. The enactment of legislation is being considered and the requirements of the Convention will be kept in view.

Northern Rhodesia.

Workmen's Compensation Ordinance (Chapter 188 of the Revised Edition of Laws).
Silicosis Temporary Arrangements Ordinance (Chapter 189).

The general principles of the legislation in the case of accidents and industrial diseases other than silicosis and tuberculosis lie in the compulsory insurance by employers of their workers, a regular and compulsory system of reporting, and compensation on a recognised schedule of percentages of wages. In the case of silicosis and/or tuberculosis, definite monthly rates are laid down, increasing annually up to four years, for the sufferer and his family, as set out in the Schedules to Chapter 189. In the case of Africans, compensation is paid to the Board by the employer in a lump sum (based on the earnings of the worker) and paid over to the sufferer in the form of monthly payments, not exceeding £20 a month. The Schedule which appears in Article 2 of the Convention is reproduced in Schedule 2, § 73 of Chapter 188 of the Revised Edition of Laws. The legislation is applied by the Labour Department and

the Workmen's Compensation Commissioner. There were no decisions by courts of law or other courts. There were no observations from organisations of employers or workers.

The operation of the Convention comes within the scope of the African Labour Advisory Board on which representatives of employers and workers serve and no reports have been sent.

Nyasaland.

Although the Convention has been ratified by Great Britain, no legislation has been enacted in Nyasaland to provide for compensation to workmen incapacitated by occupational diseases or in the case of death from such diseases to their dependants, because the industries in this country are not yet such as would normally be likely to produce the diseases dealt with under the Convention.

St. Helena.

Workmen's Compensation Ordinance No. 3 of 1946.

There are no industrial processes in St. Helena likely to give rise to the diseases named in the Convention, and therefore no legislation specifying them has been enacted. The above Ordinance, however, provides for compensation for occupational diseases arising from a specific injury by accident in the course of employment. The legislation provides for periodical or lump-sum payments by the employer for accidents arising in the course of employment except when due to disobedience, disregard of safety devices, or the workman being under the influence of drink or drugs. The legislation is enforced by the factory inspector, with appeal, in case of dispute, to the Commissioner for Workmen's Compensation. No cases have arisen under existing provisions.

St. Lucia.

The Convention has not been applied as there are no industries or processes operating in the colony which are likely to cause diseases to workers engaged in them.

St. Vincent.

The Convention has not been applied. There are no trades, industries or processes carried on which are considered likely to give rise to the occupational diseases listed in the Schedule to the Convention.

Sarawak.

No legislation has been enacted to give effect to the Convention, but a workmen's compensation law is contemplated.

Seychelles.

Legislation covering workmen's compensation has not yet been enacted but is under active consideration. When such legislation has been introduced, the provisions of the Convention will be applied.

Sierra Leone.

Workmen's Compensation Ordinance No. 35 of 1939 as amended by Ordinances Nos. 28 of 1940, 5 of 1941, 12 of 1942 and 30 of 1942.

Workmen's Compensation (Application to Certain Employments) Order in Council, 1940 (Public Notice No. 79 of 1940).

Workmen's Compensation (Notification of Injuries) Rules, 1940 (Public Notice No. 118 of 1940).

The national law is not yet fully in harmony with the Convention in the absence of provision for compensation payable to workmen incapacitated by occupational diseases. There is no provision for inspection under existing law. No court decisions have been given. The Government has no objection to accepting as occupational diseases those set out in the Schedule to Article 2. With the exception, however, of the handling of animal carcasses or parts thereof, none of the trades, industries or processes specified exist in this territory. The Director of Medical Services reports that no cases of any of the diseases or poisonings mentioned have occurred during the past year. No observations were received from organisations of employers and workers.

Singapore.

Workmen's Compensation Ordinance, 1933.

The following occupational diseases are covered by the legislation: anthrax, poisoning by lead, carbon monoxide and carbon dioxide gas, benzene and arsenic.

Solomon Islands.

A King's Regulation to provide for workmen's compensation generally is under consideration. Meanwhile, there are no occupations in this protectorate that render workers peculiarly liable to any specific disease.

Swaziland.

Swaziland Workmen's Compensation Proclamation No. 25 of 1939, extended to employment at or about mines by High Commissioner's Notice No. 120 of 1939.

As regards the application of Article 1 of the Convention, the report states that in any class of employment to which the above-mentioned Proclamation applies, the employer is liable to pay compensation to a workman who is injured in the course of his employment or to his dependants if the workman is killed or dies as a result of the injury. As regards the application of paragraph 2 of Article 1, the present rates of compensation (increase of which is now under consideration), are: when death results from injury, a sum equal to thirty months' wages or £600, whichever is the less; where permanent total incapacity results from the injury, a sum equal to thirty-six months' wages or £750, whichever is the less; and where permanent partial incapacity results from the injury, a proportion of the amount which would have

been payable for permanent total incapacity, to be calculated in accordance with § 7 of the above-mentioned Proclamation. Compensation is payable for occupational diseases under § 28 of the Proclamation read with Schedule One of the Proclamation, in which the following diseases are enumerated: ankylostomiasias (hookworm), cyanide rash, lead poisoning or its sequelae, mercury poisoning or its sequelae. The rates of compensation payable for injury or death arising from occupational diseases are the same *mutatis mutandis* as those payable for other injuries prescribed by the Proclamation. The application of the legislation is entrusted to the courts of the territory. All mines and machinery are inspected twice yearly by inspectors. There are no known decisions by courts of law. There is no industry in Swaziland which gives rise to the risk of any of the diseases or poisonings mentioned in the Schedule, with the possible exception of asbestosis (a form of silicosis) in the asbestos mines, and anthrax infection, concerning which, however, there is no recorded information. There are no representative organisations of employers or workers.

Tanganyika.

The Convention has not yet been applied in the territory, but its requirements have

been incorporated in the workmen's compensation legislation which was to be presented at the November 1948 session of the Legislative Council.

Trinidad and Tobago.

The Convention has not been applied. A report of the Committee appointed to enquire into the practicability of making statutory provisions for the payment of compensation to workers incapacitated by occupational diseases is being considered.

Uganda.

No provisions exist at present for the enforcement of the Convention.

Zanzibar.

Zanzibar has no legislation applying the Convention.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

43. Convention for 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	Reports received
Belgium	4. 8. 1937	29. 11. 1948
Czechoslovakia	19. 9. 1938	26. 12. 1948
France	5. 2. 1938	9. 12. 1948
Ireland	15. 5. 1939	9. 3. 1949
Mexico	9. 3. 1938	
Norway	21. 5. 1935	3. 2. 1949
United Kingdom	13. 1. 1937	7. 12. 1948

Notification No. 616/1945 of the Minister of Labour and Social Welfare, dated 1 December 1945, concerning the regulation of hours of work and wages of employees in sheet-glass and plate-glass works.

France.

Decree of 13 February 1937 to lay down rules for the application of the Forty-Hour Week Act of 21 June 1936 (L.S. 1936, Fr. 8) respecting hours of work in glass-works of all kinds (L.S. 1937, Fr. 3 A).

Ireland.

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

Conditions of Employment (Sheet-Glass Works) (Exclusion) Regulations, 1938 (Statutory Rules and Orders No. 193 of 1938).

Norway.

Workers' Protection Act of 19 June, 1936 (L.S. 1936, Nor. 1).

United Kingdom.

The Hours of Employment (Convention) Act, 1936 (L.S. 1936, G.B. 2).

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Belgium.

Act of 22 December 1936 respecting sheet-glass works.

Legislative Decree of 5 May 1944 regarding the Orders and other administrative decisions issued during the period of enemy occupation.

Czechoslovakia.

Act No. 126/1938/Sb., of 11 May 1938, to give effect to the international Conventions concerning the regulation of hours of work in automatic sheet-glass works and the reduction of hours of work in glass-bottle works.

SUMMARY OF OTHER INFORMATION

Belgium. The report repeats the information previously submitted. There were no breaches of the legislation and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Federation of Belgian Industries, to the General Federation of Labour of Belgium, the Confederation of Christian Trade Unions and the General Association of Liberal Trade Unions.

Czechoslovakia. The report refers to information submitted for 1946-1947.

Copies of the report have been communicated to the Central Council of Trade Unions and the Confederation of Czechoslovak Employers' Organisations who had no observations to submit.

France. The report repeats the information previously given. No decisions by courts of law were noted in the case-books for the period under review. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the representative organisations of employers and workers.

Ireland. The report repeats information previously given. There were no decisions by courts of law or other courts and no observations from employers' and workers' organisations.

Copies of the report have been communicated to the Congress of Irish Unions,

the Irish Trade Union Congress and the Federated Union of Employers.

Norway. The report refers to information previously given.

Copies of the report have been communicated to the General Confederation of Trade Unions in Norway and the Norwegian Employers' Confederation, which had no observations to submit.

United Kingdom. The report repeats the information previously given. There were no decisions by courts of law or other courts and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the British Employers' Confederation and the Trades Union Congress.

It should be noted that there are no automatic sheet-glass works in Northern Ireland.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

The reports received from the territories administered by the *United Kingdom* show that, as there are no sheet-glass works in these territories, the Convention has not been applied.

The Government of the *United Kingdom* states that copies of the reports concerning non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

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	Reports received
France	21. 2.1949	
Ireland	10. 6.1937	14. 3.1949
New Zealand	29. 3.1938	26.12.1948
Switzerland	14. 6.1939	30.11.1948
United Kingdom	29. 4.1936	6. 1.1949

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Ireland.

The Unemployment Insurance Acts, 1920-1933 (L.S. 1920, G.B. 3; L.S. 1921, G.B. 1 and 2; L.S. 1922, G.B. 1; L.S. 1923, I.F.S. 2; L.S. 1924, I.F.S. 1; L.S. 1924, I.F.S. 4; L.S. 1926, I.F.S. 3; L.S. 1930, I.F.S. 1; L.S. 1933, I.F.S. 3), 1941, 1943, 1945 and 1946.
Social Welfare Act, 1948 (L.S. 1948, Ire. 1).
Social Welfare (Reciprocal Arrangements) Act, 1948.
Various Regulations and Orders.

New Zealand.

Social Security Act, 1938 (in particular, §§ 51-54 and 58) (L.S. 1938, N.Z. 1), as amended in 1947 (L.S. 1947, N.Z. 2).
Social Security Contributory Regulations, 1939.
Social Security (Monetary Benefits) Regulations, 1939.

Switzerland.

Ordinance of 28 May 1940 concerning measures for the stabilisation of the labour market and for improving the professional aptitude of unemployed persons.
Order of the Federal Council of 7 October 1941 concerning the funds necessary for the payment of subsidies to mobilised men to compensate wage loss, the creation of employment opportunities and assistance to unemployed persons.
Order of the Federal Council of 24 December 1941 concerning assistance to aged unemployed persons.
Ordinance No. 1 of the Federal Department of Public Economy of 20 May 1943 concerning assistance to aged unemployed persons.
Order of the Federal Council of 14 July 1942 concerning the administration of assistance

to unemployed persons during the emergency caused by the war, as amended by Executive Provisions of 18 September 1942, Resolutions of the Federal Council of 11 January 1944, 27 July 1945 and Orders of the Federal Department of Public Economy of 24 August 1945, 28 January 1946, 26 November 1946 and 10 December 1946.

Order of the Federal Council of 29 July 1942 respecting the administration of the provision of employment opportunities during the emergency period caused by the war.

Order of the Federal Council of 22 December 1942 for the administration of assistance to unemployed persons in distress, supplemented by Executive Provisions of the Federal Department of Public Economy of 30 December 1942 and Order No. 2 of the Federal Department of Public Economy of 20 July 1944.

Ordinance of the Federal Department of Public Economy of 8 January 1943 respecting the keeping of the accounts of the unemployment insurance funds.

Ordinance of 3 April 1943 of the Federal Department of Public Economy respecting assistance to unemployed persons in distress (state of distress, family obligations or responsibilities, amount of allowance), supplemented by Order No. 3 of 23 February 1945.

Order of the Federal Council of 23 February 1945 for the administration of additional grants as assistance to unemployed persons in distress to meet increased cost of living.

Federal Decree of 4 April 1946, to amend the section (34 *ter*) of the Federal Constitution relating to economic matters.

United Kingdom.

Great Britain.

Unemployment Assistance Act, 1934 (L.S. 1934, G.B. 2).

Unemployment Insurance Acts, 1935-1936 (L.S. 1935, G.B. 1; L.S. 1936, G.B. 1) and 1938.

Unemployment Insurance Act (Amendment), 1940.

Old-Age and Widows' Pensions Act, 1940 (L.S. 1940, G.B. 1).

National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941 (L.S. 1941, G.B. 2).

Determination of Needs Act, 1941.

Pensions and Determination of Needs Act, 1943.

Unemployment Insurance (Increase of Benefit) Act, 1944.

Ministry of National Insurance Act, 1944.

Family Allowances Act, 1945 (L.S. 1945, U.K. 3).

National Insurance Act, 1946 (L.S. 1946, U.K. 3).

Unemployment Insurance (Eire Volunteers) Act 1946.

National Assistance Act, 1948 (L.S. 1948, U.K. 1).

Various Orders, Rules and Regulations concerning unemployment insurance and assistance, national insurance, national assistance and family allowances, dating from 1921 to 1948.

Northern Ireland.

Unemployment Assistance Act (Northern Ireland), 1934.

Unemployment (Agreement) Act (Northern Ireland), 1936.

Unemployment Insurance Acts, 1936-1938.

Unemployment Insurance Act (Northern Ireland), 1939.

Unemployment Insurance Act (Northern Ireland), 1940.

Old-Age and Widows' Pensions Act (Northern Ireland), 1940.

Pensions and Determination of Needs Act (Northern Ireland), 1943.

Unemployment Insurance (Increase of Benefit) Act (Northern Ireland), 1944.

Family Allowances Act (Northern Ireland), 1945.

National Insurance Act (Northern Ireland), 1946.

National Assistance Act (Northern Ireland), 1948.

Various Orders, Rules, and Regulations concerning unemployment insurance and assistance, national insurance and national assistance, dating from 1921 to 1948.

SUMMARY OF OTHER INFORMATION

Ireland. The report contains information regarding the amendments introduced by the Social Welfare Acts of 1948. This new legislation gives power to make reciprocal or other arrangements in the matter of, *inter alia*, unemployment insurance with any other country. Regulations issued in 1948 have amended the former legislation, consequential on the coming into force of the National Insurance Act, 1946, in Great Britain. These amendments relate to the rates of special benefit payable to discharged members of the United Kingdom armed forces who were previously resident in Ireland. The report contains information as to the weekly rates of unemployment insurance contributions payable by employers and employees, from and including 4 October 1948. From and including 18 August 1948, cash supplements are replaced by equivalent increases in the weekly rates of unemployment benefit. As from 4 October 1948, the insurability limit for persons employed in non-manual work has been raised from £250 to £500 a year.

The definition of a continuous period of unemployment has been so modified as to permit of the payment of unemployment benefit in respect of 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. Any rights to unemployment benefit acquired prior to the cessation of insurability, owing to increased remuneration by persons re-entering insurance by reason of the raising of the insurability limit for non-manual workers, are retained unimpaired. On 25 September 1948, 77 boy and 66 girl claimants to unemployment benefit were registered at the Dublin Employment Exchange. Of these, 58 boys and 15 girls were attending courses of instruction. No decisions were given by courts of law or other courts and no observations received from employers' and workers' organisations. The report contains statistical data relating to the period 1946-1947.

The report has been communicated to the Congress of Irish Unions, the Irish Trade Union Congress and the Federated Union of Employers.

New Zealand. The report refers to information previously furnished and adds that the word "allowance" should be substituted for the word "benefit" given in the preceding report. The weekly rates of unemployment allowances have been raised to

£1. 5s. 0d. for applicants between 16 and 22 years of age without dependants, to £2. 5s. 0d. for all other applicants, and to £2. 5s. 0d. in respect of the applicant's wife. The report contains a reply to the observation made by the Committee of Experts concerning the ineligibility for unemployment allowance of the married woman whose husband is unable to maintain her.

The total amount of allowance paid by the Social Security Fund during the year ending 31 March 1948 was approximately £40 million. The total number of persons applying for unemployment allowances during the same year was 2,703. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

Switzerland. The report refers to information previously given and indicates that at the end of July 1948 there were 547,599 insured persons in Switzerland. It was possible during the year 1947 to discontinue almost entirely the vocational training courses for unemployed workers. There were no decisions by courts of law or other courts and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Central Federation of Swiss Employers' Associations, the Swiss Federation of Commerce and Industry, the Swiss Federation of Arts and Crafts, the Swiss Federation of Trade Unions, the Federation of Swiss Associations of Salaried Employees, the Swiss Federation of Christian National Trade Unions, the Swiss Association of Protestant Workers and Salaried Employees and the Swiss Federation of Independent Trade Unions.

United Kingdom. The report contains detailed information regarding the general scheme of social insurance, which, under the National Insurance Act of 1946, came into full effect from 5 July 1948, and regarding the National Assistance Scheme, which came into operation under the National Assistance Act, 1948, on the same date. Under the social insurance scheme, in return for regular and compulsory weekly contributions, cash benefits are provided for unemployment. The new scheme takes the place of the unemployment fund established by the former Unemployment Insurance Acts. The new scheme of assistance allowances repeals former Unemployment and Poor Law Acts.

The scope of the National Insurance Scheme is such that the great majority of people living in *Great Britain* over school-leaving age (15 years) have become insurable since 5 July 1948 in one of the three following classes: (1) employed persons who work for an employer under a contract of service, or who are paid apprentices; (2) self-

employed persons, *i.e.*, persons in business on their own account, and who are working for gain but do not work under the control of an employer; (3) non-employed persons.

It should be noted, however, that married women already insured for health or pensions, under 60 years of age and gainfully occupied, or women receiving widows' benefits under the new scheme, have the option of being contributors in their own right, or of being non-contributors. Persons over pensionable age (65 years or over for a man and 60 years or over for a woman) on 5 July 1948 pay no contributions. There are special provisions in regard to persons employed for a limited number of hours of work, or earning below a fixed minimum. Agricultural workers are covered, as well as masters and crews of every ship registered in Great Britain, Northern Ireland and the Isle of Man, and the masters and members of all other ships of which the owner or manager resides or has his principal place of business in any one of these countries, unless the persons concerned are neither domiciled nor have a place of residence in Great Britain, Northern Ireland or the Isle of Man. This rule applies also to masters and crews of fishing vessels. No statistics are available regarding the number of insured persons.

Under the assistance scheme, payments are made to persons without resources or whose resources, including insurance benefits, are not sufficient to meet their own requirements or those of their dependants. A characteristic feature of the new scheme is that assistance may be granted even if the applicant possesses certain resources, such as a house which he owns and in which he lives. Children under 16 years of age and persons in remunerative full-time work, subject to certain conditions, are outside the scope of the scheme. Persons in remunerative part-time work may receive an assistance grant; payment of assistance to persons capable of and available for work is conditional on their registration at an employment exchange.

As regards unemployment benefits, the National Insurance (Overlapping Benefits) Provisional Regulations, 1948, make provisions designed to avoid duplication of payments from public funds in respect of a particular person in a given contingency. Certain exceptions are made in the case of disabled ex-service men in receipt of war pensions and similar allowances.

In *Northern Ireland*, certain residence conditions are imposed regarding entitlement to unemployment benefit. In general, at least five years' residence in the United Kingdom is required.

In order to be entitled to benefit at all, a claimant must have paid at some time since 5 July 1948, 26 contributions as an employed person. In order to be entitled to benefit at the full rate, a claimant must have had 50 contributions as an employed person paid or credited in his last contribution year before his benefit year began. Benefit

will still be payable but at reduced rates if less than 50 but at least 26 contributions have been paid or credited. A special provision exists with regard to self-employed or non-employed persons.

Special temporary conditions apply during the change-over period from 5 July 1948 until five months after the end of the period covered by the first contribution card. Subject to certain reservations, unemployment benefits are not payable for the first three days of a period of interruption of employment. No qualifying or waiting periods are required under the National Assistance Scheme.

Attendance at a course of vocational or other instruction is no longer a prior condition of the right to receive benefit, but refusal or failure without good cause to take advantage of approved training is a ground for disqualification.

Northern Ireland provides for grants for the resettlement of unemployed persons under certain circumstances.

A claimant for assistance in Great Britain who refuses to maintain himself may be required to attend an approved course of instruction or training. Re-establishment and reception centres may also be provided.

A claimant may be disregarded for unemployment benefit or assistance grants if the loss of employment is a direct result of stoppage of work due to a trade dispute at the claimant's place of residence. The "appropriate period" of disqualification for unemployment benefit is a "period not exceeding six weeks" except where, during the work stoppage, the claimant has become employed elsewhere. Special provisions apply in cases where, on the termination of his employment, a claimant continues to receive substantial compensation in the form of wages or any payment from his employer.

The grant of assistance to persons who are regarded as capable of work is conditional on their registration for work at an employment exchange.

Unemployment benefit is payable for days of unemployment which are part of a "period of interruption of employment." Every claimant who satisfies the contribution conditions may receive 180 days of benefit in a period of interruption of employment, and persons who have been insured for at least five years or more may be entitled to additional days of standard benefit, up to a maximum of 310 days. In certain cases, after the exhaustion of standard benefit, unemployment benefit is extended on the recommendation of a local tribunal, which takes no account of the claimant's financial resources. A person not entitled to standard or extended benefit may pass to the category of recipients of allowances under the separate scheme for national assistance. The duration of his right to receive assistance lasts for so long as his need continues; his circumstances are periodically reviewed. Unemployment

insurance benefits do not require a showing of need, whereas applicants for assistance must prove their need. There is no provision for payment of unemployment benefits or supplementary grants in kind. Assistance, however, is nearly always granted in cash. In Northern Ireland, no allowance in kind is granted.

Claims for unemployment benefit are decided by insurance officers, local tribunals and the National Insurance Commissioners. Every claim is considered in the first instance by an insurance officer who may refer doubtful cases to the local tribunals and subsequently to the Commissioners, and in certain cases, the Minister of National Insurance (in Scotland the Court of Session, and, in Northern Ireland, the Supreme Court). The decisions of the National Assistance Board in matters concerning assistance may also be appealed to local appeal tribunals. In general, claimants are disqualified for unemployment benefits and assistance during temporary or permanent absence abroad. Employment in Northern Ireland of a person resident outside the United Kingdom is disregarded for the purposes of the National Insurance Act (Northern Ireland), 1946, if he is employed in a contribution week by an employer by whom he is also employed outside the United Kingdom in the same week. Assistance is payable to foreigners resident in the country on the same conditions as to nationals.

The Minister of National Insurance is entrusted with the general administrative responsibility of the National Insurance Scheme, but various functions concerning unemployment insurance are carried out by the Ministry of Labour and National Service on an agency basis through the medium of the employment exchange service. The latter Ministry has 11 regional offices and, in addition, there are district offices, employment exchanges, branch employment offices, local agencies, youth employment bureaux and appointments offices. Enforcement of the payment of contributions is carried out by inspectors of the Ministry of National Insurance by periodical surveys of employers' establishments. The National Assistance Board is entrusted with the application of the assistance scheme. No decisions by courts of law were given in Great Britain or Northern Ireland and no observations were received from employers' or workers' organisations. Statistical data have been furnished showing the financial condition of the unemployment funds, the number of insured persons registered as unemployed the number of assistance recipients so registered and the number of insurance beneficiaries receiving supplementary assistance.

The report has been communicated to the British Employers' Confederation and the Trades Union Congress.

Except where noted above, the position in Northern Ireland concerning benefits and

allowances for involuntarily unemployed persons continues to remain in all essential respects on the same basis as that which obtains in Great Britain.

Figures are given showing the number of persons insured under the general scheme on 5 July 1947 and the appropriate amounts paid in respect of benefits over the year, the average number of applicants registered for employment and the number of vacancies notified and filled during the year ended 30 September 1948. On 30 September 1948, there were 28 local offices, 41 paying offices and 2 local agencies.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

New Zealand

Western Samoa ; Tokelau Islands ; Cook Islands.

The need for such a Convention does not exist in respect of New Zealand's Island Territories, where the social system is such that poverty cannot exist and all families are well endowed with land capable of supplying them with their material wants.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

United Kingdom

Aden.

No legislation has been enacted applying the Convention to Aden. A considerable proportion of the working population of Aden is immigrant and temporary, and there are considerable practical difficulties in applying this Convention. It nevertheless remains an aim of policy to implement the Convention when it is practicable to do so.

Barbados.

The Convention has not been applied.

Basutoland.

The Convention has not been applied, as it is based on conditions in highly organised industrial communities and is not applicable to conditions in this territory, where the vast majority of the population are peasants cultivating their own lands. There is a constant demand for Native labour in the Union of South Africa for the gold mines, diamond mines, coal mines, and other industries. The Basuto have no difficulty in finding employment when they wish to do so. The few Europeans in Basutoland may only reside in the territory if they are engaged in an occupation approved by the administration. Immediately they relinquish that occupation they must leave the territory. The question of the unemployed European does not therefore arise.

Bechuanaland.

There are no administrative regulations as there is no unemployment in the territory.

Bermuda.

No legislation or administrative provisions apply the provisions of the Convention.

British Guiana.

The application of the Convention is not considered practicable in the present stage of development in the colony.

British Honduras.

The Convention is not applied. It is considered that it would be impossible to introduce a social insurance scheme in the colony so long as its economy is so little developed.

Brunei.

No legislation has been enacted to give effect to the provisions of the Convention since unemployment as envisaged by the Convention does not exist. The majority of the population is engaged in peasant agriculture which in any case may always be used to supplement wage earnings. There has been a post-war shortage of labour in the territory.

Cyprus.

No legislation has been enacted to give effect to the Convention as, under present conditions, the introduction of such measures would encounter great difficulties. The body of permanent industrial wage earners is comparatively small and they engage in alternative employment on the land during slack periods. The trade unions have not pressed for unemployment insurance, desiring instead the opening of productive works with the aid of public funds. Policy considerations will probably require the introduction of sickness insurance prior to that of unemployment insurance.

Dominica.

No legislation has yet been introduced to give effect to the provisions of the Convention.

Falkland Islands.

The Convention is inapplicable.

Fiji.

The Convention has not been applied. Only a small fraction of the population is employed in wage-earning occupations and a large proportion of those so employed are casual workers. The care of the aged and the infirm is a communal responsibility under the Fijian communal system. Destitution among Fijians is unknown ; destitute

persons among the other races in the colony receive Government aid. In the present stage of economic and industrial development of the colony, any form of advanced social security legislation would be impracticable.

Gambia.

The Convention has for many years past been considered inapplicable to the colony for various reasons, including geographical difficulties, the large amount of immigrant labour and the casual nature of employment available for a large portion of the local labour force.

Gibraltar.

Pending the introduction of legislation, for which purpose employment and unemployment statistics are being compiled, an administrative system of financial assistance to persons who are involuntarily unemployed and who satisfy the conditions for the grant of such assistance has been in operation during the year under review. All adult persons habitually employed for wages or salary, who are British subjects, are eligible for unemployment assistance benefit, subject to proof of need of the claimant. Casual workers whose earnings fall below subsistence level are eligible for unemployment assistance benefit to bring their weekly income up to 30s. per week. Claimants must be capable of and available for work and register regularly at the public employment exchange. Aliens are not eligible for benefit, but British subjects normally employed in Gibraltar who reside in adjacent Spanish territory are eligible for benefit. The scheme is administered by the Director of the Department of Labour and Welfare through a welfare officer working in close collaboration with the Central Employment Exchange. The scheme has proved effective, pending the introduction of a statutory contributory unemployment insurance scheme, in alleviating the distress which might otherwise have been caused by unemployment and to a large extent fulfils the provisions of the Convention. No observations were received from organisations of employers or workers.

Gilbert and Ellice Islands.

The Convention has not been applied. Every Native worker is a landowner, and works only under a written contract containing provisions for repatriation on completion of his term of contract.

Gold Coast.

The Convention is not applied owing to the absence of a complete system of registration of labour.

Grenada.

The Convention has not been applied, as the colony is purely an agricultural community and the employment available is of a seasonal nature.

Hong Kong.

The Convention has not been applied. A system of unemployment benefit does not exist, and the enactment of legislation seems impossible owing to the migratory character of the population. Workers who become unemployed usually return to their Native villages in China, where social conventions demand that their families care for them. The basic reason for non-application of the Convention to Hong Kong is that unless application is combined with ratification and effective implementation by China, an intolerable and unwarranted financial burden would be placed on the colony.

Jamaica.

No action has been taken to apply the provisions of the Convention.

A copy of the report has been sent to the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association (of Jamaica), Ltd., the Jamaica Chamber of Commerce and Merchants' Exchange, the Shipping Association of Jamaica and the Jamaica Manufacturers' Association.

Kenya.

The Convention is not applicable in Kenya owing to the still undeveloped state of the territory.

Leeward Islands.

There is no unemployment provision as visualised in the Convention, apart from poor relief.

Federation of Malaya.

No legislation has been enacted to give effect to the Convention nor does the Government consider that the provisions of the Convention can be applied in the Federation at the present time.

Malta.

Application for relief may be made under the Government relief scheme (social service allowances based upon household need).

Mauritius.

No legislation has been enacted to give effect to the Convention. There is a system of poor law relief administered by the Public Assistance Department.

Nigeria.

It is not practicable to apply the Convention to the territory in its present stage of development.

North Borneo.

No legislation has been enacted to give effect to the provisions of the Convention, since unemployment as envisaged by the Convention does not exist. The majority of the population is engaged in peasant agriculture which in any case may always be used to supplement wage earnings. There has been a post-war shortage of labour in the territory.

Northern Rhodesia.

There is no unemployment in the territory and no legislation has been enacted.

Nyasaland.

The Convention has not been applied as the territory is almost exclusively agricultural and at present it has not seemed necessary to set up the machinery necessary to implement the provisions of the Convention.

St. Helena.

The Convention has been applied by administrative instructions, with modifications appropriate to local circumstances. Male persons who are involuntarily unemployed are paid an allowance in remuneration for work on relief schemes. Payment is made at rates based on the number of dependants to be supported by an unemployed man. Unemployed relief is distinct from poor relief which is administered by the Poor Relief Board and is paid only to the infirm, aged and others incapable of work. No exemptions as specified in Article 2 are definitely laid down, but the Government would reserve the right to refuse any unreasonable application for unemployment relief. Seamen, sea fishermen and agricultural workers are not excluded. Claimants for relief must register with and satisfy the relief officer (who is also the employment officer) that their income from all sources does not exceed the amount of relief obtainable. The right to receive relief allowance is conditional upon the acceptance of employment on relief works. During the year an average of 125 men were employed on road-making, demolition, agricultural and forestry work, and miscellaneous tasks. Supervision and enforcement are maintained by personal investigation of cases, coupled with local knowledge of individuals and conditions. In view of the peculiar circumstances of the island with its chronic unemployment problem and excess population, the Convention is applied as closely as conditions permit. The estimated cost of relief allowances during 1948 is £4,050 of a total budget expenditure

of £101,718. A positive solution of the problem lies in emigration for employment overseas and every likely channel is being explored to this end.

St. Lucia.

The Convention has not been applied, as the colony is purely an agricultural community and the employment available is of a seasonal nature.

St. Vincent.

The Convention has not been applied as the colony is purely an agricultural community and the employment available is of a seasonal nature.

Sarawak.

The Secretary for Native Affairs takes steps to see that all persons among the Natives who are willing and able are employed. Immigration control assists in the case of aliens.

Seychelles.

The Convention is not applicable in Seychelles where labour, with few exceptions, is agricultural and at present demand exceeds supply.

Sierra Leone.

No legislation has been enacted to give effect to the Convention, nor will conditions be suitable for the introduction of unemployment assistance whether by the payment of benefit in relation to contributions or by the granting of allowances for some time. There is, however, little unemployment of the kind whereby workers become destitute. The necessity for some scheme for the immediate relief of vagrants or others with no means of subsistence is being taken up by the Welfare Department.

Singapore.

The Convention has not been applied.

Solomon Islands.

The protectorate has no legislation concerning unemployment, and in the present stage of development no such measures are required, as the indigenous population is not under any economic necessity to seek employment.

Swaziland.

There is no legislation and no involuntary unemployment in the territory. There are no representative organisations of employers or workers.

Tanganyika.

The Convention has not been applied since no unemployment exists in the terri-

tory, the economy of which is such that all persons are able to earn a livelihood either by gainful employment or by peasant cultivation. The vast majority of the inhabitants of the territory who seek paid employment is engaged in peasant production on its own lands for the greater part of the year.

Trinidad and Tobago.

It has not yet been found practicable to introduce legislation giving effect to the Convention. The practicability of successfully establishing an unemployment scheme is, however, receiving consideration.

Uganda.

There is at present neither legislation nor administrative regulation applying the provisions of the Convention to Uganda. Unemployment, with the implications resulting from it in more advanced or industrialised

countries, hardly exists in Uganda. Generally speaking, the unskilled workers available are usually inadequate for the volume of work offered, and any normal man can obtain employment even if not always the employment he would have chosen.

Zanzibar.

Zanzibar has no legislation applying this Convention, since involuntary unemployment, in the sense in which the term is understood in Europe, rarely occurs and the effect of introducing any general scheme might have effects more harmful than beneficial by giving rise to the misconception that a premium was placed on idleness.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

NINETEENTH 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	Reports received
Afghanistan	14. 5.1937	
Austria	3. 7.1935	7.12.1948
Belgium	4. 8.1937	29.11.1948
Brazil	22. 9.1938	
Chile	16. 3.1946	2. 4.1949
China	2.12.1936	
Cuba	14. 4.1936	30. 3.1949
Egypt	11. 7.1947	29.11.1948
Estonia	4. 6.1937	
Finland	3. 3.1938	26.10.1948
France	25. 1.1938	9.12.1948
Greece	30. 5.1936	30. 3.1949
Hungary	19.12.1938	
India	25. 3.1938	29.11.1948
Ireland	20. 8.1936	9. 3.1949
Mexico	21. 2.1938	3.12.1948
Netherlands	20. 2.1937	27.12.1948
New Zealand	29. 3.1938	26.12.1948
Pakistan ¹	25. 3.1938	11. 1.1949
Peru	8.11.1945	
Portugal	18.10.1937	10.12.1948
Sweden	11. 7.1936	2.12.1948
Switzerland	23. 5.1940	30.11.1948
Turkey	21. 4.1938	
Union of South Africa	25. 6.1936	22.11.1948
United Kingdom	18. 7.1936	14. 1.1949
Venezuela	20.11.1944	

¹ See under Convention No. 1, footnote 3.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Austria.

Federal Act No. 70 of 13 March 1937 respecting the prohibition of the employment of women on underground work in mines (L.S. 1937, Aus. 2).

Belgium.

Act relating to mines, underground diggings and quarries (text codified under the Royal Order of 15 September 1919 (§ 54), reproducing § 33 of the Act of 5 June 1911).

Act of 5 May 1936 to prohibit the employment of women and children in underground work in the deposits of ore-bearing earth, or peat and in quarries (L.S. 1936, Bel. 7 A).

Act of 18 June 1937 to ratify the Convention.

Chile.

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

Decree No. 655 of 25 November 1940, to approve the Regulations respecting industrial hygiene and safety.

Cuba.

Legislative Decree No. 598 of 18 October 1934 concerning the employment of women in industry (L.S. 1934, Cuba 10).

Egypt.

Act No. 80 of 10 July 1933, to issue Regulations for the employment of women in industry and commerce (L.S. 1933, Egypt 2).

Order of 31 December 1933, respecting seasonal industries in which women may be employed at night (L.S. 1933, Egypt 3 B).

Finland.

Order of 6 May 1938 concerning the putting into force of the Convention.

Act of 4 March 1927 respecting industrial inspection (L.S. 1927, Fin. 1 A).

Resolution of the Council of State of 4 March 1927 concerning the administration of the Act of 4 March 1927 respecting industrial inspection (L.S. 1927, Fin. 1 B).

Mines Act of 24 March 1943, to replace the Act of 1 June 1937, which prohibited the employment of women in mines.

Order of 24 March 1943 respecting the implementation of the above-named Act.

Act and Order of 4 February 1944 respecting the control of work in certain categories of mines.

France.

Labour Code, Book II.

Greece.

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

Act of 30 October 1935 to ratify the Convention concerning the employment of women on underground work in mines of all kinds.

India.

Indian Mines Act, 1923 (L.S. 1923, Ind. 3).

Notification No. M-1055 of the Government of India (Labour Department): Regulations for prohibiting the employment of women underground in mines, dated 1 February 1937 (L.S. 1937, Ind. 1).

Ireland.

Metalliferous Mines Regulations Act, 1872 (§ 4).

Coal Mines Act, 1911 (§ 91).

Mexico.

Political Constitution of the United States of Mexico, 1917.
 Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).
 Regulations of 31 July 1934 respecting the employment of women and children in dangerous and unhealthy occupations (L.S. 1934, Mex. 3).

Netherlands.

Mines Regulations, 1939 (§§ 175, 189).

New Zealand.

Coal Mines Act, 1925 (L.S. 1925, N.Z. 2), as amended by the Act of 1937 (L.S. 1937, N.Z. 2 A).
 Mining Act, 1926 (L.S. 1926, N.Z. 2), as amended by the Act of 1937 (L.S. 1937, N.Z. 2 B).

Pakistan.

Indian Mines Act, 1923 (L.S. 1923, Ind. 3).
 Notification No. M-1055 of the Government of India (Labour Department): Regulations for prohibiting the employment of women underground in mines, dated 1 February 1937 (L.S. 1937, Ind. 1).

Portugal.

Legislative Decree No. 24402 of 24 August 1934 to regulate hours of work in commercial and industrial undertakings (L.S. 1934, Port. 5).
 Legislative Decree No. 27891 of 26 July 1937 to ratify the Convention.

Sweden.

Act of 29 June 1912 respecting the protection of workers, as amended by the Act of 12 June 1931 (No. 288) (L.S. 1931, Swe. 5 B).

Switzerland.

Federal Act of 18 June 1914-27 June 1919 relating to work in factories (B.B. 1914, Vol. IX, p. 269, and L.S. 1919, Switz. 3).
 Federal Act of 31 March 1922 relating to the employment of young persons and women in industry (L.S. 1922, Switz. 2).
 Order of the Federal Council of 8 April 1940 prohibiting the employment of women on underground work in mines.
 Order of the Federal Council of 16 July 1943 respecting work in mines.

Union of South Africa.

Mines and Works Act, 1911 (No. 12 of 1911) (L.S. 1931, S.A. 1 B).

United Kingdom.

Metalliferous Mines Regulation Act, 1872 (§ 4).
 Coal Mines Act, 1911 (§ 91).

SUMMARY OF OTHER INFORMATION

Austria. Under Article 3 of the Convention, the report states that, up to the present, the competent Federal Ministers have not exercised their powers to grant exemptions, either of wide applicability or on individual grounds. No requests have been made in this connection. No breaches of the provisions of the Convention or of

the relevant legislation were reported. No decisions were given by courts of law and no observations received from employers' or workers' organisations.

The report has been communicated to the Federal Chamber of Industry, the Austrian Chamber of Labour and the Austrian Federation of Trade Unions.

Belgium. The report refers to information supplied in previous years. No decisions were given by courts of law. No breaches of the legislation were reported; the Convention has been strictly applied. No observations were received from employers' or workers' organisations.

The report has been communicated to the Federation of Belgian Industries, the General Federation of Labour of Belgium, the Confederation of Christian Trade Unions and the General Association of Liberal Trade Unions.

Chile. After referring to previous information the report adds that there were no decisions by labour courts, and no breaches of the relevant legislation. No observations were received from employers' and workers' organisations.

Copies of the report have been communicated to the Confederation of Production and Commerce and to the Chilean Confederation of Workers.

Cuba. The report repeats information previously supplied, and adds that there were no decisions by courts of law and no observations from employers' and workers' organisations.

The organisations registered with the Ministry of Labour have access to the annual reports, copies of which are deposited with the International Labour Affairs Department.

Egypt. The first report of the Government (covering the period 11 July 1948 to 30 September 1948) states that Articles 1 and 2 of the Convention are applied under Act No. 80 of 1933. § 1 (1) of the Act includes in the term "industry" mines, quarries and other works for the extraction of minerals; in virtue of § 10 (1) of the Act, the employment of women is prohibited in underground work in mines and quarries, and all work in the extraction of stones. The national legislation does not provide for any exceptions authorised under Article 3 of the Convention.

No decisions were given by courts of law during the relatively short period following the entry into force of the Convention in Egypt. No observations were received from employers' or workers' organisations. See under Convention No. 41 for information relating to the authorities entrusted with supervision of the application of the legislation.

Finland. The report repeats the information supplied in previous years and adds that no decisions were given by courts of

law and no observations were made by employers' or workers' organisations.

The report has been communicated to the Finnish Confederation of Employers' Organisations and to the Confederation of Finnish Trade Unions.

France. No decisions by courts of law have been recorded in the case-books during the period under review and no observations were received from employers' or workers' organisations.

See under Convention No. 4 for information relating to the reports to be supplied by the inspection services.

The report has been communicated to the French National Employers' Council, the General Confederation of Labour, the Labour Force (C.G.T.-F.O.) and the French Confederation of Christian Workers.

Greece. The report repeats previous information and adds that the application is jointly supervised by the Mines Inspectorate and the Labour Inspectorate.

Copies of the report have been communicated to the League of Greek Industrialists and the Greek General Confederation of Labour.

India. The Government repeats the information given in previous reports and states that no decisions by courts of law or other courts have come to its notice.

The report for the period under review has been communicated to the Employers' Federation of India, the All-India Organisation of Industrial Employers and the Indian National Trade Union Congress.

Ireland. The report repeats the detailed information supplied in previous years and adds that the national legislation is fully in harmony with the provisions of the Convention. No decisions were given by courts of law or other courts. The application of the Convention is completely effective, no women being employed underground in mines. No contraventions were detected or reported, and no observations were received from employers' or workers' organisations.

The report has been communicated to the Congress of Irish Unions, the Irish Trades Union Congress and the Federated Union of Employers.

Mexico. The exceptions enumerated in Article 3 of the Convention are not provided for in the national legislation. The Directorate of Social Welfare and the Secretariat of Labour are, however, considering the inclusion of these exceptions among the number of amendments to the Regulations of 1934 respecting the employment of women and children in dangerous and unhealthy occupations. The report adds that the national legislation is in conformity with the provisions of the Convention. No decisions were given by courts of law.

The report has been communicated to the most representative organisations of employers and workers.

Netherlands. The Government has nothing to report regarding the application of the Convention during the period under review.

New Zealand. The report refers to the information supplied for the period 1946-1947 and adds that no decisions were given by courts of law and no observations were received from employers' or workers' organisations.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

Pakistan. The text of the Mines Act and of the Notification are the same as were in force in India at the time of the partition, i.e., on 15 August 1947. Article 1 of the Convention is applied by § 3 (f) of the Mines Act, which defines the term "mine". Article 2 of the Convention is applied by § 29 (j) of the Mines Act and by the Regulations of 1937 issued thereunder, prohibiting the employment of women underground in mines. There is no statutory provision in Pakistan allowing the special exemptions provided under Article 3. However, women who wish to enter the underground workings of a mine for the purposes stated in Article 3 (a) - (d) may be authorised to do so by the Chief Inspector of Mines; their entry therefore depends entirely upon the latter's discretion.

The application of the legislation and administrative regulations is entrusted to the Chief Inspector of Mines, appointed under the Mines Act, 1923. Adequate powers are conferred on inspectors by § 6 of the Act. The Chief Inspector often pays surprise visits to the mines; confidential enquiries are also made of the local authorities. Persons found guilty of breaches of the provisions of the Act are prosecuted. In addition, a qualified mining engineer is engaged whole-time by the provincial governments where a large number of mines are situated, e.g., West Punjab and Baluchistan; frequent inspections of the underground workings of each mine are made by these officials. While the mining engineers have no statutory obligation in this matter, they invariably report to the Chief Inspector of Mines if they detect any contravention of the regulations prohibiting the employment of women. Up to the present, all owners of mines have been found to be enforcing the provisions of the Convention and no occasion has therefore arisen to take legal action against any one of them in a court of law. No breaches of the regulations prohibiting the employment of women underground in mines were detected during the visits of inspection and no observations have been received from employers' or workers' organisations.

Copies of the report have been forwarded to the following workers' organisations: Eastern Pakistan Trade Union Federation; Pakistan Trade Union Federation; Pakistan Federation of Labour. There are as yet no representative employers' organisations in Pakistan, but copies of the report have

been forwarded to the provincial governments for transmission to the important chambers of commerce.

Portugal. The report refers to information supplied in previous years and states that, during the period under review, no noteworthy court decisions were given. No observations of importance were received from employers' or workers' organisations.

The report has been communicated to the following employers' and workers' organisations : Association of Employers in the Ceramics Industry ; Association of Employers in the Woollen Textile Industry (South) ; Association of Employers in the Baking Industry (Lisbon) ; National Association of Graphical Industries ; Federation of Chauffeurs' Trade Unions ; Confederation of Trade Unions of the Workers of the Port of Lisbon ; National Trade Union of Bank Employees ; National Trade Unions of Workers in the Metallurgical and Mechanical Industries ; National Trade Union of Railway Workers.

Sweden. Under Article 2 of the Convention, the Government states that, in virtue of § 16 of the Act of 29 June 1912, as amended, a woman shall not be employed in underground work in a quarry or mine. No exemption is allowed under Article 3 of the Convention. Supervision of the application of the relevant legislation is exercised by the officials of the mining inspectorate.

Copies of the report have been communicated to the Swedish Employers' Organisation, the Swedish Organisation of Trade Unions and the Central Organisation of Employers.

Switzerland. Neither the cantonal nor the federal authorities have been called upon to give rulings on cases arising out of the provisions on underground work in the Federal Acts relating to the employment of young persons and women in arts and crafts and to work in factories. No decisions by courts of law have been reported. In view of the marked decline in mineral extraction since the end of the war, the risk of breaches of the legislation has correspondingly decreased to a minimum. No observations were received from employers' or workers' organisations. The Convention continues to be observed in Switzerland and no breaches of the legislation have been brought to the notice of the Government.

The report of the Federal Council to the Chambers on its activities in 1947, a copy of which is appended, gives a general account of the application of the provisions which ensure enforcement of the Convention.

The report has been communicated to the following organisations : Central Federation of Swiss Employers' Associations ; Swiss Federation of Commerce and Industry ; Swiss Federation of Arts and Crafts ; Swiss Federation of Trade Unions ; Federation of Swiss Associations of Salaried Employees ;

Swiss Federation of Christian-National Trade Unions ; Swiss Association of Protestant Workers and Salaried Employees ; Swiss Federation of Independent Trade Unions.

Union of South Africa. Under Article 1 of the Convention, the report states that "mine" shall mean and include all excavations for the purpose of searching for or winning minerals, as well as the working of mineral deposits, whether abandoned or actually doing work on the surface, from the surface downwards and underground, together with all buildings, premises, erections and appliances belonging or appertaining thereto above and below ground for the purpose of prospecting for or winning metals, minerals or precious stones, by boring, excavating, dredging or hydraulicing ; "mineral" shall mean and include all substances (including mineral oils) which can be obtained from the earth by mining, digging, dredging, hydraulicing, quarrying or other operations for purposes of profit. These definitions would seem to be more embracing than the definitions given in Article 1 of the Convention.

The general inspection of mines is relatively intense ; the mining areas are divided into districts and each district is in charge of an inspector of mines, with the assistance of one or more deputy inspectors of mines and as many assistant inspectors and sub-inspectors as may be necessary to make frequent inspection at any time of the day or night. Monthly reports are submitted to the Government mining engineers by inspectors of mines indicating the extent of the inspections carried out in their district, as well as any irregularities that may have been disclosed during the course of inspection visits.

No decisions by courts of law or other courts have been given or sought. The legislation implementing the Convention has been extremely well observed and no cases of contravention have occurred during the 37 years in which the regulations have been in force. No observations were received from employers' or workers' organisations.

The report has been communicated to the following employers' and workers' organisations : South African Employers' Committee on International Labour Force ; South African Trades and Labour Council ; Western Province Federation of Labour Unions ; Federal Consultative Committee on South African Railways and Harbours Staff Associations ; Co-ordinating Council of South African Trade Unions.

United Kingdom. The employment of women underground has been absolutely prohibited in *Great Britain* since the year 1842 in the case of coal mines and since 1872 in the case of metalliferous mines. No decisions were given by courts of law or other courts and no observations were received from employers' and workers' organisations.

The report has been communicated to the British Employers' Confederation and the Trades Union Congress.

There has been no change in *Northern Ireland* since the last annual report.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

Netherlands

Indonesia.

§ 171 of the Police Mining Regulation No. 341 of 1930.

The Convention has been applied. No females, whatever their age or position, may be employed on underground work in any mine. Only male workers over 16 years of age may be so employed. The Mining Department supervises the observance of the legislation.

Surinam.

The Convention has been published. As there is no employment of women underground, the enactment of statutory measures is considered inappropriate.

Netherland West Indies.

As the kind of labour covered by the Convention does not exist in Curaçao, the application of legislation on this matter seems to be inappropriate.

New Zealand

Western Samoa; Tokelau Islands; Cook Islands.

It would not be practicable to extend the Convention to the Island Territories as the type of industry covered by the Convention is not carried on.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

Union of South Africa

South West Africa.

See under Convention No. 2.

United Kingdom

The reports received from each of the territories in the following list show that no legislative measures have been taken to apply the Convention, either because there are no mines in the territory concerned, or because there is no underground work in mines: *Aden, Barbados, Basutoland, Bermuda, British Honduras, Brunei, Dominica, Falkland Islands, Gambia, Grenada, Jamaica, Leeward Islands, Malta, Mauritius, North Borneo, St. Helena, St. Lucia, St. Vincent, Seychelles, Singapore, Trinidad and Tobago.*

A summary is given below of the reports received in respect of the other territories.

Bechuanaland.

There are no women employed in underground work in the territory. Proclamation No. 72 of 1937 refers to the employment of women in general.

British Guiana.

Mining Regulations, 1931.

Articles 1 and 2 of the Convention are fully applied in the colony, and application is entrusted to the Commissioner of Lands and Mines. Inspections are carried out by officers (including the Mines Inspector) of the Department of Lands and Mines. No contraventions were reported during the year, no decisions were given by any court, and no observations were received from organisations of employers or workers.

Cyprus.

Employment of Women (in Mines) Law No. 38 of 1936.

The Convention is applied by the legislation in force. No exemptions have been authorised under the existing law, which is applied and enforced by the Inspector of Mines. No decisions were given by courts of law, no contraventions were reported and no observations were received from organisations of employers and workers.

Fiji.

Mining Regulations.

The employment of women on underground work in mines is prohibited by Regulation 150 (1). No women are employed in the mining industry. The Commissioner of Labour, the Inspector of Mines and the Mining Board, supervise the observance of the legislation.

The report has been communicated to the Associated Mining Companies and the Fiji Mine Workers' Union.

Gibraltar.

Employment of Women, Young Persons and Children Ordinance No. 16 of 1932, as amended by Ordinance No. 5 of 1948.

The Convention is fully applied and no women are or have been employed underground in any mining operations carried on in Gibraltar since the application of the Convention. At the time of amendment of the Ordinance to apply the Convention, the objects of the latter were fully explained to organisations of employers and workers, from which bodies no observations have since been received. The legislation is administered by the Director of Labour and Welfare.

Gilbert and Ellice Islands.

King's Regulation No. 1 of 1915, as amended.

The recruitment of females is forbidden under this Regulation and, as only recruited

labour is employed in the phosphate workings on Ocean Island (which are in any case all "open works" with none below ground), it is considered that the provisions of the Convention are applied.

Gold Coast.

Labour Ordinance, 1948.

Articles 1 and 2 are applied. No provision for any exemption under Article 3 is made. Supervision is ensured by the Commissioner of Labour. Periodical inspections are made. There were no contraventions, no decisions by courts of law and no observations from organisations of employers or workers.

Hong Kong.

Factories and Workshops Ordinance No. 18 of 1937, as amended by Ordinances Nos. 31 of 1940, 24 of 1946 and 44 of 1947, and the Regulations made thereunder.

The Convention is applied. The term "industrial undertaking" includes mines, quarries and other works for the extraction of minerals from the earth. No female of whatever age may be employed on underground work in a mine. During the year under review, no underground mines have been operated in Hong Kong. The legislation does not provide for any exemptions under Article 3 of the Convention. The Labour Office is responsible for supervising compliance with the legislation. No decisions were given in courts of law and no observations were received from workers' and employers' organisations.

Kenya.

Ordinance No. 70 of 1948.

Responsibility for the application of the Convention lies with the Labour Commissioner, the Labour Department Inspectorate, the Commissioner of Mines and the Mines Department Inspectorate. There were no decisions by courts of law and no observations were received from organisations of employers or workers.

Copies of the report on the application of the Convention are communicated to members of the Labour Advisory Board and are available for perusal by chambers of commerce and registered trade unions.

Federation of Malaya.

§ 130 (i) of Chapter 147 (Mining) of the Laws of the Federated Malay States, and Regulation No. 29 made thereunder.

As the employment of women on underground work in mines is strictly prohibited, the national legislation appears to be in complete conformity with the Convention. No women or girls may be employed in any underground working. As the definition of "mine" is included in the definition of "underground working", the provisions of Article 1 are applied. The provisions of Article 2 of the Convention are covered by

the legislation. No exemptions have been authorised under Article 3 of the Convention but the question is under consideration. Supervision of compliance with the legislation is entrusted to the Inspector of Mines and the officers of the Federal Labour Department. No decisions were given by courts of law and no observations were received from employers' or workers' organisations.

In future, reports will be communicated to the Federal Labour Advisory Board, which is a tripartite body.

Nigeria.

Labour Code Ordinance, No. 54 of 1945, Part IV, Chapter IX.

The legislation applying the Convention is enforced through the machinery of the Department of Labour. There were no decisions by courts of law.

Northern Rhodesia.

Employment of Young Persons, Women and Children Ordinance (Chapter 191 of the Revised Edition of Laws, § 14 A).

There is no underground work by women.

Nyasaland.

Employment of Women, Young Persons and Children Ordinance No. 22 of 1939, Part III as amended by Ordinances Nos. 29 of 1940 and 9 of 1942.

The Convention has been applied without modification. The Governor in Council may make regulations for carrying the Ordinance into effect. There were no decisions by courts of law. There are no mines in the territory at present.

Sarawak.

There is no underground work in Sarawak in which women are employed.

Solomon Islands.

King's Regulation, No. 5 of 1947.

No mines are being worked in the protectorate at present, and no women have ever been employed in any mining operation. In the unlikely event of women being employed underground, such employment would be prohibited immediately by Rules under § 63 of the Regulation of 1947.

Swaziland.

Transvaal Mines Works and Machinery Regulations Ordinance No. 54 of 1903, as in force in Swaziland, § 8.

Employment of Women in Underground Work in Mines (Swaziland) Proclamation, No. 75 of 1936.

Article 2 is applied by § 8 of the Transvaal Ordinance No. 54 of 1903. Article 3 is applied by the Swaziland Proclamation, No. 75 of 1936. No exemption has been authorised under Article 3. Biennial inspec-

tions of all mines in Swaziland are carried out by inspectors of mines of the Union of South Africa and full reports are submitted to the Swaziland Government. The employment of women has never been mentioned in these reports. The application of the Convention appears to have been satisfactory and no contravention has been reported. There are no representative organisations of employers or workers.

Tanganyika.

Employment of Women and Young Persons Ordinance, No. 5 of 1940.

The application of the legislation is ensured by the Labour Department and Mines Department and is carried out by regular inspections. There were no decisions by courts of law. It has never been the practice in Tanganyika to employ women underground in mines, even before the application of the Convention. No observations were received from organisations of employers or workers.

Uganda.

Mining (Safety) Regulations, 1936 as amended by the Mining (Safety) (Amendments) Regu-

lations, 1939, made under § 156 of the Mining Ordinance (Chapter 110 of the Laws of the Uganda Protectorate).

The legislation provides that no woman shall be employed in any underground working. The application of the legislation is ensured by the Mines Inspector. There were no decisions by courts of law. No women are employed in mines in Uganda. There were no observations concerning the application of the Convention. There are in the territory at present one employers' organisation and one registered trade union. Neither of these bodies can be considered as representing all the workers or employers.

Zanzibar.

Zanzibar has no legislation applying this Convention, since no underground work is done by women in the protectorate.

The Government of the *United Kingdom* states that copies of the reports concerning the application of this Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

46. Convention limiting hours of work in coal mines (revised 1935)

(Not yet in force)

Countries	Date of registration of ratification	Reports received
Cuba	14. 4. 1936	
Mexico ¹	1. 9. 1939	3. 12. 1948

¹ Voluntary report.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Mexico.

- Political Constitution of the United States of Mexico, 1917.
- Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).
- Collective Agreement between the Sabina Coal-mining Co., Ltd., and Mexican Zinc Co., Ltd., and the Industrial Union of Mining, Metallurgical and Related Workers of the Mexican Republic, dated 16 April 1946.

Works Regulations of both the above-mentioned companies, dated 14 April 1939.

SUMMARY OF OTHER INFORMATION

Mexico. The report repeats the information previously furnished. No statistical data are available. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the most representative organisations of employers and workers.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

Does not apply to reporting country.

47. Convention concerning the reduction of hours of work to forty a week (1935)

(Not yet in force)

Country	Date of registration of ratification	Report received
New Zealand ¹	29. 3.1938	26.12.1948

¹ Voluntary report.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

New Zealand.

Industrial Conciliation and Arbitration Amendment Act, 1936 (§§ 20 and 21) (L.S. 1936, N.Z. 1).
Shops and Offices Amendment Act, 1945 (L.S. 1945, N.Z. 5).
Shops and Offices Amendment Act, 1946 (L.S. 1946, N.Z. 5).
Factories (Consolidation) Act 1946 (L.S. 1946, N.Z. 4).

SUMMARY OF OTHER INFORMATION

New Zealand. The report refers to information given for 1946-1947. The number of workers covered by the legislation is. 257,885 (212,796 men and 45,089 women). The number of hours for which inspectors of factories granted permission to work overtime during 1947 was 669,509. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

No information.

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	Reports received
Hungary	10. 8.1937	
Netherlands	6.10.1938	27.12.1948
Poland	21. 3.1938	13.12.1948
Spain	8. 7.1937	
Yugoslavia	4. 1.1946	

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Netherlands.

Act of 5 June 1913, respecting invalidity, old-age and survivors' insurance, as amended in 1919, 1920, 1921, 1922, 1923, 1925, 1933 and by the Acts of 3 December 1937 (L.S. 1937, Neth. 5), 27 December 1946 (L.S. 1946, Neth. 2 B), 8 March 1947 and 1 August 1947. Public Administrative Regulations (Chapter VIII).
Act of 24 May 1947, containing a provisional measure to provide for the needs of aged persons.
Act of 27 May 1948, promulgating a treaty concluded between the Netherlands and Belgium on the mutual application of social insurance legislation.
Act of 15 July 1948 containing provisions to provide supplementary payments in virtue of the law respecting invalidity.
Act of 15 July 1948 containing rules for the granting of family allowances to those entitled to invalidity, old-age or orphans' pensions.

Poland.

Act of 18 March 1933 respecting social insurance (L.S. 1933, Pol. 5), as amended.
Order of the President of the Polish Republic of 24 November 1927, respecting the insurance of intellectual workers (L.S. 1927, Pol. 6), as amended.
Order of the Minister of Labour and Social Welfare of 12 May 1947 respecting the provisional determination of the rate of benefits and pensions under social insurance.

SUMMARY OF OTHER INFORMATION

Netherlands. The report states that, under the law, invalidity and old-age pensions were payable only to Netherlands subjects who left for foreign countries. Pensions were paid to a foreigner only if he left the Netherlands for reasons of health. In order to bring the law into conformity with the Convention, this restrictive provision was annulled by the Act of 3 December 1937.

Poland. The report repeats the information previously given. It explains the new family insurance scheme which came into force on 1 January 1948, by Decree of 28 October 1947 (see under Convention No. 17). In matters of insurance, foreign workers are treated on a basis of complete

equality with Polish citizens. The report mentions the agreement concluded on 5 April 1948 between Poland and Czechoslovakia (see under Convention No. 17). A general agreement regarding social insurance was signed with France on 5 June 1948 but has not yet been ratified. It is supplemented by an agreement concerning miners' insurance. These various agreements are based on the principles of the Convention.

A copy of the report has been communicated to the Central Committee of Polish Trade Unions.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

Netherlands
Indonesia.

Accident Regulation No. 256 jo 292 of 1939.

The Convention has not been applied. Compulsory old-age insurance does not exist. The Accident Regulation does not discriminate against foreign workers. An insurance system does not exist. In the case of an accident, the employer is obliged to compensate the worker. The present circumstances make it impossible to impose the obligation laid down by Article 17 of the Convention. Extension of the Accident Regulation is in preparation as well as the drafting of social insurance legislation.

Surinam.

The Convention has not been published or promulgated.

Netherland West Indies.

There is no invalidity insurance as invalidity is not the result of an accident; there is no old-age, widows' or orphans' insurance.

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	Reports received
Czechoslovakia	19. 9.1938	26.12.1948
France	25. 1.1938	9.12.1948
Ireland	10. 6.1937	9. 3.1949
Mexico	21. 2.1938	16. 3.1949
New Zealand	29. 3.1938	26.12.1948
Norway	21. 7.1936	3. 2.1949

LIST OF LEGISLATION AND ADMINISTRATIVE
REGULATIONS, ETC.

Czechoslovakia.

Act No. 126/1938 of 11 May 1938, to give effect to the international Conventions for the regulation of hours of work in automatic sheet-glass works, and concerning the reduction of hours of work in glass-bottle works.
Notification No. 616/1945 of the Minister of Labour and Social Welfare, dated 1 December 1945, respecting the regulation of hours of work and the wages of employees in the manufacture of sheet glass and plate glass.

France.

Decree of 13 December 1937 to establish the rules of procedure for the application of the Forty-Hour Week Act of 21 June 1936 (L.S. 1936, Fr. 8), respecting hours of work in glass-bottle works of all kinds (L.S. 1937, Fr. 3 A).

Ireland.

Conditions of Employment Act, 1936 (L.S. 1936, I.F.S. 1).
Conditions of Employment (Glass-Bottle Works) (Exclusion) Order, 1936.

Mexico.

Political Constitution of the United States of Mexico, 1917.
Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).
Collective Agreement between the Monterey Glass Works and the Union of Glass Industry Workers.
Works Regulations for the Monterey Glass Works.

New Zealand.

Factories (Consolidation) Act, 1946 (L.S. 1946, N.Z. 4).
Agreement under the Labour Disputes Investigations Act, 1913.

Norway.

Workers' Protection Act of 19 June 1936 (L.S. 1936, Nor. 1).

SUMMARY OF OTHER INFORMATION

Czechoslovakia. See under Convention No. 43.

France. See under Convention No. 43.

Ireland. The report repeats information previously given. There were no decisions by courts of law or other courts and no observations were received from employers' and workers' organisations.

Copies of the report have been communicated to the Congress of Irish Unions, the Irish Trade Union Congress and the Federated Union of Employers.

Mexico. The report repeats information previously given. There were no decisions by courts of law ; no statistics are available and no observations were received from employers' or workers' organisations. The Secretariat of Labour is conducting an enquiry to ascertain how the Convention is applied in factories which are less important than the glass works at Monterey.

Copies of the report have been communicated to the most representative organisations of employers and workers.

New Zealand. The report refers to the information given for 1946-1947. There were no decisions by courts of law and no observations received from employers' or workers' organisations.

Copies of the report have been communicated to the New Zealand Employers'

Federation and the New Zealand Federation of Labour.

Norway. See under Convention No. 43.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

New Zealand

Western Samoa ; Tokelau Islands ; Cook Islands.

It would not be practicable to extend the Convention to the Island Territories as this type of industry is not carried on.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

TWENTIETH 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	Reports received
Belgium	26. 7.1948	
Japan	8. 9.1938	
New Zealand	8. 7.1947	26.12.1948
Norway	7. 7.1937	3. 2.1949
United Kingdom	22. 5.1939	14.12.1948
* * *	* * *	* * *
Southern Rhodesia	(voluntary)	13. 1.1949

New Zealand

The report states that recruiting as contemplated by the Convention does not exist in New Zealand or in the Island Territories under the Administration of the New Zealand Government. Niueans and Cook Islanders engaged for work in Samoa, or in the French Phosphate Islands, offer themselves spontaneously through free agencies controlled by the Government. There were decisions by courts of law or observations from employers' or workers' organisations.

Copies of the report have been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

United Kingdom

The reports received for the following territories indicate that there are no legislative or administrative decisions as regards the application of the Convention, since the recruitment of indigenous workers as defined by the Convention does not exist in these territories: *Bermuda, Cyprus, Falkland Islands, Gibraltar, Federation of Malaya, Malta, St. Helena and Singapore.*

The other reports concerning the application of the Convention are summarised below.

Aden.

No legislation has been enacted to give effect to this Convention in Aden. Ratification of the Convention has no legal effect in itself and does not affect previous legislation. Until very recently, there were no cases of recruiting workers for employment abroad. Such workers as have been

recruited recently have been engaged on contracts which are governed by Convention No. 64 and applied in Aden by Ordinance No. 45 of 1942.

Barbados.

Recruiting of Workers Act, 1938-12.
Recruiting of Workers (Amendment) Regulations, 1942.

British Guiana.

Recruiting of Workers Ordinance No. 9 of 1943.

Certain Articles of the Convention are applied by this Ordinance.

British Honduras.

Recruiting of Workers Ordinance, No. 1925 of 1938.
Regulations made thereunder (S.R.O. No. 74 of 1944).

The report contains the following detailed information on the application of the various Articles of the Convention.

Article 2: the definition contained in the legislation conforms to that of the Convention.

Article 3: the legislation provides for the following exemptions: employers who do not employ more than 20 workers, the recruiting of workers within 15 miles of their place of employment, personal and domestic servants and non-manual workers.

Article 4: no legislative provision has been considered necessary.

Article 5: the Governor is empowered to prohibit recruiting in specified areas.

Article 6: the recruiting of persons under 18 years of age is prohibited. Persons from 16 to 18 years of age may be recruited for light work with the consent of their parents or guardians.

Articles 7 and 8: no special legislative provisions have been considered necessary.

Articles 9 and 10: the licensing officers are empowered to issue licences "in their discretion" and could refuse them in any instances where the principles of these two Articles are violated.

Articles 11 and 12 are applied.

Article 13: the legislation prescribes the amount of security to be furnished, the form of records to be kept by licensees, and the period of licences (one year subject

to renewal); withdrawal and suspension of licences are also provided for.

Article 14: the Governor is empowered to regulate the remuneration of agents of licensees. There is no other specific provision covering the requirements of this Article.

Articles 15 and 16 are applied.

Article 17: each recruited worker shall be supplied with a memorandum containing a prescribed minimum of information.

Article 18: the legislation requires a medical examination and sets out the conditions governing it; the exemptions contained in paragraphs 3 and 4 are not included in the legislation.

Article 19: the expenses of the journey of recruited workers and their families are borne by the employer, who is required to provide transport and food under specified conditions. As workers are not obliged to make long journeys on foot, the requirements laid down in paragraphs 3 and 4 are omitted in the Ordinance.

Article 20 is applied under the same provisions as Article 19.

Articles 21 and 23 are fully applied.

Article 22: the regulations limit the amount of the advances of wages and the conditions under which the advances may be granted.

Article 24: no enabling legislation has been considered necessary.

The supervision of the application is the duty of the Labour Department; the licensing officer is the head of this Department. There were no decisions by courts of law. Recruiting within the meaning of the Convention is carried out only occasionally for employment outside the limits of the colony. Where workers enter into contracts in the colony for work outside its borders, the engagements are made under the terms of the Employers and Workers Ordinance, No. 6 of 1943, which provides the worker with greater protection than the Recruiting of Workers Ordinance.

Brunei.

The Convention was originally applied by provisions under the Labour Code, but as the State has not in the past been dependent on immigrant labour these provisions have had little practical application. Owing to the expansion of the oil industry and the possibility of having to bring in labour from outside, this legislation is now being redrafted and the requirements of the Convention will be borne in mind.

Dominica.

No report has been received on the application of the Convention. A note by the Colonial Office refers to the 1946-1947 report in respect of the territory.

Fiji Islands.

Part V of the Labour Ordinance, 1947 (Recruiting of Natives).
Labour (Recruiting) Regulations, 1947.

§ 40 (c) of the Labour Ordinance, 1947, provides that the Governor in Council may make regulations to give effect to the provisions of the Convention.

Owing to the exceptional nature of stevedoring employment, it is impracticable to compel employers of stevedoring labour to comply fully with all the requirements of the Labour Ordinance and of the Convention, including medical examination. The workers concerned are employed only for a few days at a time and then return to their villages. Their housing and rationing are under the regular supervision of the Commissioner of Labour and his inspecting staff. The workers are organised in a union and employed on conditions governed by a collective and periodically revised agreement. Their interests are watched by a full-time union secretary.

Gambia.

Recruiting Workers Ordinance, 1940 (No. 1), as amended by Ordinance No. 20 of 1941.

These legislative provisions ensure the application of the Convention.

Gilbert and Ellice Islands.

Order in Council of 5 April 1939.

This Order ensures the application of the Convention.

Gold Coast.

Labour Ordinance, 1948.

Part II (§§ 3-14) of the Ordinance applies the Convention. No recruiting has taken place in the Gold Coast. Recruiting of labourers is permitted only under licence granted by the Commissioner of Labour, after the latter has taken into consideration the possible effect of the withdrawal of adult males and has satisfied himself that the applicant is a fit and proper person to be granted a licence, has furnished the prescribed security and has made adequate provision for the health and welfare of the persons to be recruited.

Grenada.

Recruiting of Workers Ordinance No. 1917 of 1939, as amended by Ordinance No. 5 of 1941.

These provisions implement the Convention. The Labour Officer, as licensing officer, sees that the provisions of the Ordinance are observed.

Hong Kong.

Asiatic Emigration Ordinance, 1915 (No. 30).

The Convention is applied without modification; its provisions were, however, not implemented immediately as there was no recruiting of workers in Hong Kong of the nature defined in the Convention. A certain proportion of recruited labour formerly passed through Hong Kong in transit

from China to other territories, *e.g.*, the Pacific Islands. The interests of such emigrants are safeguarded by the above Ordinance which governs the conditions of their stay in the colony, the suitability of passage and feeding arrangements, health and similar requirements. The Ordinance further ensures that the emigrants must be free agents and not bound by contract prior to their departure from the colony. In administrative practice, they are also made cognisant before they leave the colony of the terms of the contract into which they will be expected to enter on arrival at their place of employment. The report gives details regarding the relevant provisions of the Ordinance. It states, in particular, that "assisted emigrant" means any emigrant who intends to labour for hire in some place beyond the limits of the colony and has received assistance in the way of payment of passage money, subsistence or otherwise in order to enable him to carry out his intention. Emigration ships are allowed to carry only free emigrants, *i.e.*, persons who are not under any contract of service whatever. The Secretary for Chinese Affairs or any officer appointed by him ascertains that such emigrant is not acting under compulsion, understands where he is going, and is not being influenced to emigrate by false representations; special provision is made in the case of female and adolescent emigrants. The report adds that post-war conditions have created a demand for migratory labour from Hong Kong itself. The Government therefore attempted to facilitate the voluntary movement of labour and a few workers have been permitted to volunteer for work in the Pacific Islands under the conditions prescribed by the Asiatic Emigration Ordinance. Specific legislation to implement the Convention is being drafted. The enforcement of the application of the legislation rests with the Secretary for Chinese Affairs and the Director of Marine. The boarding houses in which emigrants are lodged are subject to inspection and control by the Secretariat, while the ships are inspected by responsible officers of the Marine Department to ensure that conditions on board are in conformity with those prescribed by the Ordinance. No decisions were given by courts of law and no observations received from employers' or workers' organisations.

Jamaica.

Recruiting of Workers Law, 1940.
Recruiting of Workers Regulations, 1944.

The report contains detailed data on the application of the various Articles of the Convention. It gives in particular the following information:

Article 3: the three exemptions provided in the Convention are reproduced in the Law, which limits to ten the number of workers mentioned in paragraph (a) and to 20 miles the radius mentioned in paragraph (b).

Article 4: no provision has been made in respect of a scheme of economic development which is likely to involve the recruiting of labour.

Article 5: no legislative provision has been made, as the conditions envisaged by this Article are not likely to arise in the territory.

Article 6: persons under 18 years of age cannot be recruited.

Article 7: no provisions have been made, as the circumstances envisaged by this Article do not exist in the territory.

Articles 11 and 12: the Law of 1940 and the Regulations of 1944 contain provisions for licensing recruiting organisations and their agents.

Article 13: the Recruiting of Workers Regulations, 1944, prescribe the security to be furnished, the form of licence and the particulars to be shown in the records which licensees are required to keep. Licences are valid for one year and may be renewed.

Article 14: no provision has been made for the licensing of assistants to authorised recruiting agents.

Article 15: the Recruiting of Workers Law exempts in certain circumstances worker-recruiters from holding a licence and limits the recruiting area to the recruiter's home or the town or village in which he resides.

Articles 16 to 18: recruited workers are brought before a justice of the peace and are medically examined. The Law does not reproduce the exemption contained in Article 18, paragraph 3 of the Convention.

Articles 19 to 23: these Articles are covered by the Recruiting of Workers Law.

Copies of the report have been communicated to the Bustamante Industrial Trade Union, to the Trades Union Congress, to the Sugar Manufacturers' Association, to the Chamber of Commerce, to the Shipping Association and to the Manufacturers' Association.

Kenya.

Employment Ordinance 1938, as amended by Ordinance No. 56 of 1948.

Leeward Islands.

Recruitment of Workers Act, 1941 (No. 4).

Mauritius.

Recruitment of Workers Ordinance (No. 3 of 1939).

The Ordinance was enacted to give effect to the provisions of the Convention. In practice it is little used since there is no recruiting in the territory.

Nigeria.

Labour Code Ordinance, No. 54 of 1945 (Chapter V).

The report enumerates the legislative provisions which ensure the application of the

various Articles of the Convention. It gives in particular the following information.

Articles 4 and 5: recruiting is permitted only under licence or permit. The Commissioner of Labour may close any area to recruiting or fix the number of workers to be recruited.

Article 9: public officers are not permitted to engage in recruiting for private employers even for the execution of works of public utility.

Article 24, paragraph 3: there exists no specific legislative provision but, under § 63 (2) of the Labour Code Ordinance, the Commissioner of Labour may insist on the production of a letter of recommendation from the territory of employment stating that the applicant for a permit is a proper and fit person. Under paragraph 4 of the same Article, the report states that in general, recruiting is not allowed save under licence and only by fit and proper persons or associations. The legislation is enforced through the machinery of the Department of Labour. There were no decisions by courts of law.

North Borneo.

Labour Ordinance, 1948.

The Convention was originally applied within local limits by the Labour Recruiting Rules, 1940 (Gazette Notification 430 of 1940), made under § 63 of the Labour Ordinance 1936. The Convention is now applied without modification by the Labour (Unification and Amendment) Ordinance, 1948.

Northern Rhodesia.

Chapter 171 of the Revised Edition of the Laws.

Recruiting of indigenous workers for work outside the territory is confined to recruitment by the Witwatersrand Native Labour Association for the Witwatersrand Gold Mines, on a quota of 3,500 per year. Recruiting is restricted to the Barotse Province. It fulfils all the requirements of Chapter 171 of the Laws, recruits being transported in both directions by the company. Wages and conditions are in accordance with an agreement between the Association and the Government. Provision is made for compulsory family remittances and double pay. Contracts, which are in writing, are for a period of eleven work tickets, i.e., approximately 12 calendar months, and extension for a further period not exceeding six months is at the option of the worker. Recruiting was suspended during the war years but was resumed at the request of the Paramount Chief of the Barotse owing to an increase in clandestine emigration. Workers who emigrated in this manner did not have the safeguards and benefits supplied by the Association to authorised recruits. The decision to resume recruiting was approved by the African Labour Advisory Board.

Recruiting for work inside the territory is confined to a licensed agency which recruits exclusively for farmers and to individual licences to employers for their own labour, issued on the advice of the African Labour Advisory Board only to employers engaged in essential work. The numbers recruited by both methods are small and in a full year amount to less than 1,000 workers. Local Africans prefer to seek employment freely and do not like contracts binding them for a fixed period.

Experimental labour exchanges, which are supervised by the Labour Department, assist employees and employers to a limited extent. There is a shortage of African labour and workers prefer to select their own employers. These exchanges have served a useful purpose in placing in employment Africans discharged from the forces and, although the figures are not encouraging, the system will be continued.

Nyasaland.

Native Labour Ordinance No. 4 of 1944, as amended by Ordinances Nos. 18 and 24 of 1944 and 1 of 1948.

Government Notice, No. 36 of 1945.

Government Notice, No. 102 of 1945, as amended by Government Notice, No. 98 of 1948.

Government Notice, No. 104 of 1945, as amended by Government Notice, No. 142 of 1946.

Government Notice, No. 163 of 1947, as amended by Government Notice, No. 180 of 1947.

Government Notice, No. 176 of 1948 bringing into operation on 1 January 1949 § 2 of Ordinance No. 1 of 1948.

Government Notice, No. 183 of 1948.

The Convention is applied in the territory without modification. However, the provisions of paragraphs 2, 3 and 4 of Article 15 of the Convention are not included in the local legislation but are included in the permits issued to worker-recruiters, whose operations are supervised by the competent authority. Under Article 24, paragraph 2 of the Convention, the report indicates that a new Tripartite Agreement on Migrant African Labour was entered into in 1947 between the Governments of Southern Rhodesia, Northern Rhodesia and Nyasaland.

The report furnishes a number of details on the legislation; the Governor in Council may make rules for carrying the Native Labour Ordinance into effect. Notice No. 36 of 1945 fixes the rules for the issue of certificates of identity; Notice No. 102, as amended, specifies the rules for fees payable by every recruiter of Natives for employment outside the territory. The rules regarding recruiting permits are contained in Government Notice No. 104 of 1945, as amended. Notice No. 163 of 1947, as amended, specifies the close-season period for recruitment for 1947-1948. For 1948-1949 the same period is fixed by Government Notice No. 183.

The application of the legislation is entrusted to officers of provincial and district administration, police and the Labour Department. No contraventions were reported; there were no decisions by courts

of law and no observations from employers' and workers' organisations.

St. Lucia.

Recruiting of Workers Ordinance, No. 31 of 1939, as amended by the Ordinance No. 2 of 1941.

Recruiting of Workers Regulations, No. 13 of 1942, as amended by Regulations No. 81 of 1942.

St. Vincent.

Recruiting of Workers Ordinance No. 3 of 1940, as amended by Ordinance No. 1 of 1941.

Recruiting of Workers Regulations, 1940, as amended by Regulations No. 96 of 1941.

Recruiting of Workers (Notified Places) Notices, No. 13 of 1942.

Recruiting of Workers (Amendment) Regulations No. 14 of 1942, and amended Regulations No. 29 of 1942.

Recruiting of Workers (Amendment) Regulations No. 26 of 1944.

Recruiting of Workers (Amendment) Regulations No. 70 of 1944.

Sarawak.

Labour Protection Ordinance, 1935.

Gazette Notification No. 796 for the application of this Ordinance.

Passport Regulations, 1947.

Gazette Notification No. 693 issued under these Regulations.

The report indicates the main provisions of the legislation and administrative texts which are as follows.

Labour Protection Ordinance, 1945 :

" 9. The Protector, with the approval of the Governor in Council, may declare by notification in the *Government Gazette* that such persons or classes of persons as may be specified in the said notification shall not recruit labourers unless licensed in that behalf by the Protector, who may attach such conditions to the licences as he may deem proper. "

Gazette Notification No. 796 for the application of the Labour Protection Ordinance, 1945 :

" In exercise of the powers conferred on the Protector of Labour by § 9 of the Labour Protection Ordinance, and the approval of the Governor in Council, the Acting Protector of Labour hereby declares that any persons who have recruited, or desire to recruit labourers in Sarawak for employment outside the colony, shall not recruit labourers unless licensed in that behalf. "

Passport Regulation, 1947 :

" 4. The Chief Secretary may declare by notification in the *Government Gazette* that any persons or such classes of persons as he may specify as intending to leave the colony either generally or by any particular means, or by any particular route, or for any particular destination, or for any particular purpose, shall deposit with a proper officer such sum of money as such proper officer may determine to cover any expenses that may be incurred by Govern-

ment on behalf of any such person and no person to whom such notification applies shall leave the colony before making such deposit. "

Gazette Notification No. 739 issued under Passport Regulations, 1947 :

" In exercise of the power conferred on him by Regulation 4 of the Passport Regulations, 1947, the Chief Secretary hereby declares that any person intending to leave the colony for the purpose of performing manual labour on estates in North Borneo shall deposit with the Secretary for Native Affairs, or a Resident, prior to his departure such sum of money as such officer may determine in accordance with the said regulation. "

Although the statutory provisions are scanty and inadequate, the greatest care has been exercised, in the few cases where indigenous workers have been recruited, to ensure that they were medically fit, understood the conditions of labour and wages, and that irrefragable arrangements were made for their repatriation whether they concluded their contract or not.

All indigenous workers recruited for work outside the colony appeared personally before a district officer and, where applicable, also before the Protector of Labour. No such workers left the colony without the Secretary of Native Affairs being satisfied that they understood the conditions and were content with them. Sarawak is not included in the list of territories to which the Convention applies in the declaration made on the formal ratification by the United Kingdom.

Seychelles.

Ordinance No. 27 of 1945.

Administrative measures enforce the provisions of the Convention as applied under the Ordinance ; penalties are provided for contraventions. Supervision of the application of the legislation has hitherto been hampered by the absence of a qualified labour officer. An official has been appointed and has been undergoing a course of instruction in all branches of the labour organisation in the United Kingdom ; he will return to the colony by the end of the year.

Sierra Leone.

Employers and Employed Ordinance, No. 30 of 1934 (Chapter 70 of the Laws of Sierra Leone, 1946). Recruiting of Workers Ordinance, 1941 (Chapter 199 of the Laws of Sierra Leone, 1946).

Ex-Servicemen's Ordinance, No. 14 of 1945 (Chapter 71 of the Laws of Sierra Leone, 1946).

The provisions of the Convention are to some extent covered by the Ordinance of 1941. This is, however, of little effect as workers are no longer recruited in the territory by the methods which the Convention is designed to regulate. Part V of Ordinance No. 14 of 1945 provides that all

employers of ten or more workers are required to engage their labour only through an employment exchange. Recruitment of labour for foreign service is covered by Part IV of the Ordinance of 1934.

Solomon Islands.

King's Regulations No. 5 of 1947 (Labour Regulation).

This Regulation controls all matters affecting the recruitment of indigenous workers. Licences are issued by labour inspectors or by district commissioners, and the officers may require security for the proper observance of all conditions affecting the welfare of prospective workers. It is an offence for any person to recruit without a licence or not to observe the terms of such licence. Licences are unnecessary in cases where the employer does not employ more than 25 workers, if the workers are to be employed on the same island or within 25 miles of the place of recruitment, or if the workers are employed for work not of a manual nature. The Officer may consider the effect of the withdrawal of adult males from any district and if in his opinion such withdrawal would be deleterious to social life and organisation, he may refuse the licence. The Resident Commissioners may prohibit recruiting in any area on the grounds of the interests of the indigenous population. A recruiter may not assemble prospective workers into a "pool". He may recruit up to specified numbers of workers for specified employers only. Licences are not transferable and a licensee may not employ any assistant who has not been approved by a labour inspector or by a district commissioner and furnished with a permit by the licensee. A licensee may employ an agent but he may not remunerate such an agent at more than £2 in respect of each worker recruited. A labour inspector or a district commissioner may cancel a licence if the licensee has been convicted of an offence against the legislation, has not observed the conditions of the licence, or has so conducted himself that the officers consider him unfit to hold the licence. The licence may also be suspended pending enquiry or decision of the court. There is right of appeal to the Resident Commissioner by an aggrieved person; the former's decision is final.

No person under the apparent age of 18 years may be recruited; however, persons 15 to 18 years of age may be recruited for light work upon such conditions as the licensing officer may impose and subject to the consent of parents or guardians. Chieftains and public officers may not assist in recruiting and any attempt at bribing an official constitutes an offence. Public officers may, however, recruit workers for employment by a Government Department or by a local authority. A worker may recruit fellow workers if so authorised in writing by his employer, but he may not receive any special remuneration or other

advantages for doing so nor may he make any advance on prospective wages to such recruits. Before the employment begins, recruits must be seen by the labour inspector or by a district commissioner and by a Government medical officer or by a Native medical practitioner and it must be established to the satisfaction of the attesting officer that each recruit consents freely to the prospective employment under properly represented conditions, that all the provisions of the law have been observed, and that the recruit is medically fit for the employment. The recruiter must defray all expenses of transport together with maintenance, accommodation and medical attention not only to the place of employment but also of repatriation. The labour inspectors or district commissioners enforce the application of these provisions and may make advances to this effect from public funds, which are recovered from the recruiter. If a recruit does not avail himself of the proper facilities for his repatriation he forfeits the right to such repatriation. Advances of pay may not exceed one month's wages and repayment of advances cannot be demanded at rates greater than one quarter of such sums monthly.

The report states that the protectorate is in a stage of rehabilitation following the 1939-1945 war. The sole commercial industry at present is the production of copra. Practically all the employment offered in the pre-war years was provided by expatriate plantation workers. Most of them were unable to remain in the country during the Japanese occupation and very few have returned. The Government is engaged upon an extensive reconstruction programme, consequently it is the largest single employer of labour at present. The period under review does not present, therefore, a normal picture of the recruitment of indigenous workers. The scale of employment is insufficient to attract professional recruiters. At present, about 300 workers are employed by the Government and about 1,100 by commercial enterprises. These workers have all been recruited by Government officers for Government departments, or by employers themselves, or have sought work at the places of employment. It must be realised that in the country there is no economic necessity for the indigenous population to work for wages.

Tanganyika.

Master and Native Servants (Recruitment) Ordinance, No. 6 of 1946.

This Ordinance applies to the Convention without modification and is in full harmony with its provisions; it has enabled a more effective control to be exercised over recruiting operations within the territory. Supervision is exercised by both administrative and labour officers, subject to the direction of the Labour Commissioner.

Trinidad and Tobago.

Recruitment of Workers Ordinance, Chapter 22,
No. 6.
Recruiting of Workers Regulation.

This legislation was enacted for the specific purpose of applying the Convention. There was no recruiting during the year under review.

Uganda.

Employment Ordinance No. 13 of 1946.
Employment Rules, 1946, made under the
above Ordinance.

The report gives for each Article of the Convention the corresponding legislation ensuring its application.

The Labour Commissioner is generally responsible for the application of this legislation. Inspection and supervision are undertaken by officers of the Labour Department. No decisions were given by courts of law and no observations were received.

Only one employers' organisation and one registered trade union exist in the territory. Neither of these bodies may be considered to be representative of all the employers and workers.

Zanzibar.

Labour Decree, No. 11 of 1946.

Bechuanaland and Swaziland.

The reports indicate that the decision as regards the application of the Convention has been reserved.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have

been communicated to the British Employers' Confederation and the Trades Union Congress.

* * *

Southern Rhodesia

(Voluntary report)

Native Labour Regulations Act (Chapter 86).

The report refers to information given for the periods 1945-1946 and 1946-1947. It gives in addition the following information:

Article 7, paragraph 2 of the Convention, and sub-paragraph (c) of Recommendation No. 46: free transport of families of migrant workers includes also feeding and housing.

Article 8 of the Convention: since the first annual report was submitted, it is now considered that the segregation by tribes of African workers at their places of employment is not only inadvisable, but, in urban areas, quite impracticable. Tribal distinction at places of employment is rapidly disappearing. It is, of course, appreciated that this Article of the Convention covers workers of other races and nationalities, where segregation of races would possibly be more desirable.

Since the submission of the last annual report, the Native Labour Boards Act of 1948 has been introduced. This legislation provides for the setting up of labour boards to enquire into conditions of service in the various industries, and to submit recommendations to the Government as regards minimum standards and other matters. An enquiry was held into conditions of service on the railways during the latter part of 1947, and new legislation was introduced providing for improved conditions of service in this industry. The Labour Advisory Board is now dealing with other industries in the colony.

52. Convention concerning annual holidays with pay

This Convention came into force on 22 September 1939

Countries	Date of registration of ratification	Reports received
Brazil	22. 9. 1938	
Denmark	22. 6. 1939	2. 12. 1948
France	23. 8. 1939	9. 12. 1948
Mexico	9. 3. 1938	3. 12. 1948

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Denmark.

Act No. 170 of 13 April 1938 respecting holidays with pay (L.S. 1938, Den. 5).
Regulations of 30 April 1945 to modify Regulations No. 290 of 14 September 1938 (as subsequently amended), respecting the calculation of holiday payments to hotel and restaurant staff paid by tips.

Regulations of 7 June 1945 concerning the holidays of agricultural workers.

Regulations of 30 April 1946 and 12 May 1947 concerning the certification of holiday stamp books in so far as strikes are concerned.

Regulations of 28 May 1948 respecting the calculation of holiday allowance for persons employed on board ships, who are paid by tips.

France.

Labour Code, Book II, Chapter IV *ter* (§§ 54 (f) to (n)).

Act of 20 June 1936 to institute annual leave with pay in industry, commerce, the liberal professions, domestic service and agriculture (L.S. 1936, Fr. 6).

Acts of 31 July 1942 (L.S. 1942, Fr. 5 B), 20 July 1944 (L.S. 1944, Fr. 6), 13 August 1945 (L.S. 1945, Fr. 2 D), 18 April 1946 (L.S. 1946, Fr. 5 B), 29 April 1946 (L.S. 1946, Fr. 5 C and D) and 19 August 1946 (L.S. 1946,

Fr. 5 F), concerning holidays with pay, to amend §§ 54 (g) to (l) of Book II, Chapter IV *ter* of the Labour Code.
 Decree of 29 July 1939 respecting, *inter alia*, funds for holidays with pay.
 Various Decrees and Circulars issued in pursuance of the above legislation.

Mexico.

Political Constitution of the United States of Mexico, 1917.
 § 133 of the Constitution of the Republic.
 Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).
 Act of 17 April 1941, fixing the Civil Servants' Statute.

SUMMARY OF OTHER INFORMATION

Denmark. The report refers to information supplied in previous years and adds that § 7 of the Act, respecting holidays with pay, lays down the procedure in case of actions brought for contraventions of the legislation. Under § 7, paragraph 2 of the Act, an action may be brought against an employer who has made with one of his employees an agreement by which the latter forgoes his right to a holiday with pay, as provided for in the Act. Paragraph 3 of § 7 provides that an action may be brought against a person who transfers his holiday stamps. During the

period covered by the report, no actions were brought at the instance of the Directorate of Labour and Factories Inspection.

France. The report repeats information previously furnished. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the National Council of French Employers, the General Confederation of Labour, the Labour Force (C.G.T.-F.O.) and the French Confederation of Christian Workers.

Mexico. The report repeats information previously given, and states, in particular, that the Government is anxious to eliminate the discrepancies still existing between the national legislation and the provisions of the Convention. There were no important decisions by courts of law and no observations from employers' or workers' organisations.

A copy of the report has been communicated to the most representative employers' and workers' organisations.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

No information.

TWENTY-FIRST 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	Reports received
Belgium	11. 4. 1938	29. 11. 1948
Brazil	12. 10. 1938	
Denmark	13. 7. 1938	10. 11. 1948
Egypt	20. 5. 1939	29. 11. 1948
Estonia	20. 6. 1938	
Finland	8. 4. 1947	13. 12. 1948
France	19. 6. 1947	1. 12. 1948
Mexico	1. 9. 1939	3. 12. 1948
New Zealand	29. 3. 1938	26. 12. 1948
Norway	7. 7. 1937	7. 2. 1949
United States	29. 10. 1938	15. 12. 1948

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Belgium.

Act of 7 March 1938 to ratify the Conventions adopted by the International Labour Conference at its 1936 Session.
Royal Decree of 18 November 1929 respecting the co-ordination of Regulations regarding competency certificates in the mercantile marine.

Denmark.

Act of 28 February 1916 concerning employment at sea, as subsequently amended.
Ships Officers and Engineers Act of 28 February 1916, as subsequently amended.
Nautical Education Act of 28 February 1916, as subsequently amended.
Ordinance No. 198 of 23 June 1932 applying the Nautical Education Act of 28 February 1916.
Regulation No. 197 of 21 June 1932 implementing the Nautical Education Act of 28 February 1916.
Act of 29 March 1920 concerning the inspection of vessels.
Ordinance of 31 March 1928 concerning the conditions laid down with regard to the certificate and examination for officers.
Act No. 78 of 19 March 1930 concerning examinations for engineers, etc.
Ordinance No. 102 of 29 March 1930 for the application of the Act of 19 March 1930.
Regulation No. 263 of 6 September 1930 concerning vocational workshop training.

Egypt.

Law No. 61 of 1940 respecting masters and mates and marine engineers on merchant ships.
Ministerial Order No. 1 of 27 December 1945 defining the syllabus and conditions for the

examination of masters and mates on merchant ships.
Ministerial Order No. 1 of 1948 concerning the syllabus of examination for marine engineers.

Finland.

Seamen's Act of 8 March 1924.
Decree of 17 April 1924 concerning merchant vessels, as amended.
Decree of 15 June 1928 concerning officers' competency certificates, as amended on 27 August 1943.
Decree of 20 March 1931 concerning officers of fishing vessels.
Decree of 8 May 1931 authorising steam engineers to act as engineers on other types of engines.
Decree of 28 May 1943 concerning nautical schools.
Decree of 19 December 1940 concerning State technical training establishments.
Decree No. 160 of 27 February 1942 concerning municipal and private technical training establishments.
Decree of 18 October 1920 concerning shipping inspection.
Decree of 18 October 1920 concerning maritime safety inspection.

France.

Act of 21 July 1856 (§ 12).
Decree of 14 August 1938, to issue public administrative regulations regarding the duties to be performed by masters, owners, chief officers and mates of merchant vessels, fishing vessels and pleasure craft.
Decree of 14 August 1938, to issue public administrative regulations regarding the duties to be performed by chief engine-room artificers and chief and assistant officers of the watch of merchant vessels, fishing vessels and pleasure craft.
Decree of 16 November 1948, to issue public administrative regulations respecting the qualifications required of masters, owners and chief officers and mates of merchant vessels, fishing vessels and pleasure craft.
Decree of 16 November 1948, to issue public administrative regulations respecting the qualifications required in connection with the duties of chief engine-room artificers and chief and assistant officers of the watch of merchant vessels, fishing vessels and pleasure craft.

Mexico.

Act of 30 December 1939 concerning general lines of communication.

New Zealand.

Shipping and Seamen Act, 1908, as amended, 1909-1936.

Norway.

Acts of 14 December 1917 and 9 February 1923 respecting engineers employed on vessels of the Mercantile Marine, as amended on 1 July 1926, 25 June 1937 and 18 June 1938.

Act of 7 February 1936 respecting navigators and navigators' examinations.

United States.

Section 4438 of Rev. Stat. of 1873, as amended (46 U.S.C., § 224), as modified by Reorganisation Plan No. 3 of 1946.

Section 4439 of Rev. Stat. of 1873, as amended (46 U.S.C., § 226), as modified by Reorganisation Plan No. 3 of 1946.

Section 4440 of Rev. Stat. of 1873, as amended (46 U.S.C., § 228), as modified by Reorganisation Plan No. 3 of 1946.

Section 4441 of Rev. Stat. of 1873, as amended (46 U.S.C., § 229), as modified by Reorganisation Plan No. 3 of 1946.

Section 4426 of Rev. Stat. of 1873, as amended (46 U.S.C., § 404), as modified by Reorganisation Plan No. 3 of 1946.

Section 4427 of Rev. Stat. of 1873, as amended (46 U.S.C., § 405), as modified by Reorganisation Plan No. 3 of 1946.

Act of 20 June 1936, 49 Stat. 1544, 1545 (46 U.S.C., § 367), and the Regulations thereunder (46 CFR 63.1 a).

Section 4417 a of Rev. Stat. as added 23 June 1936, 49 Stat. 1889, as amended 9 October 1940, 54 Stat. 1028 (46 U.S.C., § 391 a), as modified by Reorganisation Plan No. 3 of 1946.

Section 4463 of Rev. Stat. of 1873, as amended (46 U.S.C., § 222), as modified by Reorganisation Plan No. 3 of 1946.

Section 2 of the Act of 11 May 1918, 40 Stat. 549 (46 U.S.C., § 223), as modified by Reorganisation Plan No. 3 of 1946.

Section 4405 of Rev. Stat. of 1873, as amended (46 U.S.C., § 375), as modified by Reorganisation Plan No. 3 of 1946.

Act of 29 March 1939, 53 Stat. 554, 46 U.S.C., § 241.

Act of 17 July 1939, 53 Stat. 1049, 46 U.S.C., § 224 a.

Code of Federal Regulations, Title 46.

SUMMARY OF OTHER INFORMATION

Belgium. The revision of the conditions governing the issue of competency certificates for the merchant marine, contemplated since 1945, will be completed in 1949; this revision will strengthen the guarantees of competency required of the higher deck and engineer officers. The Maritime Inspection Service and the Maritime Commissioner ensure that higher officers possess the required competency certificates. The lack of certificated officers has necessitated the application of Article 3, paragraph 2 of the Convention, but in the cases in question, which are few in number, the competent authority has ascertained the professional experience of officers not in possession of certificates of competency. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the Federation of Belgian Industries, the General Federation of Labour of Belgium, the Confederation of Christian Trade Unions and the General Association of Liberal Trade Unions.

Denmark. The report refers to information previously given. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Egypt. The report repeats the information previously given. The Ministerial Order concerning the competency of captains of motor-driven vessels of less than 150 tons and of sailing ships of less than 200 tons has not as yet been issued. Certificates of competency issued by the contracting Governments were recognised with very few exceptions. In view of the lack of competent deck and engine-room officers, the employment of uncertificated personnel is authorised if they possess sufficient experience.

Finland. In its first report, the Government supplies detailed information on the implementation of the various Articles of the Convention and states that the existing legislative provisions and regulations are being revised so as to ensure greater conformity with the terms of the Convention. The revised regulations will come into force in 1949.

Under Article 1 of the Convention, the report states that the legislative provisions and regulations apply to all merchant vessels engaged in seagoing coastal or inland navigation, whether registered or not, with the exception of warships and ships attached to the service of a public authority. Exemptions are granted to the following vessels: yachts up to 15 metres in length; mechanically-propelled vessels up to 15 metres in length and not exceeding 25 h.p. when they are used for the transportation of wood, fish or agricultural products or for fishing; barges used only in harbour, as well as those used in coastal and inland waters and not carrying a crew; rowing boats and similar craft and ferries other than those which are propelled mechanically.

The definitions contained in the Seamen's Act correspond to those of Article 2.

As regards Article 3, the report gives full details of the different classes of certificates issued and the nature of the duties of the various categories of officers. Only certificates issued by the Finnish authorities are recognised and the holder of a foreign certificate must secure a special permit from the Council of Ministers before being entitled to serve as an officer in the Finnish Mercantile Marine; this permit is issued only if the certificates and experience of the candidate show that he has fulfilled the requirements contained in Finnish legislation.

Under Article 4, it is stated that the minimum age for obtaining a certificate is 21 years. The duration and nature of service at sea and the practical experience required for the issuing of certificates are specified in detail. Sea service before the age of 15 years is not taken into account. The report contains detailed information regarding courses of training and the nature

of examinations. In view of the exceptional circumstances of the war period, certificates were granted to persons who had not passed the required examinations, but who had the necessary practical experience. These special authorisations, granted by the Ministry of Industry and Commerce, were issued either for a limited period or for a specified ship.

As regards Article 5, the report states that, in accordance with the provisions concerning maritime safety, a vessel may be detained if, for example, it does not carry the prescribed number of officers of the required competency. If the master or the owner refuses to give information on this point or opposes an investigation, the vessel is detained until the necessary information has been obtained.

The report also contains information on the penalties prescribed for breaches of the regulations (Article 6).

The application of the legislative provisions and regulations is entrusted to the Department of Shipping, the shipping inspectors, the marine safety inspectors, the seamen's inspectorate, the customs authorities and the police. The country is divided into five shipping districts, each with an inspector of shipping, assisted by experts nominated by the municipalities. Ships are subject to periodical inspections in order to ascertain their seaworthiness. The competence of the officers is verified by annual inspections. For vessels engaging in winter voyages, an additional special inspection takes place before the beginning of the winter season. Passenger vessels are visited 90 days after the general inspection. A certain time limit is granted to the master to enable him to remedy any defects which have been found, failing which inspectors report these defects to the shipping inspector and the police. Merchant vessels are subject to the continuous supervision of the shipping inspectors and the port authorities. When crews are signed on and off, the application of the regulations concerning the age, competence and number of officers is also supervised. The decision to stop a ship may be taken by a shipping inspector, by the Inspector-General of Shipping or by the Shipping Department. The application of the decision is carried out by the customs and port authorities or the police. The owner or the master has the right to call for an examination by two experts, one of whom is chosen by the owner or master and the other by a shipping inspector, or by the Inspector-General of Shipping. A shipping inspector who has reason to believe that a ship belonging to his district is unseaworthy because of the lack of competence of its officers must notify the inspector of the district where the vessel is lying, so that it can be inspected. If the vessel is abroad, the Director-General of Shipping decides where the inspection shall be carried out. There were no decisions by courts of law during 1947-1948. The Department of Shipping has no information concerning

reports of the inspection services or breaches of the regulations. During 1947, certificates were issued to 176 officers and 341 engineer officers.

France. The first report contains a detailed analysis of the legislative and administrative provisions ensuring the application of the Convention, and gives, in particular, the following information :

Article 1 : under the Decree of 14 August 1938, only vessels below 6 gross tons may be entrusted to the command of seamen who do not possess a certificate of competency.

The above Decree, as well as that of 29 September 1938, reproduces the definitions contained in Article 2 of the Convention.

Article 3 : § 1 of both the above Decrees contains the list of diplomas and certificates provided for by this Article of the Convention. No regulations have been issued to specify the cases of *force majeure* in respect of which exceptions to the provisions of Article 3 may be permitted. Exceptions are authorised only in cases where no certified seaman is available at the port of embarkation.

Article 4 : the two Decrees mentioned above fix the minimum and maximum ages, as well as the professional qualifications provided for by the Convention. The Decree of 16 November 1948 lays down the qualifications required of masters, owners, second officers, chief engineers, officers of the watch and assistant officers of the watch on merchant ships, fishing vessels, and pleasure craft. Examinations for certificates and diplomas take place twice a year. The candidates are examined by a general committee and, in the case of permits and certificates, by a local committee under the supervision of the shipping inspection service. Under paragraph 3 of Article 4, the report states that no exceptions are provided in respect of the issuing of certificates, as the new regulations merely extend and supplement the previous regulations.

Article 5 : a list of the crew is not issued by the shipping Registration Administration unless the crew and, in particular, the higher officers of the ship, satisfy existing regulations.

Under Article 6 the report states that the national legislation contains provisions for penal and disciplinary action which ensure the application of this Article.

The shipping inspection service and the shipping and maritime labour inspection service which is attached to it ensure compliance with the above-mentioned provisions. There were no decisions by courts of law. The report gives the number of certificates issued in 1946 and 1947 to the various categories of deck and engine-room officers. There were no observations from employers' and workers' organisations.

Copies of the report have been communicated to the Central Committee of French Shipowners and the National Federation of Trade Unions of Officers in the Merchant Marine.

Mexico. The report repeats the information given for the preceding period. No statistical data are available. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the most representative among these organisations.

New Zealand. The report refers to the information furnished for 1946-1947 and gives the number of candidates examined for marine engineers', masters' and mates' certificates during 1947 and 1948. It also supplies statistics regarding prosecutions for infringement of Marine Department statutes. There were no decisions by courts of law.

Copies of the report have been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

Norway. The report repeats information previously given and adds that the situation remains unchanged.

Copies of the report have been communicated to the Norwegian Seamen's Union and the Norwegian Shipping Employers' Association. These organisations made no observations and confirmed that the Convention is fully applied in Norway.

United States. The report repeats the information previously given and indicates that during the period from 1 July 1947 to 1 July 1948 the Coastguard issued 6,377 licences for ocean and coastwise service. No decisions have come to the attention of the authorities.

Copies of the report have been communicated to the United States Chamber of Commerce, the National Association of Manufacturers, the American Federation of Labor and the Congress of Industrial Organizations.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

New Zealand

Western Samoa ; Tokelau Islands ; Cook Islands.

It would not be practicable to extend the Convention to the Island Territories as the type of industry in question is not carried on.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

United States

Territories and Possessions. All the measures applying to the Continental territory relate as well to vessels registered in *Alaska, Hawaii, Puerto Rico, the Virgin Islands and Guam.* No vessels are registered in *American Samoa.*

Trust territory of the Pacific Islands. The application of the Convention is now being studied by the appropriate governmental authorities. It is not anticipated that final determination in this regard will be made until after organic legislation has been enacted for the territory.

54. Convention concerning annual holidays with pay for seamen

(Not yet in force)

Countries	Date of registration of ratification	Reports received
Belgium ¹	11. 4.1938	29.11.1948
France	19. 6.1947	
Mexico ¹	12. 6.1942	3.12.1948
United States	29.10.1938	

¹ Voluntary report.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Belgium.

Act of 7 March 1938 to ratify the Convention.

Mexico.

Political Constitution of the United States of Mexico of 1917 (§ 133).

Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).

Act of 30 December 1939 concerning general lines of communication.

Regulations concerning technical inspection of machinery, promulgated on 27 January 1939.

SUMMARY OF OTHER INFORMATION

Belgium. The provisions of the Convention are applied by means of joint agreements between professional associations of ship-owners and seamen. All merchant seamen, without exception, benefit from the provisions of these agreements. The granting of paid holidays constitutes one of the clauses of the collective agreement. Any disputes which may arise in regard to holidays are settled according to the procedure provided for in the Act of 5 June 1928 (seamen's articles of agreement), *i.e.*, by conciliation before a maritime commissioner; if necessary, the question is brought before the seamen's probiviral court. The joint agreements entitle officers to one day's leave for every twenty days' service and ratings to one day's leave for every thirty days' service entered in the ship's register. Compensatory leave is granted to all seamen, irrespective of rank, in respect of all public holidays which they are obliged to spend

at sea. During the period under review, it was not necessary to have recourse to the seamen's probiviral court.

Copies of the report have been communicated to the Federation of Belgian Industries, the General Federation of Labour of Belgium, the Confederation of Christian Trade Unions and the General Association of Liberal Trade Unions.

Mexico. The report repeats the information given for the period 1946-1947. No statistical data are available. Numerous

complaints have been submitted by the workers. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the most representative organisations of employers and workers.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

No information.

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

This Convention came into force on 21 October 1939

Countries	Date of registration of ratification	Reports received
Belgium	11. 4.1938	29.11.1948
France	19. 6.1947	9.12.1948
Mexico	15. 9.1939	3.12.1948
United States	29.10.1938	15.12.1948

LIST OF LEGISLATION AND ADMINISTRATIVE
REGULATIONS, ETC.

Belgium.

Act of 5 June 1928 concerning seamen's articles of agreement (L.S. 1928, Bel. 5 A).
Act of 30 December 1929 concerning seamen's compensation for accidents, as amended and supplemented by the Legislative Decrees of 23 October 1946 and 28 February 1947 and by the Act of 7 July 1948.

France.

Act of 13 December 1926 to issue a Seamen's Code (L.S. 1926, Fr. 13).
Decree of 30 June 1934 to amend the Act of 13 December 1926 to issue a Seamen's Code (L.S. 1934, Fr. 7).
Decree of 17 June 1938 respecting the reorganisation and unification of the seamen's insurance system (L.S. 1938, Fr. 8 A).
Act No. 48-1492 of 25 September 1948 to amend the provisions of §§ 116 and 119 of the Act of 13 December 1926 (Seamen's Code), § 2.

Mexico.

Political Constitution of the United States of Mexico, 1917 (§ 133).
Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).
Act of 30 December 1939 concerning general lines of communication.
Social Security Act of 31 December 1942 (L.S. 1942, Mex. 1).

United States.

Admiralty Law of the United States.
Merchant Marine Act of 1920 (Jones Act) (46 U.S.C. § 688).

Public Health Service Act of 1944 (42 U.S.C. §§ 248 and 249).
Longshoremen's and Harbor Workers' Act (33 U.S.C. § 901).
U.S. Code (annotated) Title 5, § 751; Title 29, §§ 31-41; Title 46, §§ 621, 622, 624, 625, 651, 666, 678, 679, 683, 741 and 742; and Title 50, App. § 1291.
Social Security Act amendments of 1946 (60 Stat. 978).
Code of Federal Regulations, Title 13, § 4353; Title 20, Part 1; Title 22, §§ 118.6 and 118.7 and Part 119; and Title 42, §§ 32.1 to 32.23.

SUMMARY OF OTHER INFORMATION

Belgium. The report repeats the information previously furnished. The administration is not in possession of the text of any decisions given by courts of law. Compensation for wartime accidents between 1939-1945 is being paid in 420 cases for members of the merchant marine and in 270 cases for members of the fishing fleet. The total annual amount is 9.5 million francs for the merchant marine and 3 million francs for the fishing fleet.

Copies of the report have been communicated to the Federation of Belgian Industries, the General Federation of Labour of Belgium, the Confederation of Christian Trade Unions and the General Association of Liberal Trade Unions.

France. The first report supplied by the Government states that conformity between the legislative provisions in force in France and the provisions of the Convention is now established, as the Act of 27 November 1948 grants to foreign seamen employed on board French vessels the same benefits as those accorded to French seamen.

Under Article 1 of the Convention, the report states that the Convention applies to all persons who have concluded a contract of employment on board ship, with the exception of persons employed on board

vessels belonging to a public department (e.g., customs, public works), who, in virtue of their status, are covered by a special scheme; persons employed on board on account of an employer other than the shipowner; and persons employed solely in repairing, cleaning, loading or unloading vessels (the latter are covered by the social security scheme). Seamen employed by shipowners who own no vessels other than boats of less than 50 tons burden equipped for fishing or coastwise navigation are covered by compulsory accident and sickness insurance (Seamen's Provident Fund) from the date on which they are put ashore. The shipowner is responsible for their repatriation.

Under Article 2 of the Convention, the report states that the shipowner's liabilities cover any accident which the seaman may sustain while on board and any sickness contracted after the vessel has left the port where the seaman was signed on, as well as any sickness which the seaman contracts between the date of his being shipped and the date of the vessel's sailing and in respect of whom it is proved that the sickness was contracted in the service of the vessel. If the injury or sickness is due to the seaman's wilful act he is only entitled to medical attendance. There are no restrictions with regard to misconduct or refusal to submit to the medical examination which is compulsory before a seaman is signed on.

With regard to Article 3, the report states that, in principle, the shipowner shall defray the expenses of seamen who are put ashore on account of injury or sickness. When a seaman is put ashore in France he may be attended at home, subject to the approval of the maritime authorities. In this case, he receives a food allowance, the amount of which is determined by Ministerial Order. Attendance is limited to the rates laid down in the general accident insurance legislation. Therapeutical appliances are supplied by the Provident Fund, under compulsory sickness and invalidity insurance.

Under Article 4 of the Convention, the report states that the shipowner ceases to be liable for assistance when the sick or injured person has been cured or when the injury or sickness has passed through the acute stage and has become chronic. If the seaman has been put ashore other than at a French port, the shipowner's liability is limited to a period of four months, except for treatment which may be necessary until the seaman is repatriated. A compulsory insurance scheme exists (Seamen's Provident Fund) which is responsible for seamen from the date on which the shipowner's liability ceases. Under this scheme, all seamen are covered by insurance, including foreign seamen nationals of countries who have accorded similar benefits to French seamen employed on board vessels flying their flag, covered by international agreements, with the exception,

however, of small fishing vessels and vessels engaged in coastwise navigation.

Under Article 5 of the Convention, the report states that the shipowner is liable, up to a maximum period of four months, for full wages while the sick or injured seaman remains on board the vessel and until he is cured, the wound is healed or his condition has been stated to have become chronic; after the expiry of this period, the seaman is covered by compulsory insurance.

Article 6: in default of any stipulations to the contrary, a seaman who is not repatriated to the French port where he was shipped shall be entitled to conveyance to the said port. A seaman who has been put ashore in any French overseas territory shall be repatriated to the said territory unless it was stipulated that he should be taken back to France. Repatriation shall comprise transport, accommodation and food. The master shall advance the cost of clothing in case of necessity.

Article 7: funeral expenses shall be borne by the vessel or by the compulsory insurance service if death takes place after the service has become responsible for a seaman.

Article 9: the justice of the peace shall be competent to deal, as a court of first and final instance, with disputes involving sums not exceeding 1,500 francs, and subject to appeal to the civil court, irrespective of the sum involved. A Bill which is now before Parliament increases to 10,000 francs the sum involved for disputes relating to maritime questions within the competence of the justice of the peace. Proceedings shall be subject to preliminary conciliation before the Director of Shipping Registration. If a dispute arises in France or Algeria the Director of Shipping Registration and the justice of the peace competent to deal with it shall be those for the port in question and, in all other cases, those for the port where the seaman is domiciled or is to be found at the time in question if the dispute is raised by the shipowner, and those of the port where the shipowner's principal establishment or a branch office is situated or, in default of the latter, those of the home country of the vessel, if the dispute is raised by the seaman.

Article 11: the national legislation makes no discrimination as regards nationality, domicile or race.

The application of the relevant legislation and regulations is entrusted to the Director of Shipping Registration, under the control of the Minister of Mercantile Marine. A number of decisions of minor importance were given by courts of law. The number of seamen covered by the system in force is approximately 40,000. It is not possible to supply more precise information. The total expenses for which shipowners were liable amounted in general to 3 per cent. of wages, i.e., approximately 180 million francs in 1948. The question of transferring the shipowner's obligations to the compulsory insurance system (Seamen's Provident

Fund) has been under consideration but no decision has been reached in this connection. The seamen's occupational organisations were in favour of the transfer; a number of shipowners were also in favour, but a number were of the opinion that the proposed additional contribution (3 per cent. of wages) went beyond their present liabilities.

All documents relating to the application of the Convention have been communicated to the Central Committee of French Shipowners and the Federation of Trade Unions of Officers and Seamen belonging to the General Confederation of Labour and to the Labour Force (C.G.T.-F.O.).

Mexico. The report repeats the information previously given. It refers once again to the observations made by the Committee of Experts in 1947 as regards application of Article 3 of the Convention. The Secretariat of Labour has taken note of this observation and is attempting to find ways and means whereby the shipowners may be held responsible for payment of compensation provided by § 103 of the Federal Labour Act, in cases where seamen remain on shore. The report refers also to relations between shipowners and seamen outside Mexican territory; it has not been possible to find a practical solution to this problem. The Secretariat of Labour has, however, again contacted the Marine Secretariat and the Social Insurance Directorate regarding the application of the Convention. There were no important decisions by courts of law and no observations were received from employers' or workers' organisations.

A copy of the report has been communicated to the most representative employers' and workers' organisations.

United States. The report repeats information previously given and adds that seamen employed by the Government, with the exception of those employed through the War Shipping Administration, are entitled to workmen's compensation benefits for injuries occurring in the performance of duty. These benefits include medical, hospital and other care or treatment required by the nature of the injury. Vocational rehabilitation services are also made available to certain disabled merchant seamen. The Public Health Service is authorised to furnish treatment and hospitalisation

for seamen of foreign-flag vessels at the expense of the owner, master or agent of the vessel. The report points out that the duration of the shipowner's liability for maintenance and care and for wages is not defined by national legislation but is determined by the courts, case by case. Under the terms of Public Law No. 781 of the 80th Congress, the Public Health Service is authorised to pay the expenses of transporting the remains, or the reasonable burial expenses, of any seamen dying in a hospital or station to the extent that these expenses are not otherwise covered. There were no new decisions relating to the Convention. The number of seamen protected by the provisions concerning shipowners' liability is approximately 100,000. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the United States Chamber of Commerce, the National Association of Manufacturers, the American Federation of Labor and the Congress of Industrial Organizations.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

United States

Territories and Possessions. All the measures applying to the Continental territory are also valid for persons employed on vessels registered in *Alaska, Hawaii, Puerto Rico, the Virgin Islands and Guam*; however, in these territories and possessions, the United States Customs Officers perform functions relative to the protection and relief of seamen. The Federal Finance Vocational Rehabilitation Services (see report for the Continental territory) apply in *Alaska, Hawaii and Puerto Rico*, but not in the *Virgin Islands, Guam and American Samoa*. No vessels are registered in *American Samoa*.

Trust territory of the Pacific Islands. The application of the Convention is being studied by the appropriate governmental authorities. It is not anticipated that final determination in this regard will be made until after organic legislation has been enacted for the territory.

57. Convention concerning hours of work on board ship and manning
(Not yet in force)

Countries	Date of registration of ratification	Reports received
Australia	24. 9.1938	
Belgium ¹	11. 4.1938	29.11.1948
Sweden ²	6. 1.1939	
United States	29.10.1938	

¹ Voluntary report.
² Conditional ratification.

SUMMARY OF OTHER INFORMATION

Belgium. Hours of work on board ship are regulated by joint agreements which implement the provisions of the Convention ; the regulations concerning minimum crews, as required by the Convention, are thus complied with on board vessels flying the Belgian flag.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Belgium.

Act of 7 March 1938 to ratify the Convention.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

No information.

TWENTY-SECOND SESSION (GENEVA, 1936)

58. Convention fixing the minimum age for the admission of children to employment at sea (revised 1936)

This Convention came into force on 11 April 1939

Countries	Date of registration of ratification	Reports received
Belgium	11. 4. 1938	29. 11. 1948
Brazil	12. 10. 1938	
France	9. 12. 1948	
Iraq	30. 12. 1939	27. 12. 1948
Netherlands	8. 7. 1947	27. 12. 1948
New Zealand	7. 6. 1946	26. 12. 1948
Norway	7. 7. 1937	7. 2. 1949
Sweden	6. 1. 1939	2. 12. 1948
United States	29. 10. 1938	15. 12. 1948

Royal Notification of 30 June 1922 concerning the compiling of registers of juveniles employed upon vessels.

Royal Notification of 9 June 1939 concerning shipping offices in Sweden and the signing on and discharging of seamen, etc.

United States.

U.S. Code (Annotated), Title 46, §§ 643, 672 and 690.

SUMMARY OF OTHER INFORMATION

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Belgium.

Act of 5 June 1928 concerning seamen's articles of agreement (L.S. 1928, Belg. 5 A).
Act of 7 March 1938 to ratify the Convention.

Iraq.

Labour Law No. 36 of 1942, amending Labour Law No. 72 of 1936.
Law No. 7 of 1938 ratifying the Convention.

Netherlands.

Labour Act, 1919, as subsequently amended (L.S. 1922, Neth. 1), as amended by the Act of 14 June 1930 (L.S. 1930, Neth. 2 A).
Decree of 16 November 1946 concerning the employment of young persons at sea (L.S. 1946, Neth. 1).

New Zealand.

Education Act of 1914, as amended in 1920.
Education (School Age) Regulations, 1943.

Norway.

Seamen's Act of 16 February 1923 (L.S. 1923, Nor. 1).
Act of 29 June 1888 concerning the registration and supervision of the engagement of seamen, and supplementary Acts No. 2 of 28 May 1892 and No. 2 of 16 June 1927.

Sweden.

Seamen's Act of 15 June 1922 (L.S. 1922, Swe. 1).

Belgium. The Act of 5 June 1928 does not authorise any of the exceptions provided for by Articles 2 and 3 of the Convention. The legislation applies to all merchant and fishing vessels and requires the keeping of a list of the crew. The Maritime Commissioner, who is responsible for drawing up the list for merchant or fishing vessels, supervises the age of the seamen suggested for enlistment and would not accept any person not satisfying the minimum age requirements. No legal action has been necessary and no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the Federation of Belgian Industries, the General Federation of Labour of Belgium, the Confederation of Christian Trade Unions, and the General Association of Liberal Trade Unions.

Iraq. The report repeats the information previously given. No breaches have been reported. No statistical data are at present available. There were no decisions by courts of law and no observations from employers' or workers' organisations.

The communication of reports to the representative organisations of employers or workers would be premature in view of the prevailing local conditions.

Netherlands. The first report submitted by the Government states that the Convention is applied by the Decree of 16 November 1946 concerning the employment of young persons on board seagoing vessels. § 1 of this Decree provides that any person under 15 years of age or still liable to compul-

sory education may not be employed on board a seagoing vessel, with the exception of vessels on which only members of the same family are working. In this connection, the report states that compulsory education ends at the age of 14 years, as the amended Act of 4 August 1947 concerning compulsory education will only come into force on 1 January 1950. The exceptions provided for by Article 2, paragraph 2, as well as by Article 3, of the Convention are not reproduced in the national legislation.

New Zealand. The report repeats the information given for the period 1947-1948. There were no decisions by courts of law and no observations from employers' and workers' organisations.

Copies of the report have been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

Norway. The report repeats information previously given.

Copies of the report have been communicated to the Norwegian Seamen's Union and the Norwegian Shipping Employers' Association. These organisations made no observations and confirmed that the Convention is fully applied in Norway.

Sweden. The report repeats the information previously given.

Copies of the report have been communicated to the Swedish Employers' Association, the Swedish Confederation of Trade Unions and the Central Organisation of Salaried Employees.

United States. The report repeats the information given for the period 1947-1948.

Copies of the report have been communicated to the United States Chamber of Commerce, the National Association of Manufacturers, the American Federation of Labor and the Congress of Industrial Organizations.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Netherlands

Indonesia.

The Convention has been applied, with modifications necessitated by the fact that an extensive survey has yet to be undertaken of the conditions of employment of Indonesian seafarers (see under Convention No. 7).

Surinam.

The Convention has not been published or promulgated. As there are no possibilities for vocational training other than employment on board ship, the application of the Convention is considered impossible.

New Zealand

Western Samoa; Tokelau Islands; Cook Islands.

It would not be practicable to extend the Convention to the Island Territories as the type of industry covered by the Convention is not carried on.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

United States

Territories and Possessions. All the measures applying to the Continental territory, with the exception only of the Statutes of the States of the United States, relate no less to *Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam and American Samoa.*

Trust territory of the Pacific Islands. The application of the Convention is being studied by the appropriate governmental authorities. It is not anticipated that final determination in this regard will be made until after organic legislation has been enacted for the territory.

TWENTY-THIRD SESSION (GENEVA, 1937)

59. Convention fixing the minimum age for admission of children to industrial employment (revised 1937)

This Convention came into force on 21 February 1941

Countries	Date of registration of ratification	Reports received
China	21. 2.1940	
New Zealand	8. 7.1947	19. 2.1949
Norway	26. 8.1938	3. 2.1949

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

New Zealand.

Education Act, 1914.
Education Amendment Act, 1920.
Education (School Age) Regulations, 1943.
Factories (Consolidation) Act, 1946 (L.S. 1946, N.Z. 4).
Industrial Conciliation and Arbitration Act, 1925 (L.S. 1925, N.Z. 1).

Norway.

Workers' Protection Act, 1936 (L.S. 1936, Nor. 1).

SUMMARY OF OTHER INFORMATION

New Zealand. As the Education (School Age) Regulations, 1943, operate on a general basis, a definition of the term "industrial undertaking" for the purpose of the Convention is not necessary. The Factories Act, 1946, however contains the following definition of the term "factory" :

"(a) Any building, office, or place in which two or more persons are engaged, or in which one or more persons are employed, directly or indirectly, in any handicraft, or in preparing or manufacturing goods for trade or sale, and includes any building, office, or place in which work such as is ordinarily performed in a factory is performed for or on behalf of any local authority whether for trade or sale or not ; but does not include any building in course of erection nor any temporary workshop or shed for workmen engaged in the erection of such building ; but (whatever the number of persons engaged or employed therein) includes :

(b) every bakehouse ; and

(c) every building or place in which steam or other mechanical power or appliance is used for the purpose of preparing or manufacturing goods for trade or sale, or packing such goods for transit ; and

(d) every building or place in which electrical energy is generated or transformed as an illuminant or a motive power for trade or sale, or in which coal-gas or any other form of gas is produced for like purposes ; and

(e) every laundry, whether the persons engaged or employed therein receive payment or not ; and

(f) every building or place in which the business of pasteurising milk is carried on for trade or sale otherwise than on a farm ; and

(g) every abattoir within the meaning of the Meat Act, 1939 ; and

(h) every building or place in which any noxious handicraft, process, or employment is carried on."

Provisions regarding the compulsory registration and attendance of children at different schools are contained in § 59 of the Education Act, 1914, and in Regulation No. 10 of the Education (School Age) Regulations, 1943. The Factories Act, 1946 (§ 37), provides that a boy or girl under 15 years of age shall not be employed in any factory, except in any special cases authorised by the inspector who shall not give any such authorisations except in the case of a boy or girl over 14 years of age who is exempted under the Education Act from the obligation to be enrolled as a pupil at any school. For the year ended 31 March 1948, 76 authorisations (60 for boys and 16 for girls) were issued in terms of § 37 of the Factories Act.

The legislation does not provide for the exception allowed under Article 3 of the Convention. Technical schools in New Zealand are administered by Boards which are subject to control by the Education Department, a Department of State.

Article 4 of the Convention is applied by § 15 of the Factories Act, 1946, which makes it compulsory for the occupier of every factory to keep a wages and time book in which must be recorded, *inter alia*,

the name of every employee and his age, if under 21 years of age. This provision covers undertakings within paragraph (b) of the definition. Under the Industrial Conciliation and Arbitration Act, 1925 (§ 101 (5)), and Regulation 71 issued thereunder, undertakings within paragraphs (a), (c) and (d) are similarly required to keep a wages and overtime record containing the ages of workers if under 21, as they are covered by awards of the court of arbitration.

Article 5 of the Convention is covered by § 38 (subsections 2, 3 and 4) of the Factories Act, which stipulates that no woman, boy or youth shall be employed in certain specified lead processes and that no boy or girl under 16 years of age shall be employed in any room in which any dry grinding in the metal trade is carried on; no girl under 18 years of age shall be employed in any part of a factory in which specified processes of melting, blowing and annealing of glass, evaporating of brine in open pans or the stoving of salt are carried on ("boy" means a male person under the age of 16 years; "youth" means a male person over the age of 16 years but under the age of 18 years; "woman" means any female, irrespective of age).

The Education Act, 1914, and the Education (School Age) Regulations are administered in the Education Department and the Education Boards established under the Act. Education Boards have a duty to take all necessary steps to ensure that all children of school age are enrolled as pupils of a public or of some other school. § 64 of the Education Act authorises the appointment of attendance officers who have power to institute the penal proceedings provided for in case of infringement. Regulation No. 9 gives the governing body of any school not under the control of an Education Board power to appoint attendance officers; in addition, it authorises the appointment of an officer of the Education Department as an attendance officer. The Factories Act, 1946, and the Industrial Conciliation and Arbitration Act, 1925, are administered by the Department of Labour and Employment which maintains an inspectorate. The Mines Department also maintains an inspectorate, while inspectors of the Transport Department supervise hours of work and conditions of work in passenger and goods transport services. No decisions were given by courts of law or other courts and no observations were received from employers' or workers' organisations.

With regard to the comments of the Committee on the Application of Conventions and Recommendations in their report to the 1948 Session of the Conference, the Government states that in April 1948 it approved the preparation of draft legislation dealing, *inter alia*, with the minimum age for entry into employment. Owing to great pressure of legislative work, it has not been possible to prepare a Bill which will fully implement the provisions of the Convention. It is however intended to proceed with the preparation of this Bill during the Parliamentary recess.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

Norway. The report refers to information supplied in previous years and adds that the Chief Inspector of Labour has reported that in some districts the labour inspectors have discovered a few cases where, owing to shortage of adult manpower, children were employed in contravention of the Workers' Protection Act. Such cases have occurred especially in seasonal industries (brisling, canning factories and herring curing), and also in potteries, art pottery works, slaughterhouses, vulcanising workshops and hairdressing establishments. In most of these cases, the children concerned were only about two months below the age of 15 years and therefore considered themselves entitled to take up employment in anticipation of finishing their school attendance. Any illegal employment of children, when discovered, has been immediately discontinued by order of the labour inspector concerned.

In compliance with a request made by the Committee of Experts in 1948, regulations to extend the obligation of the employer to keep a register of young persons (Article 4 of the Convention) were issued by the Ministry of Labour and Municipal Affairs on 25 January 1949, under § 31 of the Workers Protection Act.

The report has been communicated to the General Confederation of Trade Unions of Norway and the Norwegian Employers' Confederation. These organisations have made no observations and have confirmed that the Convention is fully applied.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

No information.

60. Convention concerning the age for admission of children to non-industrial employment (revised), 1937

(Not yet in force)

Country	Date of registration of ratification	Report received
New Zealand ¹	8. 7.1947	19. 2.1949

¹ Voluntary report.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

New Zealand.

Infants Act, 1908.
Education Act, 1914.
Education Amendment Act, 1920 (§§ 10-13).
Education (School Age) Regulations, 1943.
Factories (Consolidation) Act, 1946 (L.S. 1946, N.Z. 4).
Industrial Conciliation and Arbitration Act, 1925 (L.S. 1925, N.Z. 1).

SUMMARY OF OTHER INFORMATION

New Zealand. In a voluntary report the Government states, under Article 1 of the Convention, that, as the Education (School Age) Regulations, 1943, operate on a general basis, no definition for the purposes of the Convention has been devised. Provisions regarding the compulsory registration and attendance of children at different schools are contained in § 59 of the Education Act, 1914, and in Regulation No. 10 of the Education (School Age) Regulations, 1943.

With regard to Article 4 of the Convention, the report states that the Infants Act of 1908 (§ 29) contains provisions relating to restrictions on the employment of children under the ages of 10, 14 and 16 years in certain specified occupations.

No regulations have been considered necessary for the application of Articles 5 and 6 of the Convention. With regard to Article 7, the report states that the Shops and Offices Act, 1921-1922 (§ 12), makes it compulsory for the occupier of every shop to keep a wage and time book in which

is to be recorded, *inter alia*, the name of every shop assistant together with his age, if under 21 years. Under § 20 of the Shops and Offices Amendment Act, 1936, this provision was extended to offices and office assistants. Undertakings such as wholesale warehouses are similarly required to keep a wages and overtime record containing the ages of workers if under 21 (Industrial and Conciliation Arbitration Act, 1925, § 101 (5) and Regulation 71 issued thereunder) as they are covered by awards of the court of arbitration.

See under Convention No. 59 for information regarding the administration of the Education Act, 1914, and the Education (School Age) Regulations, 1943.

The Infants Act is administered by the Police Department and the Child Welfare Branch of the Education Department, both of which maintain an inspectorate, while the inspectors attached to the Department of Labour and Welfare supervise employment in shops and offices, and commercial and trading establishments.

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

With regard to the observations made last year by the Committee on the Application of Conventions and Recommendations, the Government refers to its report on Convention No. 59 and adds that it is contemplated that the proposed Bill should apply to non-industrial as well as to industrial employment, and that the provisions of the Convention will be fully met by the provisions of this Bill.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

No information.

61. Convention concerning the reduction of hours of work in the textile industry*(Not yet in force)*

Country	Date of registration of ratification	Report received
New Zealand ¹	29. 3.1938	26.12.1948

¹ Voluntary report.**LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.***New Zealand.*

Factories (Consolidation) Act, 1946 (L.S. 1946, N.Z. 4).

Various awards relating to different industrial districts and branches of the textile industry.

SUMMARY OF OTHER INFORMATION

New Zealand. The Government refers to its previous report and indicates certain changes as regards the awards mentioned in its report for 1946-1947. The number of additional hours worked during the periods

1944-1945 and 1945-1946 was 816,853 and 552,576 respectively, as compared with 902,861 hours for the period 1943-1944. There were no decisions by courts of law.

Copies of the report have been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

**NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)***New Zealand**Western Samoa ; Tokelau Islands ; Cook Islands.*

It would not be practicable to extend the Convention to the Island Territories as the type of industry in question is not carried on.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

62. Convention concerning safety provisions in the building industry*This Convention came into force on 4 July 1942*

Countries	Date of registration of ratification	Reports received
Finland	8. 4.1947	13.12.1948
Mexico	4. 7.1941	3.12.1948
Switzerland	23. 5.1940	30.11.1948

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.*Finland.*

Act of 4 March 1927, concerning labour inspection.

Resolution of the Council of State, dated 4 March 1927, concerning the entry into force of the above Act.

Resolution of the Council of State, dated 15 November 1927, issuing regulations for the building industry (L.S. 1927, Fin. 2).

Workers' Protection Act, dated 28 March 1930 (L.S. 1930, Fin. 2).

Order of the Ministry of Commerce and Industry, dated 17 August 1933, containing provisions relating to the construction, assembling, servicing, maintenance and inspection of lifts.

Resolution of the Council of State, dated 15 February 1934, containing provisions relating to the construction, assembling, servicing, maintenance and inspection of lifts.

Mexico.

Political Constitution of the United States of Mexico, 1917.

Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).

Regulations for the prevention of industrial accidents, 29 November 1934.

Regulations concerning urban construction in the Federal District, 23 July 1942.

§ 133 of the Constitution of the Republic.

Switzerland.

Sickness and Accident Insurance Act, 1911.

Federal Order of 2 April 1940 concerning the prevention of accidents in the building industry.

SUMMARY OF OTHER INFORMATION

Finland. The first report contains a detailed analysis of the national legislation applying the Convention. The Government states that a committee has been formed with a view to revising this legislation so as to ensure full conformity with the terms of the Convention. The labour inspectors of the Ministry of Commerce and Industry supervise the application of the provisions of the Convention. No decisions were given by

courts of law. In 1947, 2,909 undertakings, employing 31,589 workers (among them 3,267 women), were registered in the building industry. The most up-to-date statistics of accidents in the building industry relate to the year 1942, when the total number of accidents amounted to 4,229; 32 of these accidents were fatal and 79 resulted in permanent disability. The principal causes of accidents were the following: manipulation of objects, tools, stumbling and falling down of persons, means of transportation, falling down of objects.

The report has been communicated to the Confederation of Finnish Employers' Organisations and the Confederation of Finnish Trade Unions.

Mexico. The Government repeats the information furnished for the period 1946-1947 and adds that the Secretariat of the Directorate of Social Welfare again called the attention of the Department for the Federal Districts to the necessity of bringing the provisions of the Building Regulations into conformity with those of the Convention. The Secretariat also called the attention of the Government of the various States to the importance of the Convention and requested them to apply the latter. There were no decisions by courts of law and no observations from employers' or workers' organisations.

Copies of the report have been communicated to the most representative organisations of employers and workers.

Switzerland. The report contains a detailed analysis of the legislation giving effect to the Convention. In addition to information previously furnished, it supplies the following supplementary data. The Swiss National Accident Insurance Institute (SUVA) has not yet issued any special regulations concerning persons employed on a roof (Article 9, paragraph 2 of the Convention). The relevant regulations are the general provisions of § 65 of the Sickness and Accident Insurance Act, 1911 and the cantonal and communal building regulations. As regards Article 10, paragraph 3, the report states that the general provisions of the Insurance Act and the cantonal and communal building regulations have proved sufficient. The close supervision exercised by the SUVA in the interests of accident

prevention, the measures taken by employers, and cantonal and communal supervision have made superfluous the issue of special regulations in connection with Article 10, paragraph 5. Existing regulations issued by the SUVA or by the cantonal or communal building authorities also apply the provisions of Article 13. Safety measures concerning hoisting appliances (Article 15, paragraph 3) prescribed by the SUVA and by local authorities will be supplemented by regulations now under discussion with the trade associations concerned, and the Order which is in course of preparation will ensure uniformity in this matter.

Appeals respecting measures imposed on heads of undertakings may be addressed to the Federal Social Insurance Office, the Federal Department of National Economy and the Federal Council. The decisions of these authorities have regard to the letter and spirit of the basic provisions of the Federal Insurance Act and the Orders of the Federal Council. No fundamental decision concerning the application of the Convention has yet been given.

There were no observations from employers' or workers' organisations. The report contains statistics of accidents to workers in the building industry and associated trades during 1946.

The report was communicated to the following organisations: Central Union of Swiss Employers' Associations; Swiss Union of Trade and Industry; Swiss Union of Arts and Crafts; Swiss Trade Union Federation; Federation of Swiss Employees' Associations; Swiss Federation of Christian-National Trade Unions; Swiss Association of Protestant Workers and Employees; Swiss Union of Independent Trade Unions.

In accordance with Article 1, paragraph 2 of the Convention, the Swiss Government has appended to its annual report a triennial report indicating the extent to which effect has been given to the provisions of the Model Code annexed to the Recommendation (No. 53) concerning safety provisions in the building industry (1937).

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Does not apply.

TWENTY-FOURTH 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

Note :

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.

Countries	Date of registration of ratification	Reports received
Australia ¹	5. 9.1939	12.10.1948
Canada	6. 4.1946	2.12.1948
Denmark ²	22. 6.1939	20.11.1948
Egypt ³	5.10.1940	17.12.1948
Finland ²	8. 4.1947	26.10.1948
Ireland	9.10.1946	14. 3.1949
Mexico	16. 7.1942	3.12.1948
Netherlands	9. 3.1940	27.12.1948
New Zealand ¹	18. 1.1940	26.12.1948
Norway ²	29. 3.1940	3. 2.1949
Sweden ²	21. 6.1939	2.12.1948
Switzerland ³	23. 5.1940	30.11.1948
Union of South Africa ⁴	8. 8.1939	16.11.1948
United Kingdom	26. 5.1947	7.12.1948

¹ Excluding Part II.

² Excluding Part III.

³ Excluding Parts III and IV.

⁴ Excluding Parts II and IV.

The laws which carry out the provisions of this Convention are not usually laws passed specifically for this purpose, but are general provisions relating to the compilation of statistics.

Australia. The report refers to information previously given and contains statistics which relate also to the preceding report.

Canada. The report repeats the information previously furnished. No observations were received from employers' or workers' organisations.

Copies of the report will be communicated to the Canadian Manufacturers' Association, the Canadian Chamber of Commerce, the Canadian Construction Association, the Railway Association of Canada, the Trades and Labour Congress of Canada, the Canadian Congress of Labour, the Canadian and Catholic Federation of Labour and the Dominion Joint Legislative Committee of the Railway Transportation Brotherhoods.

Denmark. The report refers to the information previously given. The work of the Joint Committee for the Northern European

Countries concerning a co-ordination of the statistics of wages in the Scandinavian countries, and of the Danish Committee on statistics of wages, has led to the drawing up of a list of certain " typical occupations " which may help in developing statistics by industries, but emphasis will still be placed on statistics by trades. The preparation of statistics of hours of work is also being considered. There are in fact many exceptions to the principle of the eight-hour day. No observations were received from employers' or workers' organisations.

Egypt.

Act No. 29 of 1942 respecting the census of industrial workers and Decree No. 27 of 1943 issued thereunder.

The report repeats the information previously given. No steps have been taken to undertake the collection of statistics mentioned in Parts III and IV of the Convention, which had been excluded from acceptance at the time of ratification. The report enumerates the publications communicated to the International Labour Office. It states, in regard to Article 10, that statistics are not compiled separately for each sex and for adults and young persons, since the proportion of women employed in industry is only about 3 per cent. of the total number of workers and the proportion of young persons does not exceed 10.5 per cent. The report again states that index numbers showing the general movement of earnings per week have not been compiled. No observations were received from employers or workers.

Finland.

Decision of the Council of Ministers of 3 October 1947.

In its first report, the Government states that, independently from the recent regu-

lations requiring employers to submit information on wages, statistics have been compiled for some time on the basis of a voluntary system. These statistics are contained in the various issues of the Social Review published from 1946-1948 and communicated to the International Labour Office, as well as in the Statistical Year Book of Finland. The information published relates to wages of industrial workers, workers in public works (State and municipalities), as well as manual and intellectual workers. Data on hours of work compiled on the basis of a sample of undertakings have also been published. Part III of the Convention was excluded at the time of ratification. Up to now, statistics of average earnings and of hours actually worked have not been compiled. The report adds that wage rates by the hour and by category are fixed by Ministerial Order and that hours of work are eight in principle. The Government has no knowledge of any observations from employers' or workers' organisations.

Copies of the report have been communicated to the Confederation of Finnish Employers' Organisations and the Confederation of Finnish Trade Unions.

Ireland. In its first report, the Government states that statistics required under Article 4 of the Convention are compiled from: (a) the annual returns made by manufacturing concerns on the annual Census of Industrial Production; (b) annual returns of rates of wages and hours of work in principal occupations in certain industries, furnished by the managers of local employment offices, as well as from employers' associations, trade unions and individual employers and workpeople; (c) changes in rates of wages and hours of work reported by the Labour Court; (d) twice yearly returns from a large sample of firms engaged in manufacturing industries; (e) returns furnished by the transport companies; and (f) minimum wage rates for agriculture fixed under the relevant legislation.

As regards (b), it has not yet been found possible to obtain the returns for 25 principal towns at quarterly intervals; the proposal referred to in the previous report is being considered with a view to obtaining this information in 1948-1949.

Article 5, paragraph 1: statistics of average earnings and hours actually worked are considered in the report entitled: "Some Statistics of Wages and Hours of Work in 1946", compiled by the Department of Industry and Commerce, a copy of which has been forwarded to the International Labour Office. This report contains comparative figures for years prior to 1946. A later report will be published containing figures for each year up to 1949. Statistics of a similar nature were contained in the Year Book of Labour Statistics which has been communicated to the International Labour Office.

Paragraph 2: statistics of earnings and hours actually worked are compiled from

data furnished by all firms covered in the Census of Industrial Production; this census covers firms employing four or more persons.

Paragraph 3: the scope of the industries for which figures are given is described in the publication "Some Statistics of Wages and Hours of Work in 1946".

Article 8: any family allowance payments made in the country are paid by the State and are uniform for all classes of the population. No substantial allowances are given by employers in any particular industry. Accordingly, no addition for family allowance is made to the earnings figures.

Article 12, paragraph 1: index numbers of the movement of average earnings are compiled and published in the above-mentioned report.

Paragraphs 2 and 3: the methods used in constructing the index particulars are described in the above-mentioned report.

Article 13: statistics of the rates of wages and normal hours of work are compiled and published in the above-mentioned report.

Article 14, paragraph 2: information regarding the nature and the source of the information is contained in the introduction to the report in question.

Article 18: geographical areas in which rates are applicable are given in various tables appended to the report.

Article 19: with reference to family allowances, see under Article 8.

Article 21: twice-yearly indexes are compiled of the general movement of wages per week in a large sample of manufacturing industries and published in the report. Separate figures are given for each industrial group. An annual index of the wages in 23 principal industrial occupations is also published, together with information relating to the method of compiling the index. A separate index has been compiled for those occupations which relate to the building and construction industries. The method of compiling the index numbers and rates of wages in manufacturing industries is also described in the report. For Dublin district, index numbers of weekly rates of wages in industry, services, transport and all groups as at 1 January in each year to base January 1939 = 100 are also given in the report.

Article 22: statistics of wages of agricultural workers are contained in a table which shows the areas to which the rates refer, as well as the age groups of workers concerned. Wage rates shown are in all cases equivalent to minimum rates of wages prevailing for agricultural workers.

The Statistics Department of the Department of Industry and Commerce is entrusted with the compilation of the relevant statistics. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the following organisations: the Congress of Irish Unions, the Irish Trade Union Congress and the Federated Union of Employers.

Mexico.

Federal Statistics Act of 22 December 1939 and Regulations made thereunder on 30 November 1940.

The report repeats the information previously furnished. It has not been possible to obtain statistical data concerning the number of workers who receive minimum wages; wages fixed by agreement are usually higher than the minimum rates fixed by the Conciliation and Arbitration Commission. The great majority of the peasants work on land belonging to the State. They do not pay any rent provided that they cultivate this land efficiently. The number of agricultural workers is therefore very small and they change their places of work frequently, thus rendering difficult the compilation of relevant statistics. In any case, the Government has not abandoned the hope of collecting statistics of wages of agricultural workers.

A copy of the report has been communicated to the most representative employers' and workers' organisations.

Netherlands. The report states, that the statistics published relate to average earnings and hours of work in the principal manufacturing industries including construction, average earnings in mining, average earnings in agriculture, time rates of wages and normal hours of work in manufacturing industries, mining and agriculture. These data are published by the Central Statistical Office in "Wage Statistics". The statistics of average earnings include total wages without the deduction of insurance premiums and taxes. Minor payments in kind are not taken into consideration. Family allowances covered by Article 8 are not included in the data on earnings but are covered by special statistics. The report explains the application of the various provisions of the Convention and, in particular, Articles 9, 10, 11 and 12. As regards Articles 14 and following, the report refers to the annual publication "Wages Regulations and Other Working Conditions in the Netherlands".

Copies of the report have been communicated to the Federation of Labour, in which all employers' and workers' organisations are centralised, with the exception of the "United Trade Union Centre".

New Zealand. The report refers to information previously given and repeats that New Zealand excluded Part II from the acceptance implicit in its ratification. There were no observations from employers' or workers' organisations.

Copies of the report have been communicated to the New Zealand Employers' Federation and to the New Zealand Federation of Labour.

Norway. The report refers to information previously furnished.

Copies of the report have been communicated to the General Confederation of Trade Unions in Norway and to the Nor-

wegian Employers' Confederation, which have made no observations.

Sweden. The report repeats the information previously given and contains various statistical data. From 1948, statistics of average time rates of wages will be compiled separately for each sex and for adults and young persons. These statistics will take account of certain areas in which the cost of living is particularly high.

Copies of the report have been communicated to the Swedish Employers' Association, the Central Organisation of Employees and the Swedish Confederation of Trade Unions.

Switzerland.

Federal Decree of 8 October 1920 (§ 3) to establish the Federal Board of Labour.

The report refers, as regards Parts III and IV of the Convention which had been excluded at the time of ratification, to biennial and annual statistics concerning wage rates fixed by collective agreements and to normal hours of work. The first statistics of this kind, by occupation, were compiled in October 1947. It is intended to publish as soon as possible global results for the years 1946-1948. The report mentions the various enquiries undertaken during the period under review.

Copies of the report have been communicated to the Central Federation of Swiss Employers' Associations, the Swiss Federation of Commerce and Industry, the Swiss Federation of Arts and Crafts, the Swiss Federation of Trade Unions, the Federation of Swiss Associations of Salaried Employees, the Swiss Federation of Christian National Trade Unions, the Swiss Association of Protestant Workers and Salaried Employees and the Swiss Federation of Independent Trade Unions.

Union of South Africa.

Statistics Act, 1914.

The report repeats the information previously given and refers in detail to Parts II and IV which had been excluded at the time of ratification. The inclusion of Part II depends on the possibility of obtaining data on hours actually worked in the most important industries (which will be undertaken immediately) and on the possibility of securing data on total earnings per day or week, including overtime wages in mining; the compilation of such data presents a considerable difficulty but the matter is being investigated. As regards Part IV, the report states that the data provided for in this Part cannot be obtained in practice, since the vast majority of agricultural manpower is non-European and the money wages of these labourers are only a very small portion of their total wages. Data could be secured only for a very small fraction of the territory. Under present

conditions, the ratification of Part IV appears unlikely.

The report contains various details regarding the application of Part III which, in general, does not present any difficulties. No separate statistics exist for adults and young persons. Index numbers showing the rates of wages relate solely to European male journeymen. The statistics published cover the five chief industrial areas: the Cape Peninsular (including Capetown), Port Elizabeth, Durban and Pinetown, Pretoria and the Witwatersrand (including Johannesburg). The town of Vereeniging will also be included shortly. No observations were received from employers' and workers' organisations. Various statistical tables are appended to the report.

Copies of the report have been communicated to the South African Employers' Committee on International Labour Affairs, the South African Trades and Labour Council, the Western Province Federation of Labour Unions, the Federal Consultative Committee of South African Railways and Harbours Staff Associations, and the Co-ordinating Council of South African Trade Unions.

United Kingdom.

Statistics of Trade Act, 1947.

The first report on the Convention gives detailed information regarding the system now in force, legislation for which exists in the Statistics of Trade Act, 1947. However, no use has been made of the powers conferred by the Act and the relevant statistical information has been obtained by voluntary enquiries.

Article 1: statistics relating to wages and hours of work are compiled as required by the Convention. Statistics relating to earnings and hours worked, which are collected at six-monthly intervals, are published within six months of the date of the enquiry. Details of time rates of wages and normal hours are published about two months after the date to which they relate. Index numbers of wage rates are published monthly. Copies of all publications referred to in the report are supplied to the International Labour Office.

Article 2: no Part of the Convention has been excluded from acceptance.

Article 5: statistics of average weekly and hourly earnings and of average hours actually worked by manual wage earners in the manufacturing industries, building and contracting and mining (other than coal mining) are established by the Ministry of Labour and National Service, obtained by enquiries addressed to a substantial sample of employees and published in the *Ministry of Labour Gazette*. Separate statistics are published for each of the principal industries. In 1938, forms of enquiry were sent out to all employers with more than ten workpeople and to a 20 per cent. sample of smaller firms. Approximately 70 per cent. of the employers furnished returns.

Enquiries have since been addressed in general to those firms which originally made returns.

As regards coal mining, statistics are collected and published by the National Coal Board, showing the average weekly earnings and average shift earnings. The statistics covered mines producing about 99 per cent. of the total quantity of saleable coal. Figures are not collected or published as to the average hours worked per week, but the average number of shifts worked per week is published monthly.

Article 6: the statistics as to average earnings include all cash payments and bonuses received from the employer and social insurance contributions payable by the employed persons and deducted by the employer.

Article 7: allowances in kind do not form a substantial proportion of the total remuneration of wage earners in any of the manufacturing industries. In the case of coal mining, the published statistics of average earnings show separately the value of allowances in kind.

Article 8: family allowances are not paid by employers to their workpeople, but provision is made for payment out of funds provided by Parliament under the Family Allowances Act, 1945. As these allowances are not payable in respect of one-child families, it has not been possible to collect statistics as to the average amount of family allowances for persons employed.

Article 9: the statistics for industries other than coal, showing average earnings, relate to average earnings per week and per hour. Statistics are not available as to the average hours worked per week in the coal-mining industry.

Article 10: statistics for industries other than coal are related to two dates in each year at six-monthly intervals. Separate figures are given in respect of men aged 21 years and over, youths and boys, women aged 18 years and over, and girls. Statistics relating to average earnings in coal mining are available at quarterly intervals.

Article 11: the published statistics relate to the whole country.

Article 12: in publishing the results of the enquiries (other than in the coal-mining industry) the percentage change compared with 1938 in the average weekly and hourly earnings is given on each occasion. In computing the average earnings and the percentages, account is taken of the relative importance of each industry as measured by the total numbers employed. The method of calculation is described in the published information. The percentage increase in average earnings in the coal-mining industry, compared with 1938, is calculated by the Ministry of Fuel and Power.

Articles 13 and 14: information as to the time rates of wages and normal hours in all the more important industries is published by the Ministry of Labour and National Service in an annual report. This inform-

ation includes minimum rates of wages and normal hours of work as determined by Statutory Orders, voluntary collective agreements and arbitration awards. Information is given as to the nature and source of the information.

Article 15 : separate figures for the main occupations have been given in the annual publication, so far as they are available.

Article 16 : the statistics as to normal hours relate to the same date as those of rates of wages and in all cases the hours are given.

Article 17 : separate information is given showing the rates of wages fixed for men and women respectively, but for the years 1946, 1947 and 1948 rates of wages have not been shown for juveniles.

Article 18 : rates of wages and normal hours are shown in the publication for separate towns and districts, except in industries for which they are applicable to the whole country.

Article 19 : information as to the normal rates of wages payable for overtime is published in Supplement No. 1 to the *Industrial Relations Handbook*. No information has been published to show the amount of overtime permitted, though in most industries there are no provisions on this subject. The maximum hours which may be worked by women and young persons are defined in the Factories Act.

Article 20 : allowances do not form part of the wages in manufacturing industries and in building and contracting, but some allowances in kind are given in the coal-mining industry ; in this case, the rates of wages published are described as including the value of such allowances.

Article 21 : index numbers showing the general movement of rates of wages per week and per hour are calculated on the basis of statistics relating to time rates of wages and normal hours of work, supplemented by information as to changes in piece-rates. In calculating the index, account is taken of the relative importance of the different industries and services. A description of the method of calculating the index is published in the *Ministry of Labour Gazette* for February 1948.

Article 22 : statistics as to the minimum rates of wages fixed by Orders under the Agricultural Wages Act, including the value of allowances in kind and the normal hours of work in agriculture, are published in the annual reports of the Ministry of Labour and National Service.

Article 23 : no areas in the United Kingdom are excluded from the statistics compiled in accordance with the requirements of the Convention.

The task of compiling the relevant statistical information is entrusted to the Ministry of Labour and National Service with the assistance of the Ministry of Fuel and Power, the National Coal Board in the case of the coal-mining industry, and the Ministry of Agriculture and Fisheries

in the case of agriculture. The Ministry of National Insurance is responsible for information relating to family allowances.

The report has been communicated to the British Employers' Confederation and the Trades Union Congress.

NON-METROPOLITAN TERRITORIES

(ARTICLE 35 OF THE CONSTITUTION)

Netherlands

Indonesia.

The Convention has not been applied. Only a small percentage of the population is employed in industry, and only a small proportion of those so employed are skilled workers. The majority of the workers are coolies and their wages are based on the actual local cost of living, which varies from time to time and from place to place. Most of them are casual labourers, employed seasonally. Their earnings only supplement the yield from their holdings. The labourers who are fully employed in western agricultural undertakings are either unskilled labourers earning minimum wages or skilled workers earning higher wages. Data on these groups would not be comparable with data for other countries. The present conditions are a great handicap to the establishment of accurate statistics, so that the application of the Convention is considered to be impossible for the time being.

Netherland West Indies.

Ordinance No. 106 of 1945.

The Ordinance for the registration of labourers covers the provisions of the Convention, except those relating to hours of work. The Government is collecting statistics concerning labourers who earn less than 10,000 guilders a year.

Surinam.

The Convention has not been published or promulgated. Statistical data are not available.

New Zealand

Western Samoa ; Tokelau Islands ; Cook Islands.

It would not be practicable to extend the Convention to the territories as, in their present state, they come within the scope of the excluded categories mentioned in Article 23 of the Convention.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

Union of South Africa

South West Africa.

See under Convention No. 2.

TWENTY-FIFTH SESSION (GENEVA, 1939)

64. Convention concerning the regulation of written contracts of employment of indigenous workers

This Convention came into force on 8 July 1948

Countries	Date of registration of ratification	Reports received
Belgium	26. 7. 1948	
New Zealand	8. 7. 1947	26. 12. 1948
United Kingdom	24. 8. 1943	14. 12. 1948

New Zealand

Cook Islands Act, 1915.

Order in Council of 1916 relating to the engagement of Native labour in the Cook Islands for employment beyond the limits of the territory.

The only contracts to which the Convention would be applicable are those under which Niuean labourers are employed by the New Zealand Reparation Estates in Samoa. These contracts are generally in conformity with the requirements of the Convention and a copy of a typical contract, as well as of the Regulations of 1916 issued under the Cook Islands Act, 1915, were attached to the 1946-1947 report.

Workers recruited by contract are medically examined before their departure by the Chief Medical Officer, Niue Island Administration. There are 40 Niuean labourers employed in Samoa under such contracts.

A draft Ordinance entitled the "Contract of Employment Ordinance", to give effect to the Convention, is at present in the hands of the Crown Solicitor, Western Samoa.

The report has been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

United Kingdom

Aden.

Ordinance No. 45 of 1942.

The Convention is applied in full without reservation. The authorised officer is the district commissioner. The only cases which have come to the notice of the district commissioner are those in which contracts have been made in Aden for service outside the colony. In some cases, while the workers engaged were indigenous, they were not Adenese.

No decisions were given by courts of law during the period under review. In practice,

the Convention has little application in Aden. Most indigenous workers come to Aden from the hinterland for casual work and return to their homes at frequent intervals; others, such as Indians, are recruited for clerical employment on contracts which are regulated in their country of origin. It has been customary recently to ensure that workers who contract for employment outside Aden are employed on conditions prescribed by the Convention.

There are no representative organisations of employers and workers in the territory.

Barbados.

The application of the Convention is reserved.

Basutoland.

Proclamation No. 5 of 1942.

§ 1 of Proclamation No. 5 of 1942 reproduces the definitions of "worker" and "employer" contained in Article 1 of the Convention. Each provision of the Convention is reproduced by a corresponding provision in the Proclamation, with the exception of paragraphs 3, 4 and 5 of Article 6 of the Convention. Under Article 19 of the Convention, it should be noted that workers are seldom — if ever — recruited from another territory for employment in Basutoland. In the case of labour recruited in Basutoland for employment in the Union of South Africa, it is the practice for a second contract to be completed when the labourers arrive at their place of employment. The Union of South Africa Department of Native Affairs and the Administration of the Territory of Basutoland work in close co-operation so as to ensure the application of the provisions of the Convention.

Bechuanaland.

Proclamation No. 56 of 1941.

§ 22 of Proclamation No. 56 provides that every contract for a period of six months or more, and every contract containing conditions of employment which differ materially from those customary in the locality

shall be in writing. § 23 of the Proclamation requires that contracts shall be signed in the presence of a Government Officer, appointed by the Resident Commissioner, who must satisfy himself that the employee fully understands the terms of the contract.

The contract must include the following particulars : the name of the employer or group of employers, and, where practicable, of the undertaking and of the place of employment ; the name of the Native, the place of engagement, and, if possible, his place of origin, and any other particulars necessary for his identification ; the nature of the employment ; the duration of the employment and the method of calculating this duration ; the rate of wages and the method of calculation thereof, the manner and periodicity of payment of wages, the advance of wages, if any, and the manner of repayment of such advances ; the conditions of repatriation ; and any special conditions of the contract.

No contract may be for more than one year.

Bermuda.

No measures have been taken to apply the provisions of the Convention.

British Guiana.

There is no legislation in the colony applying the provisions of the Convention. Amendments to the Labour Ordinance, 1942 (2), are being considered, however, for the purpose of applying its provisions.

British Honduras.

Employers and Workers Ordinance, No. 6 of 1943.

Employers and Workers Regulations, No. 46 of 1943.

The Convention has been applied with such modifications as have been necessary to meet local conditions. The following information is given regarding the application of the various Articles of the Convention :

Article 2 : the Ordinance applies to all workers. None of the exemptions contained in paragraphs 2, 3 and 4 is provided for in the Ordinance.

Article 3 : every contract for a period of more than three months shall be in writing, but this is not necessary when the conditions of employment differ materially from the customary practices. The contract must be signed by the worker and the employer in the presence of the attesting officer. A contract which is not prepared in accordance with the requirements of the Ordinance shall be invalid.

Article 4 : the contract does not bind the family or dependants of a worker.

Article 5 is fully applied.

Article 6 : every contract shall be attested by a qualified official, who verifies the application of the conditions provided for in paragraphs 2 of the Article. Any contract

not so attested is not deemed to be valid. Paragraphs 4 and 5 of the Article are fully applied. Every contract shall be prepared in triplicate — the original is sent to the employer, one copy to the worker, and one to the Labour Department or a district commissioner. On the engagement of a worker for the timber industry or in agriculture, the employer shall affix the worker's copy of the contract to his pass-book.

Article 7 : every worker in the timber industry or in the chicle industry shall be medically examined before engagement. This examination is not compulsory, however, for workers in the timber or chicle industries who are employed at a distance of not more than five miles from their usual residence.

Article 8 : there is no corresponding provision in the Ordinance. In practice, the attesting officer always makes enquiry into the age of the worker when the latter has apparently not yet reached adult status.

Article 9 : the duration of contracts is limited to one year.

Article 10 : the legislation does not authorise the transfer of contracts.

Article 11 : every contract shall be terminated on the expiry of the term for which it was made, but there is no specific provision that it shall expire at the death of the worker, as no such stipulation was considered necessary.

Article 12 : contracts may be cancelled by mutual consent of the two parties ; contracts for one month may be cancelled on 14 days' notice. Ill-treatment of a worker is considered as a valid answer to any complaint made by an employer against a worker for refusing or wilfully neglecting to perform his contract. The magistrate or district commissioner is empowered to discharge the worker or an employer from his contract.

Article 13 : paragraph 1 is applied ; an employer may not make any charge in respect of dependants who are permitted to accompany a worker. The employer shall provide the worker with rations for the period of the journey ; if the return journey is delayed by the employer, the expenses of his maintenance and that of his dependants — up to three in number — shall be borne by the employer. The Government does not consider it necessary to enact legislation for the application of paragraph 5 of this Article.

Article 14 : with the exception of subparagraph (d), the Article is fully applied.

Article 15 : all vehicles or vessels used for the transport of workers and their dependants shall be in safe and sanitary condition and shall not be overcrowded or overloaded. The local legislation does not contain any provisions in respect of subparagraphs (b), (c) and (d), as workers are not required to make long journeys. The same is true as regards paragraph 3.

Article 16 : no system of re-engagement contracts has ever been practised.

Article 17 : since the officers of the Labour Department are able to maintain personal

contacts with the workers, it has not been considered necessary to distribute summaries of the legislation.

Articles 18 and 19 : the conditions under which workers may be engaged for employment at points outside the colony are set out in Part XII of the Employers and Workers Regulations, which cover all the principles set out in these Articles.

The supervision of the enforcement is the responsibility of the Labour Department, the district commissioner, justice of the peace or commissioned officer of police being authorised to visit places or premises for the purpose of inspection of the conditions of employment. No decisions were given by courts of law.

Brunei.

No legislation has been enacted in the territory to give effect to the provisions of the Convention. At the present time, no written agreement or contract may be made for a longer period than one month, except in certain circumstances which are inapplicable to the State of Brunei. The relevant labour legislation is in process of being redrafted and it is proposed to include provisions which will implement the Convention.

Cyprus.

Orders in Council of 5 April 1939 and 12 January 1943.

The question of application does not arise in Cyprus, where conditions are similar to those obtaining in Western Europe.

Falkland Islands.

In the absence of indigenous workers, no measures have been taken to ensure the application of the Convention.

Fiji Islands.

Labour Ordinance, 1947.

Labour (Recruiting) Regulations, 1947.

Labour (Native Contracts) (Forms) Regulations, 1947.

Any contract is limited to one year, as stipulated by the Ordinance of 1947. The latter also provides machinery whereby any dispute between parties arising out of a contract may be determined summarily by a district officer. There is a right of appeal from his decision to a magistrate's court.

Gambia.

The Convention is inapplicable in the present stage of progress and development.

Gibraltar.

In the absence of indigenous workers, the Convention is not applied.

Gilbert and Ellice Islands.

The provisions of the Convention are being applied in a revised Labour Ordinance, now in the course of enactment.

Gold Coast.

Labour Ordinance, 1948.

Part III of the Ordinance applies the Convention in respect of labourers (§§ 15 to 41), clerical workers (§§ 42 to 44), and apprentices (§§ 45 to 53).

Grenada.

The Convention is not applicable.

Hong Kong.

Employers and Servants Ordinance No. 45 of 1902.

Formal legislation incorporating all the provisions of the Convention has not yet been passed, mainly owing to the great amount of more pressing legislation arising from the Japanese occupation of the colony for nearly four years. However, the above Ordinance ensures to some extent the observance of the main provisions of the Convention. It has long been the practice for the majority of manual workers, who come within its scope, to be engaged by unwritten monthly contracts, which are covered by the Ordinance. Where this practice does not obtain, the latter provides that a contract of service for more than one month shall be in writing and shall be executed in the manner prescribed by §§ 6 to 11 of the Ordinance. The report contains detailed information on the application of the various articles of the Convention. It indicates, in particular, that the legislation defines the terms "employer" and "servant" (i.e., all workers), that all contracts of service for periods of more than one month shall be in writing, that the responsibility of the employer is defined, that the minimum age prescribed by the Ordinance is fixed at 16 years, and that, in the absence of specific legislation regarding the termination of a contract, the English Common Law of Contract applies in the colony. Articles 4, 5, 6, 7 and 9 are partially covered; as regards Article 7, the report indicates that no provision has been made for a medical examination. Finally, Articles 13 to 19 of the Convention are not specifically implemented in the Ordinance. The enforcement of the legislation rests with the local magistracies or, in certain cases, with the police authorities. The Secretary for Chinese Affairs, or the Commissioner of Labour, usually attempts to settle any disputes on a friendly basis. There were no decisions by courts of law and no observations from employers' and workers' organisations. Whereas the Convention envisages in general the employment under contract of workers drawn from one country for service in another,

local circumstances render such employment largely unnecessary since Chinese workers, who constitute the majority of the available labour, have full freedom of movement and are engaged on a casual or month-to-month basis, written contracts being almost unknown. Nevertheless, fuller implementation of the Convention by fresh legislation is being considered.

Jamaica.

The provisions of the Convention have not been applied by legislation or administrative regulations, but they are observed in cases where groups of indigenous workers enter the service of employers outside the colony. Contracts of employment are usually made under the supervision of officers on the staff of the Labour Department, in accordance with the provisions of Article 6.

Copies of the report have been communicated to the following organisations: the Bustamante Industrial Trade Union, the Trades Union Congress of Jamaica, the Sugar Manufacturers' Association of Jamaica, the Jamaica Chamber of Commerce, the Shipping Association of Jamaica, and the Jamaica Manufacturers' Association.

Kenya.

Employment Ordinance, 1938, as amended by Ordinance No. 56 of 1948.

The Convention is applied. The report contains detailed data on the legislative measures ensuring the application of the various articles of the Convention. It gives, in particular, the following information:

Article 1: the Ordinance of 1938 makes no distinction between an indigenous worker and a non-indigenous worker, save only in so far as it applies to workers earning less than a prescribed maximum, which is at present 100s. per month; in practice very few African labourers earn more than 100s. per month.

Article 4: each worker shall be the subject of a separate contract; the definition of "employer" includes the latter's agent.

Article 7: the Ordinance provides for a medical examination except in the case of labourers who spontaneously offer themselves for employment at the place of work and enter into engagement under monthly verbal contracts.

Article 9: § 13 of the Ordinance of 1938 has been amended to comply with Convention No. 83.

Article 10: no provision is made for the transfer of contracts, except in the case of a deed of apprenticeship or of a resident labourer's contract.

Article 16: the practice of re-engagement is not followed in Kenya.

Article 17: a concise summary of the law on contracts has been published.

Leeward Islands.

Recruitment of Workers Act, 1941 (4).

Federation of Malaya.

There exists no recruitment at present. If it should be permitted in the future, the necessary labour legislation at present in being would amply ensure the application of the Convention.

Malta.

The Convention is not applicable.

Mauritius.

Ordinance No. 47 of 1938, as amended by Ordinances Nos. 14 of 1944, 44 of 1945, 20 of 1946, 6 and 36 of 1947.

Nigeria.

Labour Code Ordinance, No. 54 of 1945 (Chapters III and IV).

The report contains detailed information on the provisions of the Ordinance ensuring the application of the Convention. The Ordinance applies to all manual workers, but does not cover clerical workers or domestic servants. All Articles of the Convention are applied, with the exception of Article 20. Under Article 6, the report indicates that one copy of the attested contract shall be delivered to the worker, or, in the case of a gang, to one of them. The enforcement of the legislation is entrusted to the Department of Labour. There were no decisions by courts of law.

North Borneo.

Labour (Unification and Amendment) Ordinance, 1948.

The reservation formerly recorded in respect of the Convention has now been revoked upon its application by the Amendments of 1948.

Northern Rhodesia.

Chapter 171 of the Revised Edition of Laws.

Contracts of service for any period in excess of one month must be in writing. Normal contracts with African labour are of five kinds: daily, one-monthly, one-ticket, month-to-month, or ticket-to-ticket. The last two types require notice, which can be given at any time; except for recruited labourers, contracts of employment between Europeans and Africans are seldom in writing, since such contracts are not popular. The terms of the contract place a liability on the employer to house and feed his employees and to provide medical attention at his expense.

Written contracts of service are not valid for a longer period than two years. Contracts made for work outside the colony are for a period not exceeding 12 months, but may, in certain cases, be extended for not more than a further six months. Under the new tripartite labour agreement between the three Central African territories, migrant labour unaccompanied by families is restricted to absence not exceeding two years.

Nyasaland.

Native Labour Ordinance No. 4 of 1944, as amended by Ordinances Nos. 18 and 24 and 1 of 1948.

Government Notice No. 36 of 1945 concerning Rules for the Issue of Certificates of Identity.

Government Notice No. 102 of 1945, as amended by Government Notice No. 98 of 1948.

Government Notice No. 104 of 1945, as amended by Government Notice No. 142 of 1946.

Government Notice No. 163 of 1947, as amended by Government Notice No. 180 of 1947.

Government Notice No. 176 of 1948, bringing into operation, as from 1 January 1949, § 2 of Ordinance No. 1 of 1948.

Government Notice No. 183 of 1948.

The Convention is applied without modification. In regard to Article 12 of the Convention, it is stated that conditions of termination of contract are determined by the attesting officer instead of being prescribed by Regulations. The Governing Council may make rules carrying the Ordinance into effect. Government Notice No. 102 of 1945, as amended, specifies the rules for fees payable by every recruiter of Native labour for employment outside the territory. Government Notice No. 104 of 1945, as amended, fixes the rules regarding recruiting permits. Government Notice No. 163 of 1947, as amended, specifies the closed season period for recruiting in 1947-1948 and Government Notice No. 183 of 1948 fixes the same season for the period 1948-1949.

The application of the legislation is entrusted to the Labour Commissioner and to the officers of provincial and district administration. There were no contraventions, no decisions by courts of law and no observations from employers' and workers' organisations.

St. Helena.

Emigrants (Protection) Ordinance, 1906.

Ascension Island Workmen's Protection Ordinance, 1926.

The Ordinance of 1906 provides that contracts shall be in writing; they must contain the particulars laid down by Article 5 of the Convention and are to be attested before a Government Officer (the Colonial Treasurer) as required by Article 6. A medical examination is compulsory. Under Article 9 of the Convention, the report states that the legislation does not lay down any maximum period of contract, but that in practice contracts do not exceed two years. Repatriation is provided for. Consideration is being given to the revision of the legislation in order to bring it more completely into conformity with all the provisions of the Convention.

St. Lucia.

The Convention is applied and legislation is under consideration.

St. Vincent.

The Convention is applied and the necessary legislation is now being prepared to give effect to its provisions.

Sarawak.

Labour Protection Ordinance of 1945.

There are no special provisions for the application of the Convention since indigenous workers are treated as any other workers. The report mentions §§ 3 to 6 of the Ordinance of 1935, which contain the following provisions concerning contracts: no engagement to labour shall be entered into for a period exceeding one month or for more than 30 days' work, and any engagement entered into in contravention of this section shall be void; wages earned by a labourer shall be payable upon the termination of such agreement; if a fresh agreement is concluded wages shall be paid within 14 days after the expiration of the first contract. Except where terminated, or in the absence of proof to the contrary, a contract for a period not exceeding one month may be renewed under the same conditions and for the period provided for in the contract; in the absence of proof to the contrary, all agreements shall be presumed to be for a period of one month. Agreements for a period of less than one month may be terminated without notice; for those of one month the period of notice must be mentioned in the contract. Wages must be paid to the worker at the expiration of the notice; an agreement may be terminated without notice by the payment of a sum equal to the amount of wages which would have accrued to the labourer during the term of such notice. An employer may also discharge a labourer without notice and without payment in the following cases: when the worker is incompetent to perform the work for which he was engaged, when he wilfully disobeys a lawful and reasonable order, when he wilfully absents himself from work, shows wilful negligence, wilfully disregards any approved sanitary rules or regulations made by the employer, is guilty of gross misconduct likely to prejudice the employer's business (including drunkenness, dishonesty, theft or concealment of property), or is guilty of insulting or insubordinate conduct. The labourer, on the other hand, may terminate his agreement without notice and without payment of damages if the employer fails to fulfil any condition of the agreement or is guilty of any crime or improper conduct towards the labourer. If either party has given notice terminating an engagement, a labourer who renders himself liable to dismissal without notice under the provisions mentioned above may be ordered by a court to pay damages to the employer; the court may order such labourer to pay to the employer by way of damages a sum not exceeding one month's wages. The Ordinance also provides that persons under 16 years of age may not enter into an agreement. Under Article 19 of the Convention, the report states that its application is being considered in Sarawak.

Seychelles.

Ordinances Nos. 25 and 26 of 1945.

These Ordinances provide for penalties in case of contravention; the Convention is also applied through administrative measures. The administration of the Convention has so far been hampered by the absence of a qualified labour officer. An officer has been appointed and has been undergoing instruction in the United Kingdom; he will return to the colony by the end of the year.

Sierra Leone.

Employers and Employed Ordinance No. 30 of 1934 (Chapter 70 of the Laws of Sierra Leone, 1946).

This Ordinance, which applies the Convention in part, is in the process of revision. In this connection, opportunity will be taken to include any of the provisions of the Convention the application of which may be regarded as necessary in the territory.

Singapore.

Labour Ordinance (Chapter 69 of the Laws).

The Convention is already implemented in Singapore. § 8 of the Ordinance provides that no agreement to labour be entered into for a period exceeding one month.

Solomon Islands.

King's Regulation No. 5 of 1947 (Labour Regulations).

If contracts of service for manual labour are made for periods greater than one month (or 30 working days) or if the conditions of employment differ materially from customary conditions, the contracts must be in writing and must be attested by a labour inspector or by a district commissioner or by an authorised officer. Any contract which has not been drawn up in this form and attested is considered to be a monthly contract, terminable on one month's notice. Memoranda have been compiled which set out clearly the rights and obligations of the parties; a copy of the contract must be drawn up in triplicate, *i.e.*, for each of the parties and for the labour inspectorate which attests the contract. Contracts must indicate, in particular, the name of the employer and the place of employment, the name and address of the worker and the place of recruitment, the nature of the employment, the pay, the method of payment, the duration of employment and the method of calculation, the advance of pay already made and the method of repayment; the contracts must mention, furthermore, whether the worker is authorised to bring his family to the place of employment and must indicate any other special conditions. The purpose of attestation is to ensure that contracts are thoroughly understood by the two parties, that they are fair and legal

agreements, and that they are entered into freely. Attestation also ensures that workers have been medically examined and are physically fit for work. The attesting officer addresses each worker, using interpreters if necessary. Each worker must sign a memoranda of his agreement and the attesting officer's signature serves as that of a witness to the marks of illiterate workers. A person of less than 18 years of age may not enter into a written contract of service. The maximum period of contract is fixed at one month. Repatriation is at the expense of the employer and must be to the place of origin or to the place of recruitment. This provision applies to each member of a worker's family who has been brought to the place of employment with the authority of the employer. Repatriation includes maintenance, accommodation and medical attention during transit.

The labour inspectors or district commissioners supervise the application of these provisions and may discharge liabilities from public funds and recover from the employer as a civil debt. Upon application made by either party, a Deputy Commissioner may act as an arbitrator. His decision must be set out in a written award and the award may be sued upon or set up as a defence in a civil action. An aggrieved party may appeal to a judicial commissioner, who may re-hear the dispute and embody the award in a court order, or cancel the award and make a fresh order. In view of the occupation during the war years, the protectorate has not yet recovered its normal scale of industry. The number of workers serving under written contracts constitutes only about 4 per cent. of those employed and, in no case, is the contract for more than six months.

Swaziland.

Swaziland Native Labour (Written Contracts) (Amendment) Proclamation No. 4 of 1944.

Proclamation No. 4 applies the provisions of the Convention.

Tanganyika.

Master and Native Servants (Written Contracts) Ordinance No. 28 of 1942.

This Ordinance is in full harmony with the provisions of the Convention and ensures its application.

Trinidad and Tobago.

Legislation giving full effect to the Convention is in the course of preparation.

Uganda.

Employment Ordinance No. 13 of 1946.
Employment Rules, 1946, made under the above Ordinance.

The report indicates the extent to which the various Articles of the Convention are applied by the corresponding provisions of the Ordinance.

The application of the legislation is entrusted to the labour commissioner. Inspection and supervision are undertaken by officers of the Labour Department. There were no decisions by courts of law and no observations on the application of the Convention. Only one employers' organisation and one registered trade union exist at present in the territory and neither could be considered as representative of all workers and employers.

Zanzibar.

Labour Decree No. 11 of 1946.

This Decree was passed to give effect to the Convention.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

65. Convention concerning penal sanctions for breaches of contracts of employment by indigenous workers

This Convention came into force on 8 July 1948

Countries	Date of registration of ratification	Reports received
New Zealand	8. 7. 1947	19. 2. 1949
United Kingdom	24. 8. 1943	14. 12. 1948

New Zealand

The report refers to information given for the preceding period. An Ordinance has been drafted to revoke the Pacific Island Contract Labourers Ordinance, 1920, and Clause 9 of the Union Islands Labour Ordinance, 1935. However, certain legal problems connected with the definition of the authority competent to revoke the Ordinances have so far delayed its application. This formal matter has been the only delaying factor, there being no practical obstacle in the way of revocation. No observations were received from employers' and workers' organisations.

Copies of the report have been communicated to the New Zealand Employers' Federation and the New Zealand Federation of Labour.

United Kingdom

Aden.

Local legislation has never contained penal sanctions and the question of abolition has not therefore arisen. In practice, the Convention is fully applied.

Barbados.

Act No. 17 of 1937 repealing the penal clauses in the Master and Servant Act, 1881.

The Convention is applied without modification.

Basutoland.

Proclamation No. 40 of 1943.

As regards application of Article 1, paragraph 1, of the Convention, the report

states that the workers to which Proclamation No. 40 of 1943 applies are not defined in this legislation as they are adequately defined in the basic legislation. The application of Article 1, paragraph 2, is ensured through subsection 2 (2) of the above Proclamation.

Under Article 2 of the Convention, the report states that it is intended to abolish all penal sanctions for any breach of contract as soon as possible. The only remaining penal sanctions for breach of contract concern breaches of contracts for employment within the territory. In practice, there are seldom, if ever, any such prosecutions. Article 2, paragraph 2, of the Convention is applied through subsection 2 (1) of Proclamation No. 40.

Bechuanaland.

Proclamation No. 56 of 1941.

§ 40 of the Proclamation provides for a fine not exceeding £10 or 2 months' imprisonment in default for any Native who breaks his contract.

Bermuda.

Act No. 4 of 1943 repealing the Masters and Servants Act, 1834.

Act No. 3 of 1943 repealing § 21 of the Poor Relief Act, 1930.

Penal sanctions for breach of contract were abolished by the two Acts mentioned above.

British Guiana.

Labour Ordinance No. 2 of 1942 repealing the Employers and Servants Ordinance (Chapter 261).

The Ordinance of 1942 ensures application of the Convention, although its § 36 provides for the imposition of a limited fine. It is intended to repeal this section.

British Honduras.

Employers and Workers Ordinance, No. 6 of 1943.

This Ordinance abolishes all penal sanctions for breaches of contract of employment contained in previous legislation except in instances where a worker either receives an advance of wages through fraud or absents himself before the repayment of the advance. An amendment to the above Ordinance, now under consideration, would provide for the curtailment of the advance to a low limit, thus rendering unnecessary the existing penal sanctions.

Brunei.

The Convention appears to be applicable without modification by virtue of the fact that there is no system of indentured labour or penal sanctions for breaches of contract. No legislative enactments abolishing such sanctions have therefore been necessary.

Cyprus.

Orders in Council of 5 April 1939 and 12 January 1943.

These Ordinances declare the Convention inapplicable to Cyprus. Existing conditions approximate those prevailing in Western Europe and there exist no penal sanctions for breaches of contract.

Falkland Islands.

In the absence of indigenous workers, no legislative measures were taken.

Fiji.

Labour Ordinance, 1947.

The law relating to contracts of employment of indigenous workers was consolidated in the Labour Ordinance, 1947, which repealed previous legislation prescribing penal sanctions for breaches of contract of employment by indigenous workers. The result is that all such penal sanctions are now abolished.

Gambia.

The Convention is inapplicable to the territory in the present stage of progress and development.

Gibraltar.

The Convention is not applicable as there are no indigenous workers.

Gilbert and Ellice Islands.

The provisions of the Convention are being applied in a revised Labour Ordinance now in course of enactment.

Gold Coast.

Conspiracy and Protection of Property (Trade Disputes) Ordinance, 1941.

The only penal sanctions which exist in respect of breaches of contracts of employment are those provided for in §§ 4 and 5 of this Ordinance, and concerning spec-

tively wilful and malicious breaches of contract by persons employed in necessary undertakings, and malicious breaches of contracts involving injury to persons or property.

Grenada.

Act No. 8 of 1936 repealing the Masters and Servants Act (Chapter 136, Revised Edition), 1934.

The Act of 1936 repealed penal sanctions.

Hong Kong.

Employers and Servants Ordinance, No. 10 of 1932, to amend the Ordinance of 1902.

The Ordinance of 1932 repealed those provisions of the Ordinance of 1902 which applied penal sanctions to labour engagements. It will be seen, therefore, that there are no penal sanctions for breaches of contract. No decisions were given by courts of law and no observations received from employers' or workers' organisations.

Jamaica.

Masters and Servants (Amendment) Law, 1940.

This Law repealed those sections of the Masters and Servants Law (Chapter 387 of the Revised Laws) which provided for penal sanctions.

Copies of the report have been communicated to the following organisations: the Bustamante Industrial Trade Union; the Trades Union Congress of Jamaica; the Sugar Manufacturers' Association; the Chamber of Commerce; the Shipping Association; and the Jamaica Manufacturers' Association.

Kenya.

Employment Ordinance, 1938, as amended by Ordinance No. 56 of 1948.

The Convention is applied without modification.

Breaches of contract defined in paragraphs (a), (b) and (c) of Article 1 of the Convention no longer carry penal sanctions, since § 58 of the Employment Ordinance, 1938, was repealed by § 37 of Ordinance No. 56 of 1948. The offence of desertion under paragraph (d) of Article 1 of the Convention continues to carry a penal sanction, whether the desertion is under a written contract or whether it occurs under a verbal contract and the worker has not repaid to his employer the full value of a recoverable advance made to him by such employer. However, desertion from a verbal contract no longer carries penal sanctions, since Article 2 of the Convention provides that penal sanctions shall be abolished progressively and as soon as possible. The legislation of the territory is considered as complying with the terms of this Article, since only a breach of contract continues to carry with it a penal sanction. As regards the application of Article 2, paragraph 2, of the Convention, it should be noted that, by § 30 of the Ordin-

ance, no juvenile is subject to penal sanction. In present conditions, desertion in the circumstances described above is regarded as containing an element of fraud, and continues therefore to be punished by penal sanctions. Present legislation will be reviewed in five years' time.

Leeward Islands.

No legislative action has been taken.

Federation of Malaya.

If recruitment of indigenous workers is permitted in the future, the necessary legislative action will be taken.

Malta.

The Convention is not applicable.

Mauritius.

No penal sanctions for breach of contract are provided for in the legislation.

Nigeria.

Labour Code Ordinance, Chapter XV.

There is no legislation permitting any form of penal sanction merely for breach of contract. The provisions of Chapter XV of the above-mentioned Ordinance, however, empower the court to direct the payment of such sums as it finds due by one party to the other and to award costs or damages. The Convention may therefore be regarded as being void.

North Borneo.

Abolition of Indentured Labour Ordinance, 1932.

Northern Rhodesia.

Chapter 171 of the Laws.

§ 63 A of Chapter 171 of the Laws provides that no servant under the apparent age of 16 years shall be liable to undergo any sentence, fine, imprisonment or corporal punishment for offences under the Ordinance. Certain of the penal sanctions previously contained in the Ordinances have been repealed — notably those for absence without leave and for refusal of a lawful order by the master. The sanctions which remain and are for offences which in themselves constitute a breach of contract relate to desertion and to intoxication at work. However, several sanctions still exist against failure to begin service at the stipulated time, making use without permission of the property of the employer, brawls and disturbances, wilful damage to property, wilful or negligible failure to preserve property placed in the worker's charge and failure in the case of herdsmen to report the death or loss of animals.

The advice of the African Advisory Board has been obtained on the progressive abolition of sanctions and proposals have been considered by the Executive Council.

Nyasaland.

Ordinance No. 1 of 1948 amending the Native Labour Ordinance (No. 4 of 1944).

Under § 3 of the amending Ordinance quoted above, the penal sanctions contained in § 31 (2) of Ordinance No. 4 of 1944 have been repealed. No penal sanction is now authorised for breach of contract of employment by indigenous workers.

St. Helena.

The Convention is applied without modification since there are no enforceable penal sanctions of this nature.

St. Lucia.

Employers and Servants Ordinance No. 29 of 1938.

This Ordinance, in repealing the Masters and Servants Ordinance No. 43 of 1916, abolished penal sanctions.

St. Vincent.

Employers and Servants Ordinance No. 16 of 1937.

§ 6 of this Ordinance, in repealing the Masters and Servants Act (Chapter 73, Revised Edition of the Laws of 1926), abolished penal sanctions.

Sarawak.

Labour Protection Ordinance.

The only penal sanction for breach of contract is contained in § 6 (3) of the Labour Protection Ordinance, which provides that if either party has given notice terminating an engagement and before such notice has expired, the labourer renders himself liable to dismissal without notice. Under the provisions of subsection (2) the employer may dismiss him and the court may, on the application of the employer, order the labourer to pay to the employer by way of damages a sum not exceeding one month's wages.

This provision constitutes a very special case when the labourer either has given notice that he will stop work or is under notice of dismissal and renders himself liable to instant dismissal under § 2 (a) of the Ordinance, which reads as follows:

"Notwithstanding the provision of subsection 1 (a), the employer may discharge a labourer without notice and without payment of wages in lieu of notice if the labourer is incompetent to perform the work which he has undertaken to perform, and for which he was specially engaged; wilfully disobeys a lawful and reasonable order; wilfully absents himself from work; is habitually negligible or is guilty of conduct likely seriously to injure the employer's business or property; wilfully disregards any approved sanitary rule or regulation made by the employer; is guilty of gross misconduct likely to prejudice the employer's business (including drunkenness, dishonesty,

theft or concealment of property belonging to his employer) or is guilty of such insulting or insubordinate conduct as is incompatible with the continuance of the relations of master and servant."

The question as to whether subsection 6 (3) shall be speedily abolished will be considered when the whole Labour Protection Ordinance is reviewed.

Seychelles.

Ordinances Nos. 25 and 26 of 1945.

These Ordinances enforce the provisions of the Convention and provide for penalties in case of contravention. Administrative measures are also taken to enforce application. Supervision has hitherto been hampered by the absence of a qualified labour officer. An officer has been appointed and has been undergoing a course of instruction in the United Kingdom; he will return to the colony by the end of the current year.

Sierra Leone.

Employer and Employed Ordinance No. 30 of 1934 (Chapter 70 of the Laws of Sierra Leone, 1946).

This Ordinance is at present under revision; opportunity will be taken to abolish penal sanctions in accordance with the provisions of the Convention.

Singapore.

Penal Code (§§ 490 and 491).

There are no penal sanctions for breach of contract of employment for Singapore except in the case of contracts of service during a voyage or journey, and contracts to tend or supply the wants of helpless persons.

Solomon Islands.

King's Regulation No. 5 of 1947 (Labour Regulation).

The legislation does not provide for penal sanctions for breaches of contract. However, § 100 of the Regulation imposes a sanction for the wilful use of fire by a worker in circumstances known by him to be forbidden by the employer such use having caused damage or being likely to cause damage. Further, § 101 imposes a sanction against a worker who, without reasonable excuse, refuses to obey the lawful orders of the employer, when such orders are given to preserve the property upon which the worker is employed from immediate loss or serious damage by fire or storm. In each case, the worker is liable to a fine of £10 or imprisonment for three months. No proceedings have been instituted under these sanctions during the period under review. However, for the reasons set out in the report on Convention No. 50, the present scale of employment is considerably less than in normal times.

Swaziland.

Masters and Servants (Amendment) Proclamation No. 23 of 1944.

The above Proclamation ensures the application of the provisions of the Convention.

Tanganyika.

Masters and Native Servants (Amendment) Ordinance No. 29 of 1941.

This Ordinance ensures the application of the Convention subject to modification that penalties are still enforceable in respect of servants who leave their employer's service without lawful excuse. It has been necessary to retain this sanction in view of the need to inculcate in the African worker an appreciation of the inviolability of a contract. The question of repealing the sanction has been considered during the period under review, but the Government feels that revision would be of doubtful service to the indigenous worker.

Trinidad and Tobago.

Masters and Servants Ordinance No. 4, Chapter 22.

This Ordinance regulates contracts of employment of indigenous workers and does not contain any penal sanctions for breaches of such contracts.

Uganda.

Employment Ordinance No. 13 of 1946.
Employment Rules, 1946, giving effect to the above Ordinance.

The Ordinance provides for penal sanctions where the employee unfits himself for work by becoming intoxicated and makes a brawl or disturbance at his employer's premises; there are no other penal sanctions for breach of contract. Consideration is being given to the possibility of repeal of complete penal sanction. No sanction whatever can be applied to a juvenile worker. The labour commissioner is entrusted with the administration of the regulations. No decisions have been given by courts of law — no penal sanctions under Ordinance No. 13 of 1946 were imposed during the period under review. No observations were received from employers' or workers' organisations. Only one employers' organisation and one registered trade union exist in the territory, neither of these bodies being representative of all employers and workers.

Zanzibar.

Labour Decree No. 11 of 1946.

This Decree was passed to give effect to the Convention.

The Government of the *United Kingdom* states that copies of the reports concerning the application of the Convention in the foregoing non-metropolitan territories have been communicated to the British Employers' Confederation and the Trades Union Congress.

ADDENDA

REPORTS RECEIVED AFTER 8 APRIL 1948

Brazil.

Conventions Nos. 3 (Maternity protection); 5 (Minimum age (industry)); 6 (Night work of young persons (industry)); 41 (Night work (women) (revised)); 42 (Workmen's compensation (occupational diseases) (revised)); 45 (Underground work (women)); 52 (Holidays with pay); 53 (Officers' competency certificates).

Hungary.

Conventions Nos. 2 (Unemployment); 3 (Maternity protection); 6 (Night work of young persons (industry)); 7 (Minimum age (sea)); 10 (Minimum age (agriculture)); 15 (Minimum age (trimmers and stokers)); 16 (Medical examination of young persons (sea)); 17 (Workmen's compensation (accidents)); 18 (Workmen's compensation (occupational diseases)); 19 (Equality of treatment (accident compensation)); 21 (Inspection of emigrants); 24 (Sickness insurance (industry, etc.)); 26 (Minimum wage-fixing machinery); 27 (Marking of weight (packages transported by vessels)); 41 (Night work (women) (revised)); 42 (Workmen's compensation (occupational diseases) (revised)); 45 (Underground work (women)); 48 (Maintenance of migrants' pension rights).

Pakistan.

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

Turkey.

Conventions Nos. 14 (Weekly rest (industry)); 34 (Fee-charging employment

agencies); 42 (Workmen's compensation (occupational diseases) (revised)); 45 (Underground work (women)).

Venezuela.

Conventions Nos. 1 (Hours of work (industry)); 2 (Unemployment); 3 (Maternity protection); 5 (Minimum age (industry)); 6 (Night work of young persons (industry)); 7 (Minimum age (sea)); 11 (Right of association (agriculture)); 13 (White lead (painting)); 14 (Weekly rest (industry)); 19 (Equality of treatment (accident compensation)); 21 (Inspection of emigrants); 22 (Seamen's articles of agreement); 26 (Minimum wage-fixing machinery); 27 (Marking of weight (packages transported by vessels)); 29 (Forced labour); 41 (Night work (women) (revised)); 45 (Underground work (women)).

ADDITIONAL INFORMATION

Bulgaria.

The Government has informed the International Labour Office that there has been no change in the situation as regards the application of the Conventions which it has ratified.

Peru.

The reports prepared by the competent services of the Ministry of Justice and Labour have been forwarded to the International Labour Office by the Minister for External Affairs, but up to the date of publication of the present volume these reports have not been received.

ADDITIONAL REPORTS ON CONVENTION No. 26 (MINIMUM WAGE-FIXING MACHINERY)

Italy.

Act No. 563 of 3 April 1926 concerning the legal regulation of collective relations in connection with employment (L.S. 1926, It. 2).
Legislative Decree No. 369 of the Lieutenant-General of the Realm, of 23 November 1944, to abolish the fascist industrial associations and to liquidate their property.

The report repeats information supplied in previous years and adds the following:

Legislative Decree No. 369 of the Lieutenant-General of the Realm, dated 23 November 1944, abolished fascist industrial associations and affirmed the principle of freedom of occupational association. At the same time, collective labour agreements concluded in virtue of the Act of 1926 retain their legal value and § 43 of the above-mentioned Decree remains in force.

The Constituent Assembly has examined this question, and § 36 of the Constitution provides that "the worker has a right to remuneration corresponding to the quality and quantity of his work and in any case sufficient to ensure a free and dignified livelihood for himself and his family". The new Regulations concerning methods of fixing minimum wages will be based on the fundamental principles laid down in the Constitution. No new legislative measures have been taken up to the present and regulations are under consideration regarding occupational associations.

With regard to rates of wages, the report states that a considerable number of collective agreements have been concluded, that practically all workers in industry and commerce benefit from these agreements and consequently are covered by the rules regarding the fixing of minimum wages. As the system of compiling statistics is being examined, it is not possible to supply even

approximate figures. The Government hopes at a later date to be able to supply more reliable data in this connection.

No noteworthy observations have been received from occupational associations.

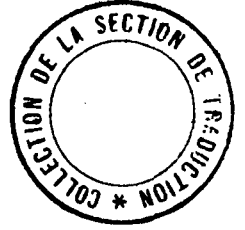
Norway.

Act of 15 February 1918 respecting industrial homework (B.B. 1918, Vol. XIII, p. 55), as amended by Acts of 6 July 1923 (L.S. 1923, Nor. 4), 15 June 1928 (L.S. 1928, Nor. 1), 24 March 1933 and 20 May 1939.

The report refers to information supplied in previous years. In reply to the observation made by the Committee of Experts in 1948, the Government submits information concerning the number of workers employed in 1945 and 1946. Figures for 1947 are not yet available. Wage rates have been fixed according to the different categories of jobs and not according to categories of workers, as hourly rates of wages are seldom used in practice. As an example of wage rates paid, the Government appends to its report a circular issued by the Home Work Council concerning wage rates for industrial home work (garment industry) in the province of Møre og Romsdal. Wage rates are somewhat higher in other provinces and the highest rates are in Oslo. As regards workers employed in workshops operated by middlemen, the report states that their wages are normally the same as those laid down by collective agreements for the occupation concerned.

The report has been communicated to the General Confederation of Trade Unions in Norway and the Norwegian Employers' Confederation. These organisations made no observations and confirmed that the Convention is fully applied.

REPORT III (APPENDIX)



INTERNATIONAL LABOUR CONFERENCE

THIRTY-SECOND SESSION

GENEVA, 1949

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

APPENDIX

REPORT OF THE COMMITTEE OF EXPERTS
ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS



INTERNATIONAL LABOUR OFFICE

GENEVA, 1949

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Report of the Committee of Experts on the Application of Conventions and Recommendations (Article 22 of the Constitution of the International Labour Organisation)

1. INTRODUCTION

The Committee of Experts appointed to examine the reports submitted under Articles 19 and 22 of the Constitution of the International Labour Organisation upon the application of Conventions and Recommendations by the Members of the Organisation and to report on them to the Governing Body of the International Labour Office, met in Geneva from 23 March to 2 April 1949 and held its 19th Session.

During the period which has passed since the last session several changes have taken place in the membership of the Committee. The Governing Body at its 107th Session (Geneva, December 1948) appointed Mr. Grantley ADAMS (Barbados) as a member of the Committee. Mr. Helio LOBO (Brazil) and Mr. Norman Washington MANLEY (Jamaica) found it impossible to continue to be members of the Committee because of the pressure of their numerous other responsibilities.

The composition of the Committee is accordingly as follows :

Mr. Grantley ADAMS (Barbados),

Barrister, Leader of the House of Assembly of Barbados;

Baron Frederik VAN ASBECK (Netherlands),

Professor of International Law and of Comparative Constitutional Law of non-metropolitan countries at the University of Leyden; former Professor of the Higher Law School at Batavia; former Secretary of the Government of the Netherlands East Indies; former member of the Mandates Commission of the League of Nations;

Mr. Paal BERG (Norway),

Former President of the Supreme Court of Norway; former Minister of Social Affairs; former Minister of Justice; former Chairman of the Governing Body of the International Labour Office;

Sir Atul CHATTERJEE, G.C.I.E. (India),

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; former Chairman of the Governing Body of the International Labour Office; President of the Tenth (1927) Session of the International Labour Conference;

Dr. Ta CHEN (China),

Ph.D., Professor of Sociology and former Chairman of the Department of Sociology, National Tsing Hua University, Peiping, China; Member of Social Administration Planning Commission, Ministry of Social Affairs; former Chief of the Department of Statistics, Ministry of the Interior; Vice-President of the International Union for Scientific Study of Population, Paris;

Mr. H. S. KIRKALDY (United Kingdom),

Professor of Industrial Relations at the University of Cambridge;

Mr. Tommaso PERASSI (Italy),

Professor of International Law at the University of Rome; Member of the Institute of International Law; Member of the Permanent Court of Arbitration; former Member of the Constituent Assembly; Legal Adviser in the Ministry of Foreign Affairs;

Mr. William RAPPARD (Switzerland),

Professor at the University of Geneva; Director of the Graduate Institute of International Studies; former Vice-Chairman of the Mandates Commission of the League of Nations; Director of the Mandates Section of the League Secretariat, 1920-1925;

Mr. Georges SCELLE (France),

Honorary Professor at the Faculty of Law of the University of Paris; Member of the Institute of International Law; former Professor at the University of Geneva and at the Graduate Institute of International Studies; Secretary-General of the Academy of International Law at the Hague;

Miss G. J. STEMBERG (Netherlands),

Doctor of Law; formerly Director, and now Adviser in the Ministry of Social Affairs;

Government member of the Netherlands delegation to the Sessions of the International Labour Conference since 1925; member of the I.L.O. Correspondence Committee on Social Insurance;

Mr. Paul TSCHOFFEN (Belgium),

Doyen of the Bar at the Appeal Court of Liège; Minister of State; former Minister of Justice, of Labour and for the Colonies;

Hon. Charles E. WYZANSKI, Jr. (United States of America),

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.

Of these twelve members, the following were present :

Mr. Grantley ADAMS,
Baron Frederick VAN ASBECK,
Mr. Paal BERG,
Sir Atul CHATTERJEE,
Mr. H. S. KIRKALDY,
Mr. Tommaso PERASSI,
Mr. William RAPPARD,
Mr. Georges SCELLE,
Miss G. J. STEMBERG,
Mr. Paul TSCHOFFEN,
Hon. Charles E. WYZANSKI, Jr.

Much to the Committee's regret, Dr. Ta CHEN was unable to attend the session.

Mr. Wilfred BENSON, Director of the Non-Self-Governing Territories Division, and Mr. Jean LUCAS, Trusteeship Officer, attended the session as Observers on behalf of the United Nations. The Committee welcomed their presence.

The Committee unanimously elected Mr. TSCHOFFEN as Chairman and Mr. KIRKALDY as Reporter of the Committee. Mr. VAN ASBECK and Mr. ADAMS acted as Reporters on questions affecting non-metropolitan territories.

The Committee extended a cordial welcome to its new member, Mr. Grantley ADAMS, an expert from a non-metropolitan territory. As the Governing Body will remember, the Committee last year devoted considerable attention to the special problems of such territories. With the addition made to its membership in the last two years of two experts with specialised knowledge of these problems, it feels that it will now be able to offer greater assistance than in the past in regard to the supervision of the application of Conference decisions to this large section of the world's population, which stands in

special need of the protection which international labour legislation can afford and whose interests in recent years have received so much attention from the International Labour Conference.

The Committee noted that the amended Constitution of the International Labour Organisation has now come into force. The Committee has had occasion at its previous meetings to consider the various changes which the amendments will bring about, particularly as they affect the duties and responsibilities of the Committee. Some of the changes have involved revision by the Governing Body of the form for the annual reports on ratified Conventions, including the addition of a new question concerning the communication of annual reports by the Governments to the representative organisations in their countries of employers and workers and the adoption of a special procedure for obtaining information on the application of Conventions in non-metropolitan territories. Further reference to these changes as affecting the work of the Committee is made at a later stage in this report.

Other amendments in the Constitution did not affect the work of the Committee at its present session, *e.g.*, the obligations now imposed on Governments under Article 19 to report on the action taken to bring Conventions and Recommendations before the "competent authority or authorities", to report, in the case of federal States, on the action taken to bring Conventions and Recommendations before "the appropriate federal, State, provincial or cantonal authorities", and to submit periodical reports on unratified Conventions and on Recommendations. The Committee believes that the part it will be called upon to play in the international supervision of these new provisions will add materially to its responsibilities and to the already heavy burden of its work, which has so far necessarily been largely confined to the question of formal conformity between the terms of national legislation and ratified Conventions, although it has endeavoured within the measure of the limited means at its disposal to devote increasing attention to questions of practical application of the national legislation. Before commenting further on the new provisions of the Constitution in relation to the work of the Committee, the Committee feels that it would be appropriate to wait until it has had actual experience of the operation of these provisions.

The Committee has noted with pleasure a number of respects in which there has appeared in the last year a widening of interest in the application of Conference decisions and in the international supervision of the provisions of the Constitution relating thereto. These include not only the changes referred to above, resulting from the amendment of the Constitution, but also the decision of the Governing Body, by widening the terms of reference of its Periodical Reports Committee, to associate itself directly with this task, and the increasing activities of the International Labour Organisation in regard to labour inspection, which were manifested particularly in the past year by the holding in Ceylon in November 1948 of a preparatory conference on labour inspection in the Asian countries.

The Committee is convinced that the international supervision of the obligations undertaken by States in virtue of their membership of the Organisation and of the Conventions which they have ratified contributes both to international good will and to the well-being of the peoples of the world which the Organisation was established to serve. The task is one which calls for the co-operation of every organ of the Organisation, of all its Members and of the representative organisations of employers and workers in the individual countries. The part which the Committee of Experts can play is a limited one and its chief value lies perhaps in its non-political nature as a result of the independent character of its membership. The successful performance, however, even of the limited part in this important task which the Committee can play depends upon the support of every organ and every interest associated with the work of the Organisation. The appreciation expressed by the International Labour Conference in regard to last year's report of the Committee of Experts is an encouragement to it to continue its endeavours towards an end which is both worth while in itself and essential for the vigour and well-being of the Organisation.

2. SUPPLY OF ANNUAL REPORTS

For the period 1 October 1947 to 30 September 1948 the Director-General, by circular letter dated 28 August 1948, requested a total of 799 annual reports in respect of the application of 55 Conventions then in force. No reports were asked

for relative to a certain number of ratifications where complicated legal and constitutional questions, varying from case to case, arise as to whether reports are due in these cases. Up to 21 March 1949 the Office had received 521 reports. A considerable number of Governments (*Argentina, Austria, Belgium, Canada, Czechoslovakia, Denmark, Dominican Republic, Egypt, Finland, France, India, Iraq, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Sweden, Switzerland, Union of South Africa, United Kingdom, United States and Uruguay*) have sent in all the reports requested. First reports due since ratification were received from *Egypt* (Conventions Nos. 41 and 45), *Finland* (Nos. 22, 53, 62, 63), *France* (Nos. 17, 42, 53 and 55), *India* (No. 32), *Ireland* (No. 63), *Netherlands* (Nos. 9, 23 and 58), *New Zealand* (Nos. 50, 59, 64 and 65), *Switzerland* (No. 26) and the *United Kingdom* (Nos. 63, 64 and 65). A further 70 reports had been received by the close of the session, but too late to be examined by the Committee. A list showing all reports received, classified according to countries and Conventions, is given in Appendix I.

Voluntary reports¹ (reports on Conventions which are not in force for the country concerned) have been received from *Belgium* (Conventions Nos. 54 and 57), *France* (No. 42), *Mexico* (Nos. 46 and 54) and *New Zealand* (Nos. 47, 60 and 61). Voluntary reports have also again been submitted by the *Anglo-Egyptian Sudan* (Convention No. 29), and *Southern Rhodesia* (Convention No. 50). The Committee expresses its warm appreciation of the action of the Governments concerned in supplying these voluntary reports.

For the first time since the constitution of the State of Pakistan, its Government has submitted full reports on the Conventions to which it is a party.

No reports for the period 1947-1948 have so far been received from the Governments of *Afghanistan, Brazil, Bulgaria, China, Colombia, Hungary, Liberia, Nicaragua, Peru, Turkey, Venezuela* and *Yugoslavia*. It is particularly regrettable to find in this

¹ The circumstances in which the Office receives voluntary reports from Governments include the following: when a Convention has not yet received the necessary number of ratifications to bring it into force; when the time limit which has elapsed after the ratification of a Convention by a country is less than that specified in the Convention as necessary to bring it into force for that country; when a country has ratified a Convention subject to conditions which have not yet been fulfilled.

list three countries (*Afghanistan, Colombia and Liberia*) to which reference has repeatedly been made both by this Committee and by the Conference Committee as having for a number of years failed completely in their obligations under Article 22 of the Constitution.

The representative of the Government of *Colombia* assured the Committee on the Application of Conventions at last year's session of the Conference that his Government would furnish all the reports due before the end of the session. The Government communicated to the Office a note dated 30 June 1948 of a general character which was stated to be applicable to all the 24 Conventions ratified by Colombia. The main reason given for failure to send annual reports was the absence of any department in Colombia specifically charged with dealing with questions affecting the International Labour Organisation, but the creation of a Section within the Ministry of Labour to deal with such matters was under discussion and it would be charged with the preparation of all the reports due. The note also refers to internal difficulties in Colombia which have prevented the normal functioning of the administration and states that all the Conventions which have so far not been ratified by Colombia will shortly be presented to the National Congress for ratification. The note is accompanied by four appendices. The first contains the text of the law by which Colombia ratified the first 24 Conventions. The second contains a table of the different laws and regulations relative to all the Conventions, whether ratified or not. The third contains the text of laws and regulations mentioned in the preceding table. The fourth contains the text of a new Decree about procedure in labour tribunals.

The foregoing single report for the period 1946-1947 does not supply the information necessary to enable the Committee to express a view on the extent to which Colombia has fulfilled its obligations in relation to the 24 Conventions which it has ratified. The Committee regrets that no reports have been submitted by Colombia in respect of the year 1947-1948. It notes the intention of Colombia to ratify a whole series of other Conventions, and it suggests that the urgent attention of the Government should be drawn, not only to the necessity of submitting reports in the prescribed form separately for each

of the Conventions already ratified, but also to the further similar obligations which the new ratifications will entail.

The Committee regrets the frequency with which it has had to refer in its reports each year to complete or partial failure by Governments to observe their obligations under Article 22 to submit reports on Conventions which they have ratified. The very frequency of these observations may in some degree detract from their force, and the Committee, after mature consideration, came to the unanimous conclusion that a stage has been reached in the life of the Organisation when the Governing Body and the Conference might well consider the question of devising some procedure more effective for enforcing the obligations under Article 22 than the customary exhortations which have in the past been addressed to Governments which default in these obligations.

The Committee is again this year, as it has been in the past, under the necessity of drawing attention to cases of apparent lack of conformity of national legislation and practice with the requirements of ratified Conventions as disclosed by the annual reports submitted by certain Governments. While such lack of conformity, particularly when it persists over a number of years, is of course highly regrettable, there is always the hope that the Governments concerned will remedy defects of this kind to which their attention is drawn and, in any event, the facts of the situation are known, the value of the ratification can be assessed, and the extent of social progress can be measured. Governments, however, which fail to submit reports are able, by their unilateral action in defiance of their solemn international obligations freely undertaken, to exempt themselves from the whole procedure of international supervision of the extent of conformity of their law and practice with the international Conventions which they have ratified. No means exist in such cases of determining whether ratification affords the measure of labour protection which should be its sole justification, or whether it is a mere pretence in order to obtain international credit for which there is no title in national labour conditions. In certain cases, moreover, such a procedure is grossly unfair to other Governments, which by submitting regular and detailed reports subject their legislation and practice to international examination and themselves even on occasion to criticism

from which Governments not furnishing reports are exempt.

The Committee regrets that the marked improvement in the number of reports received last year up to the date at which the Committee concluded its session has not been maintained. This reversal of a trend which the Committee had occasion to welcome last year is no doubt in part explained by the fact that the Committee held its meeting somewhat earlier this year. It is also a matter of regret that, of the reports received, such a high proportion should come to hand considerably after the date (30 November 1948) specified by the Office for their receipt, and many too late to be circulated to the members of the Committee in advance of the meeting. This year only 153 reports were received by the Office by the date requested and only 480 reports were received in time to be circulated to the members of the Committee in advance of the session. In this connection the Committee would repeat the observation which has been made often before, both by this Committee and by the Conference Committee, that an essential part of the procedure of international supervision is missed and the remaining parts performed with reduced efficiency if the reports are not received by the Office in sufficient time not merely for the meeting of the Committee but for the performance by the Office of the necessary preliminary work on the reports and their circulation in advance of the meeting to the individual members of the Committee. The existing procedure involves examination of the reports by the Committee of Experts, the submission of the observations of the Committee of Experts on these reports to the Governing Body and to the Members of the Organisation, the transmission of these observations by the Governing Body to the International Labour Conference, and the examination of a summary of the Governments' reports by a committee of the Conference and by the Conference itself in the light of the observations of the Committee of Experts. The successful performance of each stage in this procedure depends upon the due performance of the preceding stage, and the essential starting-point of it all rests upon the submission in due time and in due form of the annual reports by Governments on the Conventions which they have ratified.

The Committee has noted the acceptance by the Governing Body of the proposal

which the Committee made last year for a revised time table for the submission of annual reports. This revised time table, which will operate for the first time in the case of the reports in respect of the year 1948-1949, due to be received by the Office by 15 October 1949, will allow the Governments an additional month and a half to prepare their reports after the expiry of the period to which they relate, and the Office a similar additional period to perform the necessary preparatory work before the meeting of the Committee. It is the earnest hope of the Committee that at its meeting next year it will therefore be able to report a marked increase in the number of reports received, and particularly in the number which it has been possible to subject to the full scrutiny of the agreed international procedure of supervision.

Attached hereto (Appendix II) is a table showing for each year since 1931 in which the Committee has met the number and percentage of the reports due which were received by the date of the meeting of the Committee of Experts and by the date of the opening of the Conference.

3. EXAMINATION OF REPORTS BY MEMBERS OF THE COMMITTEE

The Committee devoted the most of the time during its session this year to the detailed examination of the annual reports submitted by Governments on ratified Conventions and to the formulation of its observations thereon. Such of these reports as were received by the Office in sufficient time were — in accordance with the scheme of responsibility adopted by the Committee at its previous session — circulated to the members of the Committee in advance of the session. The observations on individual reports resulting from this procedure were examined and approved by the Committee as a whole, and the resultant observations, both those of a general character and those in relation to individual Conventions, will be found in Appendix III.

The Committee this year adopted a new procedure under which it gave special and searching attention to the reports submitted by Governments on the first occasion after ratification by them of the Conventions in question. The Committee considered that this procedure would be of assistance to Governments in drawing attention to and elucidating at the earliest

possible moment any doubtful points in regard to the legislation and practice they have adopted in respect of the Conventions which they have ratified, and would also facilitate the work of the Committee in examining the reports submitted in subsequent years. The Committee's work in operating this new procedure, which it applied to 23 first reports, has been greatly facilitated by the very full details in these reports which the majority of the Governments concerned have been good enough to supply and by the particularly careful analyses thereof prepared by the Office and submitted to the Committee.

The Committee is pleased to report that the urgent requests made by it and by the Conference Committee last year for more complete information have been complied with by a number of Governments, and the information given has served to elucidate a considerable number of points and to satisfy the Committee as to the extent of conformity between the national legislation and the ratified Conventions.

The Committee is glad to note that most Governments have given effect to the provisions of Article 23 (2) of the Constitution which came into operation for the first time during the year under review and which provides that a copy of each of the annual reports on the application of Conventions is to be communicated to the representative organisations of employers and workers. The Committee finds that in reply to the question in the report form on this matter a very large number of Governments have specified to which organisations copies of these reports have been communicated. The Committee considers it highly important that in future every Government which has ratified Conventions should be good enough to follow this practice and to supply precise information on the question to the Office. The Committee would also be grateful if all Governments would answer the question which invites Governments to say whether and, if so, what observations have been received from employers' and workers' organisations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national legislation implementing the Convention. The Committee would again emphasise the extent to which it must rely on the co-operation of all concerned in performing its task, particularly in regard to practical application as distinct from mere legislative conformity. It

would also stress the point that practical application must be the essential criterion in judging the effectiveness of the International Labour Code. It feels sure that it can rely on the good will of the Governments concerned in supplying it with all relevant information to assist it in its task, and it places high on the list of such information the observations of employers' and workers' organisations.

The Committee regrets that this year again a considerable number of the reports submitted do not reply fully to the questions contained in the report forms and, in some instances, even confine themselves to referring without further comment to previous reports. It is, of course, understandable that in the absence of any new legislation or regulations Governments should merely state in reply to the first question in the report form that there has been no change since the previous report, but the Committee considers that it would be preferable for Governments each year to supply, as requested in the report form, a list of the legislation and regulations, in order that the reports should be complete in themselves. This is of particular importance now, when Governments are under obligation to send a copy of each report to the representative organisations of employers and workers. Moreover, there would appear to be no justification whatever for the practice adopted by a number of countries of either not replying at all or merely referring to previous reports in regard to the subsequent questions dealing with enforcement, inspection, legal decisions, general appreciation of application, statistics, etc.

The Committee has noted with pleasure that in a number of cases derogations from the strict application of Conventions arising from abnormal circumstances resulting from the war have now been remedied. It regrets to note, however, that in a number of cases, particularly in connection with the Conventions concerning night work of women and young persons, exceptions for which the Conventions do not provide have been allowed, owing to a shortage of supply of electricity and other similar reasons. The Committee hopes that the Governments concerned will devote their urgent attention to measures which will enable them to bring their legislation and practice into strict conformity with the provisions of these Conventions.

The Committee has noted the list of

Conventions and Recommendations in respect of which the Governing Body has for the first time called for reports under Article 19 of the Constitution. The Committee will therefore at its next session be called upon to examine the reports submitted by Governments on six unratified Conventions and on six Recommendations. Meanwhile, it may be mentioned that the *Argentine* Government, in addition to submitting reports on the 16 Conventions which it has ratified, has also sent to the Office reports on 66 Conventions which it has not ratified, including those Conventions on which the Governing Body has called for reports for next year. Likewise, the *New Zealand* Government, in addition to submitting the reports on the 26 Conventions which it has ratified, has sent to the Office special reports showing the situation in New Zealand in regard to Conventions Nos. 3, 20 and 52, which it has not ratified.

The Committee, while welcoming the action of these Governments in supplying the Office with this additional information, felt that in the limited time available to it it would be preferable this year to confine its attention to the reports on ratified Conventions.

4. APPLICATION OF CONVENTIONS TO NON-METROPOLITAN TERRITORIES

Introduction

The volume of information available for analysis during this year's session was much more complete than at any previous session of the Committee. At its 105th Session, the Governing Body had instituted a new formula for future reporting on the application of ratified Conventions to non-metropolitan territories, in accordance with the terms of Article 35 of the Constitution of the International Labour Organisation, as amended in 1946. The Governments affected were requested to furnish, for each of the territories in which a Convention was applied, a report drawn up on the basis of the standard annual report form approved for metropolitan countries in pursuance of Article 22 of the Constitution. Where, under the provisions of Article 35, Conventions, in the light of local conditions, were not applied, or applied only with modifications, information was requested on the nature of such local conditions.

The Committee wishes to record its keen

appreciation of the valuable information supplied in the reports received. It realises the burden which in many instances the drafting of such reports has involved for small and already overworked administrative staffs, particularly in view of the research required for drawing up the reports in their new form for the first time and the very short period of notice preceding the new requirements. The effort which has been made in this respect is remarkable, and some of the reports presented have attained a high standard.

Provision of Detailed Reports for the Year 1948-1949

As is indicated, however, in the detailed observations appended to the Committee's report, there has been considerable unevenness in this respect. Since the new reporting arrangements for non-metropolitan territories were being applied for the first time and at short notice, the Committee considered it most appropriate to confine its observations this year mainly to general questions, with a view to securing for its 1950 Session a full set of complete reports which would be a basis for detailed substantive analysis.

The Committee was particularly interested in the additional information provided in the reports, in the light of a proposal it had made at its previous session. The Committee had stated, in 1948, that it considered it highly desirable that the Office, the Committee itself, the Governing Body and the International Labour Conference should have at their disposal within a reasonable period of time a complete and detailed review of the exact situation at a fixed date in regard to the application of Conventions to non-metropolitan territories. It had therefore proposed that Governments responsible for the international relations of non-metropolitan territories should be specially requested to provide in their annual reports for the period 1948-1949, and at five-yearly intervals thereafter, precise information in respect to the application, non-application or partial application of every Convention to the relevant non-metropolitan territories according to a specified formula, along the lines of Article 21 of the Social Policy (Non - Metropolitan Territories) Convention, 1947 (No. 82).

In the light of the more detailed reports submitted this year, the Committee considers that the new reporting formula

prescribed by the Governing Body at its 105th Session provides a satisfactory basis for the provision of the type of information it considered desirable. In accordance with the working programme it adopted at its last session, the Committee therefore proposes to make a comprehensive survey next year of the application of Conventions to non-metropolitan territories on the basis of the new reports, and wishes to emphasise the importance which it attaches to the submission of complete self-contained reports for the period 1948-1949 which can be understood without reference to reports for earlier years. It appreciates the fact that a few Governments have already furnished detailed reports this year, but hopes that the Governments concerned will wish to assist the Committee, the Governing Body and the Conference by supplying the required information on all non-metropolitan territories for one and the same period. Thereafter, Governments will be requested to provide such full reports at regular intervals, and in the intervening periods to provide information only on new developments and legislation.

The Committee notes that the United Nations has adopted a three-yearly system for the submission of detailed information regarding the situation in non-self-governing territories. The Committee is of the opinion that the question of the periodicity of detailed reports on the application of ratified Conventions to non-metropolitan territories could be reconsidered — in order to coincide with the periodicity of the reports to the United Nations — when, in 1950, the Committee has taken note of such detailed reports supplied for the period 1948-1949.

Contents of Reports for the Year 1948-1949

The Committee would like to draw attention, for the purpose of securing a wider degree of uniformity in the reports submitted and obtaining fuller information in regard to a number of territories for which full reports have not been submitted this year, to a few points which, if borne in mind by those responsible for the preparation of such reports, would result in the presentation next year of a set of reports providing the complete picture for all territories which the Committee stated that it would wish to have for its meeting in 1950.

(1) Information on the Application in Practice of Conventions.

The reports in regard to a number of territories are still limited to a digest of or references to the legislation applying a particular Convention. But, as stated by the Committee at its last session, it is important "to reach an exact estimate of the influence of the Conventions. The vital question is that of the impact of practical application of international labour regulations on non-metropolitan territories". This impact cannot be assessed by reference to legislation alone. It is therefore hoped that, for the report year 1948-1949, this defect will be remedied where it exists, and the questions in the standard report form covering practical application answered in detail. In particular, it is hoped that, wherever possible, relevant statistical information will be included.

(2) Statements on Reasons for Non-Aplication or Partial Application of Conventions.

The Committee expresses the hope that, for the report year 1948-1949, the practice adopted this year in the reports covering a number of non-metropolitan territories, namely, that of giving a precise description of the relevant local conditions rather than a perfunctory statement to the effect that local conditions make the Convention inapplicable or applicable only with modifications, will be generally adopted. In particular, the Committee suggests that the Governments, in replying to the supplementary question on reasons for non-application of a Convention, should make a clear distinction between the following different sets of reasons for non-application :

(a) cases in which application is physically impossible, for example, application of maritime Conventions to an inland territory ;

(b) cases in which non-application is due to the fact that the stage of social development of the communities does not permit application, for example, the application of social insurance Conventions to relatively primitive communities ;

(c) cases in which the form of employment or type of industrial enterprise envisaged by a Convention does not

yet exist in the territory, but may at some date be introduced (the employment of women and young persons at night, in bakeries for example, and employment in automatic sheet-glass works).

(3) *Communication of Reports to Organisations of Employers and Workers.*

The Committee notes that, in a number of cases, the reports communicated under the terms of Article 23 (2) of the Constitution to employers' and workers' organisations in the metropolitan countries have been communicated not only to these organisations, but also to the organisations in the non-metropolitan territories concerned. It considers this a very desirable arrangement for securing the objectives of the Constitution in this regard, and recommends that, where sufficiently representative organisations exist, this procedure should be universally followed.

Possibilities of Technical Assistance for Promoting Application of Conventions

It is hoped that the valuable information provided by the new procedure under Article 35 of the Constitution will not only fulfil the reporting obligations of the Members but will also, in certain cases, enable the Committee of Experts to frame observations which may perhaps be of assistance in overcoming some of the difficulties involved. It is the Committee's belief that this information may also be of value in directing the attention of other bodies to technical problems to the solution of which they can contribute. The Committee in this regard had specifically in mind possibilities of technical assistance from the International Labour Office, other specialised agencies and the United Nations.

The relatively complete picture given by this year's reports in respect of the application of Conventions to a number of non-metropolitan territories, taken in conjunction with the uneven pattern of over-all application revealed by the general survey prepared by the Office and examined at its last session, led the Committee to explore possible means by which a greater degree of such application might be secured. In the light of its study of these possibilities, it wishes to draw attention to the following considerations :

(a) a certain, and in some cases even a considerable, disparity in the degree of application of Conventions is evident among non-metropolitan territories with apparently similar local conditions¹, not only when different Members are responsible for their administration, but sometimes even when administered by one and the same Member. The Committee wishes specially to draw the attention of the States Members to this unsatisfactory state of affairs which might affect the value to be attached to some of the material contained in the reports ;

(b) the reports provided in respect of a few territories refer to specific ways in which the International Labour Organisation can provide assistance in regard to the application of certain Conventions ;

(c) in some fields — for example, social insurance — in which a number of sovereign States with social conditions not markedly dissimilar from those of some non-metropolitan territories are making progress, little or no comparable progress is revealed in such territories. It is, however, clear that in many non-metropolitan territories social conditions are widely different from those in countries in which social insurance systems have been established ;

(d) under the terms of the Constitution, one of the duties of the International Labour Office is to "accord to Governments at their request all appropriate assistance within its power in connection with the framing of laws and regulations on the basis of the decisions of the Conference and the improvement of administrative practices and systems of inspection". The Committee understands that such technical assistance has already been afforded to certain States Members of the Organisation. The Committee wishes to draw the attention of States Members to the practical value of securing such assistance as a means of giving further implementation to their international obligations in regard to non-metropolitan territories. Such assistance would appear to have a bearing not only on obligations already incurred in the ratification of Conventions, but even more perhaps for the future. The more recently adopted Conventions and Recommendations of the International Labour Organisation have a

¹ Cf. Appendix III C : Observations and Requests for Supplementary Information on the Application of Conventions to Non-Metropolitan Territories, p. 34 below.

more complex technical and detailed character than earlier ones, and such assistance might be of particular value in regard to those territories in which local conditions differ widely from those in the metropolitan territories concerned ;

(e) the Committee understands that plans are being formulated in particular with regard to technical assistance in the social field to underdeveloped territories. It is keenly interested in these plans, and expresses the hope that, in order to facilitate the application of Conventions in non-metropolitan territories, special attention will be devoted to the needs of these territories as regards manpower, industrial health and safety, social security, labour supervision and factory inspection.

5. SUBMISSION BY GOVERNMENTS
OF INFORMATION DIRECTLY
TO THE COMMITTEE OF EXPERTS

The Committee noted last year the intention of the Governing Body to call the attention of Governments to the fact that they are free to submit orally to the Committee any additional information which in their view could contribute to a clearer understanding of their reports. No Governments this year made use of this procedure.

* *

The Committee this year again places on record its sense of indebtedness to the

Members of the International Labour Organisation who have supplied full reports in good time on the Conventions which they have ratified, and so have enabled the Committee in many cases to examine carefully the extent of compliance of their national legislation with the ratified Conventions.

The Committee also desires to express its gratitude to the staff of the International Labour Office for the carefully prepared material which it has supplied both to the members of the Committee in advance of the session and to the Committee itself during the course of its meetings. The assistance which the Office was able in this way to supply has been materially increased as a result of the greater concentration this year of the services of the Office in Geneva and by the progress which has been made in bringing the publication of the *Legislative Series* up to date. Without the assistance which the Office has again so willingly supplied the task of the Committee could not have been performed.

Geneva, 2 April 1949.

(Signed) PAUL TSCHOFFEN,
Chairman.

H. S. KIRKALDY,
Reporter.

APPENDIX I

ANNUAL REPORTS UNDER ARTICLE 22 (1947-1948)

Reports Received and Reports Still Due, 2 April 1949

Total requested: 799 — Reports received: 591 — Reports still due: 208

Country	Reports received		Reports still due	
	Number received	Convention Nos.	Number due	Convention Nos.
Afghanistan	0	—	5	4, 13, 14, 41, 45
Argentina	16	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16	0	—
Australia	10	7, 8, 9, 15, 16, 22, 26, 27, 29, 63	1	21
Austria	17	2, 4, 5, 6, 10, 11, 13, 17, 18, 19, 21, 24, 25, 27, 33, 42, 45	0	—
Belgium	30	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 26, 27, 29, 33, 41, 43, 45, 53, 55, 58	0	—
Brazil	0	—	11	3, 5, 6, 7, 16, 41, 42, 45, 52, 53, 58
Bulgaria	0	—	29	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30
Burma	5	15, 16, 21, 22, 27	9	1, 2, 4, 6, 11, 14, 18, 19, 41
Canada	11	1, 7, 8, 14, 15, 16, 22, 26, 27, 32, 63	0	—
Chile ¹	34	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 27, 29, 30, 32, 34, 35, 36, 37, 38, 45	0	—
China	0	—	13	7, 11, 14, 15, 16, 19, 22, 23, 26, 27, 32, 45, 59
Colombia	0	—	24	1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26
Cuba ¹	25	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 22, 23, 26, 30, 33, 42, 45	0	—

¹ The reports were received too late for examination by the Committee.

Country	Reports received		Reports still due	
	Number received	Convention Nos.	Number due	Convention Nos.
Czechoslovakia	15	1, 4, 5, 10, 11, 13, 14, 18, 19, 21, 24, 25, 27, 43, 49	0	—
Denmark	18	2, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 29, 42, 52, 53, 63	0	—
Dominican Republic ..	4	1, 5, 7, 10	0	—
Egypt	4	41, 45, 53, 63	0	—
Finland	21	2, 7, 9, 11, 13, 14, 15, 16, 18, 19, 20, 21, 22, 27, 29, 30, 34, 45, 53, 62, 63	0	—
France	32	2, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 26, 27, 29, 33, 35, 36, 37, 38, 41, 43, 45, 49, 52, 53, 55	0	—
Greece ¹	16	1, 2, 3, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 27, 41, 45	0	—
Hungary	0	—	18	2, 3, 6, 7, 10, 15, 16, 17, 18, 19, 21, 24, 26, 27, 41, 42, 45, 48
India	15	1, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 27, 32, 41, 45	0	—
Iraq	5	18, 19, 41, 42, 58	0	—
Ireland	26	2, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 29, 41, 42, 43, 44, 45, 49, 63	1	28
Italy ²	11	2, 4, 6, 10, 11, 12, 14, 18, 19, 26, 29	9	7, 8, 9, 15, 16, 22, 23, 27, 32
Liberia	0	—	1	29
Luxembourg	27	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28	0	—
Mexico	26	8, 9, 11, 12, 13, 14, 16, 17, 19, 21, 22, 23, 26, 27, 29, 30, 32, 34, 42, 45, 49, 52, 53, 55, 62, 63	2	6, 43
Netherlands	26	2, 5, 6, 7, 8, 9, 11, 12, 13, 15, 16, 17, 19, 21, 22, 23, 26, 27, 29, 33, 41, 42, 45, 48, 58, 63	0	—
New Zealand	26	1, 2, 9, 10, 11, 12, 14, 17, 21, 22, 26, 29, 30, 32, 41, 42, 44, 45, 49, 50, 53, 58, 59, 63, 64, 65	0	—
Nicaragua	0	—	30	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30

¹ The Greek reports on Conventions Nos. 1, 2, 3, 5, 6, 13, 14, 19, 27, 41 and 45 were received too late for examination by the Committee.

² According to information supplied to Professor Perassi by the Italian Government, copies of the reports not yet received by the Office were sent on 3 February and 11 March 1949. (These reports were received by the Office on 8 April 1949.)

Country	Reports received		Reports still due	
	Number received	Convention Nos.	Number due	Convention Nos.
Norway	23	2, 5, 7, 8, 9, 11, 13, 14, 15, 18, 19, 22, 26, 27, 29, 42, 43, 49, 50, 53, 58, 59, 63	0	—
Pakistan	13	1, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 41, 45	1	27
Peru	0	—	11	1, 4, 11, 14, 19, 24, 35, 37, 39, 41, 45
Poland	20	2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 27, 48	0	—
Portugal	9	1, 4, 6, 14, 17, 18, 19, 27, 45	0	—
Sweden	22	2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 27, 29, 32, 34, 42, 45, 58, 63	0	—
Switzerland	15	2, 5, 6, 11, 14, 18, 19, 26, 27, 29, 41, 44, 45, 62, 63	0	—
Turkey	0	—	4	14, 34, 42, 45
Union of South Africa	6	2, 19, 26, 41, 45, 63	0	—
United Kingdom	30	2, 5, 6, 7, 8, 11, 12, 15, 16, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 50, 63, 64, 65	0	—
United States	3	53, 55, 58	0	—
Uruguay	30	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 33	0	—
Venezuela	0	—	17	1, 2, 3, 5, 6, 7, 11, 13, 14, 19, 21, 22, 26, 27, 29, 41, 45
Yugoslavia	0	—	22	2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 27, 29, 48

**Ratifications Registered between 1921 and 1938 in respect of which
no Reports were Requested for the Period 1947-1948 ¹**

The ratifications in question are as follows :

	Number of ratifications		Number of ratifications
Albania	4	Latvia	17
Estonia	22	Lithuania	7
Germany	17	Rumania	17
Japan	14	Spain	34

¹ The above table is given for statistical purposes only. Clearly, a number of complicated legal and constitutional questions arise, varying from case to case, as to whether the reports are due in these cases.

APPENDIX II

SUPPLY OF ANNUAL REPORTS ON RATIFIED CONVENTIONS
(ARTICLE 22 OF THE CONSTITUTION)

Period	Reports requested	Reports received before the session of the Committee (percentage)	Reports received for the session of the Conference (percentage)
1931-1932	447	406 (90.83)	423 (94.63)
1932-1933	522	435 (83.33)	453 (86.78)
1933-1934	601	508 (84.52)	544 (90.51)
1934-1935	630	584 (92.70)	620 (98.41)
1935-1936	662	577 (87.16)	604 (91.23)
1936-1937	702	580 (82.62)	634 (90.31)
1937-1938	748	616 (82.35)	635 (84.89)
1938-1939	766	588 (76.76)	The Conference did not meet in 1940
1943-1944	583	251 (43.05)	314 (53.85)
1944-1945	725	351 (48.41)	523 (72.15)
1945-1946	731	370 (50.61)	578 (79.06)
1946-1947	763	581 (76.14)	666 (87.28)
1947-1948	799	521 (65.20)	— —

Note: The opening date of the session of the Committee of Experts has, in general, been the end of March or the beginning of April. In a number of cases, however, the session has opened on other dates, varying between 29 February, in 1932, and 23 July, in 1945 ; the date limit for the receipt of reports has accordingly varied.

APPENDIX III

A. GENERAL OBSERVATIONS ON THE REPORTS SUPPLIED BY OR DUE FROM CERTAIN GOVERNMENTS

Afghanistan. The Committee regrets to have to note once again the absence of any reports from the Government of Afghanistan. The Government delegate informed the Conference Committee at the 31st Session (1948) that he had asked the competent authorities of his country to submit their comments directly to the International Labour Office.

Since no such comments or reports have been received in respect of the five Conventions (Nos. 4, 13, 14, 41 and 45) ratified by Afghanistan, the Committee cannot but repeat the expression of great disappointment which it formulated last year.

Brazil. The Committee took note of the statements made by a representative of the Brazilian Government before the Conference Committee in reply to observations made by the Committee of Experts last year in respect of Conventions Nos. 3, 5 and 6. It regrets to find, however, that this year again the Government's reports on the eleven Conventions to which it is a party have not been received and that the Committee is, therefore, unable to make any observations on the various points which were discussed by the representative of the Brazilian Government in relation to the above-mentioned Conventions.

The Committee calls the Government's attention once again to the basic importance of the Committee of Experts' being able to make a detailed study of annual reports, so as to ensure the full functioning of the machinery of international supervision constituted by both the Committee of Experts and the Conference Committee.

Colombia. The Committee has called attention on page 6 of this report to the absence of the reports due from the Government of Colombia. In 1933, Colombia ratified Conventions Nos. 1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, but has not submitted individual reports on the application of any one of these Conventions since 1941.

Liberia. No report on the application of the Forced Labour Convention, 1930 (No. 29), has been received from Liberia since 1944. The Committee regrets this all the more in view of the fact that the Governing Body has devoted special attention to this instrument at two of its recent sessions.

The Committee must therefore give expression once again to its serious concern as regards this lack of information.

Peru. The Committee regretfully notes that the reports of the Peruvian Government have again not arrived, although the Government's representative at the Conference Committee in 1948 gave a promise that these reports would be despatched in time. The Committee finds it impossible, therefore, to consider the information requested by the Conference Committee, in particular as regards texts of laws and regulations, as well as legislative and other measures adopted to ensure the application of each of the articles of the Conventions ratified by Peru (Nos. 1, 4, 11, 14, 19, 24, 35, 37, 39, 41 and 45).

The Committee expresses the urgent hope that it will receive next year all the elements essential to a full study of the Government's reports in respect of the period 1948-1949.

Uruguay. The Committee examined the reports submitted by the Government of Uruguay for the period 1946-1947. It took note of the Government's letter of 25 October 1948 stating that the above reports were also to be considered as valid for the period 1947-1948. In view of the fact that several points of the report form relate to questions of practical application, e.g., results of inspection, judicial decisions, observations from employers' and workers' organisations, the Committee was not able to form an opinion regarding such application during 1947-1948. It expresses the hope that the Government will submit again detailed reports in respect of the next period.

B. OBSERVATIONS AND REQUESTS FOR SUPPLEMENTARY INFORMATION ON THE APPLICATION OF CONVENTIONS

Convention No. 1: Hours of Work (Industry), 1919.

Number of reports requested : 20.

Number of reports received : 14.

Reports received too late for examination by the Committee : *Chile, Cuba, Greece.*

Reports missing : *Bulgaria, Burma, Colombia, Nicaragua, Peru, Venezuela.*

Canada (ratification : 21.3.1935). The Committee took note of the general observations made by the Committee on the Application of Conventions and Recommendations at the 31st Session of the Conference (1948) as regards the application in Canada of Conventions No. 1 : Hours of Work (Industry) ; No. 14 : Weekly Rest (Industry) ; and No. 26 : Minimum Wage-Fixing Machinery. It took note, furthermore, of the fact that the Government of

Canada indicated in its reports for the period 1947-1948 that no change has as yet taken place in provincial legislation on the matters covered by Convention No. 1.

In these circumstances, the Committee expresses the hope that the Canadian Government will continue, in collaboration with all the competent authorities concerned, to attach special importance to seeking the best possible solution to this problem.

Uruguay (ratification : 6.6.1933). The Committee noted the Government's statement in its report that overtime is paid by an increase of from 50 to 100 per cent. Since the report does not indicate what legislative or administrative provisions fix the wage rates for overtime, the Committee would be grateful if the Government would indicate the nature of these provisions in its next report, or would state whether higher wages for overtime are fixed by means of collective agreements. The Committee also noted that the Government specified that as a general rule the work week does not exceed forty-eight hours and that the consent of the wage earners must be obtained in advance in all special cases where the hours of work may be spread over three weeks without, however, exceeding 144 hours during that period.

Convention No. 2: Unemployment, 1919.

Number of reports requested : 27.

Number of reports received : 20.

Reports received too late for examination by the Committee : *Chile, Greece.*

Reports missing : *Bulgaria, Burma, Colombia, Hungary, Nicaragua, Venezuela, Yugoslavia.*

Argentina (ratification : 30.11.1933). The Committee refers to the statement made in 1948 by the Argentine Government member of the Committee on the Application of Conventions, to the effect that advisory committees of employers and workers, in the provinces as well as on the national level, were being established as required under Article 2 of the Convention. The Committee would be glad if the Government would be good enough to supply further information on this point.

Uruguay (ratification : 6.6.1933). The Committee finds that a public employment service, responsible for co-ordinating labour supply and demand throughout the country, was provided for under Chapter IV of Act No. 9196 of 11 January 1934, and notes the Government's statement that circumstances have rendered it impossible to bring this system into force. The Committee also notes that, under a Bill which has been submitted to Parliament, the employment service will be placed under the National Institute of Labour and its related services, and the Ministry of Industry and Labour.

The Committee would be glad if the Government would be good enough to state if the proposed Bill provides for the setting up of a public employment service as required by the Convention, and would also welcome information regarding the progress made with the adoption of this Bill.

Further, the Committee would be glad if the Government would supply information regarding the difficulties which it has encountered in collecting data regarding employment and unemployment.

Convention No. 3: Maternity Protection, 1919.

Number of reports requested : 13.

Number of reports received : 6.

Reports received too late for examination by the Committee : *Chile, Cuba, Greece.*

Reports missing : *Brazil, Bulgaria, Colombia, Hungary, Nicaragua, Venezuela, Yugoslavia.*

Uruguay (ratification : 6.6.1933). The Committee takes note of the statement made by the Government to the effect that the maternity benefit fixed by the national legislation is 50 per cent. of the woman's wages, and that the legislation can now be considered to be in harmony with the Convention on this point. However, the Committee would refer to the observations which it made between 1937 and 1948 on the following points :

(1) the period of maternity leave is fixed by the Children's Code at two months instead of twelve weeks at least, as required by the Convention ;

(2) the maternity benefit for the maintenance of the woman and her child during this leave is paid by the employer, instead of through a system of social insurance or out of public funds, as prescribed by the Convention ;

(3) free attendance by a doctor or certified midwife for the woman concerned is not provided for in the Code ;

(4) a break of half an hour twice a day for a woman who is nursing her child is not provided for in the Code.

In view of these serious discrepancies, the Committee hopes that the Government will take, without delay, the steps envisaged in the Bill to amend the Children's Code, which was submitted to Parliament by the National Institute of Labour in 1937, and is still under consideration.

Convention No. 4: Night Work (Women), 1919.

Number of reports requested : 19.

Number of reports received : 12.

Reports received too late for examination by the Committee : *Chile, Cuba.*

Reports missing : *Afghanistan, Bulgaria, Burma, Colombia, Nicaragua, Peru, Yugoslavia.*

Argentina (ratification : 30.11.1933). The Committee notes that two Resolutions (Nos. 61 and 283 of 1948) authorise the employment of women between 6 a.m. and 9 p.m. in spinning and weaving mills and in silk weaving mills, thus reducing the night rest of women in these undertakings to nine hours, which is contrary to the provisions of the Convention.

As already stated on previous occasions, the relevant provisions of the legislation (Act of 30 September 1924 which applies the Convention) are not in conformity with the requirements of the Convention, which specifies a consecutive period of at least eleven hours' compulsory night rest for all industrial undertakings throughout the year. The Committee would therefore be glad if the Government would be good enough to supply information as to the progress made with the necessary amendments to its legislation which were contemplated as far back as 1936.

Austria (ratification : 12.6.1924). The Committee notes that the German Hours of Work Order of 1938 (still in force in Austria under the

Transitional Act of 1945), which regulates the night hours of women, is not in complete conformity with the provisions of the Convention.

The Committee notes, however, that the new Austrian legislation now in course of preparation will remove the discrepancies between the existing legislation and the provisions of the Convention, and expresses the hope that the Government will soon be in a position to enact the new legislation.

Czechoslovakia (ratification : 24.8.1921). The Committee notes, with reference to Article 3 of the Convention, that Notification No. 1191/1947 permits the employment of women over eighteen years of age during the night where this is necessary in order to ensure the regularity of electricity consumption in the winter months.

The Committee, while appreciating the special circumstances which have necessitated the adoption of a provision not covered by Articles 3, 4 and 6 of the Convention, would be glad if the Government would supply information regarding the number of women concerned, the number of hours worked, and the period covered by such hours. Further, the Committee would be glad to be informed whether Notification No. 1191 is still in force.

The Committee further notes that Notification No. 1092 of 18 October 1947 (§ 1 (i)) permits the employment of women over eighteen years of age between 10 p.m. and 5 a.m., during the sugar-beet season, provided that such employment is in the interests of uninterrupted service, and that the work consists of operations demanding comparatively little exertion. The Committee wishes to be informed whether this exception was granted, in conformity with Article 4 (b) of the Convention, in order to preserve the materials in question from certain loss.

France (ratification : 14.5.1925). The Committee notes that the Decree of 21 April 1939 adds to Book II of the Labour Code a new § 22 (a) which provides that, by way of exception, labour inspectors are empowered to authorise exceptions from the prohibition of the night work of women in the case of shift-work undertakings engaged in work for the national defence.

The Committee ventures to draw the attention of the Government to the fact that an exception of this nature is not provided for either in Convention No. 4 or in Convention No. 41, both of which have been ratified by France, and would like to be informed if Article 22 (a) of the Labour Code is still in force.

Italy (ratification : 10.4.1923). The Committee notes that Act No. 653 of 1934, which prohibits the employment of women at night, defines the term "night" in its § 13 in conformity with the Convention, except as regards night work in bakeries where, in virtue of Act No. 105 of 22 March 1908, work is prohibited between 9 p.m. and 4 a.m.

In view of the fact that the Convention does not provide for an exception of this nature, the Committee would be grateful if the Government would state if, in practice, any use has been made of the provisions of the national legislation which allow women to start work in bakeries at 4 a.m.

The Committee also notes that the employment of women at night is authorised as a result of the shortage of electrical power, particularly in the textile industry. The

Committee appreciates the special circumstances which necessitate this exception, and notes that the Government is giving serious attention to the matter and is endeavouring to eliminate all exceptions from the prohibition of night work of women. The Committee hopes that, in its next report, the Government will be in a position to state that the difficulties which occasioned the exceptions have been overcome, and wishes to have information regarding the number of women concerned, the number and period of hours worked and the conditions under which exceptions are allowed.

The Committee hopes that the above-mentioned discrepancies will rapidly disappear and that the provisions of the Convention will be fully complied with.

Uruguay (ratification : 6.6.1933). The Committee notes that the Government again states that national legislation is not in conformity with the Convention and that the Bill to give effect to the Convention, which was adopted by the Chamber of Deputies and forwarded to the Senate in 1938, has not yet been discussed by the latter. The Government has recently submitted to Parliament a new Bill to give effect to Convention No. 41, which it intends to ratify.

The Committee refers to the observations it has made in previous years regarding the lack of legislation on the prohibition of the night work of women, and is confident that the Government will be in a position to take a decision in this respect before submitting its next report.

Convention No. 5: Minimum Age (Industry), 1919.

Number of reports requested : 24.

Number of reports received : 18.

Reports received too late for examination by the Committee : *Chile, Cuba, Greece.*

Reports missing : *Brazil, Bulgaria, Colombia, Nicaragua, Venezuela, Yugoslavia.*

Austria (ratification : 26.2.1936). The Committee takes note with interest of the coming into force, during the period under review, of the Federal Act of 1 July 1948, respecting the employment of children and young persons.

The Committee, however, ventures to draw the attention of the Government to the fact that, while the Federal Act applies the main provisions of the Convention, there is a slight discrepancy in the Act with regard to the registers of young persons to be kept by employers which, according to the Act, are prescribed only for undertakings employing more than five young persons. Article 4 of the Convention prescribes that these registers shall be kept by all industrial undertakings and makes no mention of the number of young persons employed.

The Committee therefore hopes that the Government will take the necessary measures to ensure the strict application of the Convention.

Dominican Republic (ratification : 4.2.1933). The Committee takes note of the statement made by the Government, to the effect that Congress is now examining a draft Labour Code, §§ 222 to 232 of which relate to the employment of children, and that, in drafting these provisions of the Code, due account was taken of the observations made by the Committee in 1947.

The Committee notes with satisfaction that the relevant provisions of this draft Code

eliminate certain exceptions which were authorised, other than those provided in the Convention (Article 3), in particular, with regard to authorisations to young persons under fourteen years of age to enter into a contract of employment. At the same time, the Committee notes that, in order to facilitate the education of a young person, the Labour Department, in agreement with representatives of employers and workers, may authorise certain exceptions; the Committee hopes that such exceptions are limited to cases of vocational training.

The Committee would be glad to be kept informed as to the final form of the Labour Code, once it has come into force.

France (ratification : 29.4.1939). The Committee, while expressing its appreciation of the detailed report supplied by the Government, would be glad if in its next report the Government would be good enough to supply information as required under Article 4 of the Convention, which prescribes that a register shall be kept of persons under the age of sixteen years employed in industrial undertakings.

Uruguay (ratification : 6.6.1933). The Committee notes that the Government again states that § 225 of the Children's Code allows the competent authority to authorise the employment of children over twelve and under fourteen years of age who have terminated their elementary school education, if their employment is necessary in order to provide for their living or that of their father, mother, brothers or sisters, and that the Bill prepared in 1937 by the National Institute of Labour in order to bring the provisions of the Code into harmony with the Convention has not yet become law.

The Committee therefore refers again to its previous observation on this point and requests the Government to take the necessary measures as soon as possible to ensure conformity between the national legislation and the provisions of the Convention.

Convention No. 6: Night Work of Young Persons (Industry), 1919.

Number of reports requested : 27.

Number of reports received : 19.

Reports received too late for examination by the Committee : *Chile, Cuba, Greece.*

Reports missing : *Brazil, Bulgaria, Burma, Hungary, Mexico, Nicaragua, Venezuela, Yugoslavia.*

Argentina (ratification : 30.11.1933). In its reports for 1946-1947 and 1947-1948, the Government states that it has taken no measures to alter the existing regulations laid down in Act No. 11,137 of 30 September 1924 on the employment of women and young persons. This Act provides for a period of night rest of only ten hours (8 p.m. to 6 a.m.) during the summer, whereas the Convention requires a night rest of eleven consecutive hours throughout the year.

In its report for 1937-1938, the Government stated that it was prepared as soon as possible to remove any discrepancies between the Convention and the national legislation. As there has been no change in the situation, the Committee cannot but call attention to this continued violation of an important provision of the Convention.

Austria (ratification : 12.6.1924). The Committee notes with satisfaction that the new Federal Act of 1 July 1948 respecting the employment of children and young persons has come into force during the period under review

and takes due account of the provisions of the Convention.

Italy (ratification : 10.4.1923). The Committee notes that § 13 of Act No. 653 of 1934, which prohibits night work of young persons, defines the term "night" in conformity with the Convention to mean a period of not less than eleven consecutive hours, including the interval between 10 p.m. and 5 a.m., "except as laid down in the Act respecting bakeries".

In its reports for 1946-1947 and 1947-1948, the Government stated that, in virtue of Act No. 105 of 22 March 1908 respecting bakeries, night work in bakeries is prohibited for all workers between 9 p.m. and 4 a.m. (on Saturdays between 11 p.m. and 4 a.m.) but that this Act is only partially applied, as work starts at 3 a.m., and that the labour inspectorate is authorised to apply the provisions of this Act in whole or in part by adapting them to the individual local situation.

In view of these facts, the Committee would be grateful if the Government would state what measures have been taken, in particular, to enforce for young persons under eighteen years of age the prohibition of night work in bakeries between 9 p.m. and 4 a.m., in conformity with the provisions of Article 3, paragraph 3, of the Convention.

Uruguay (ratification : 6.6.1933). The Committee notes with regret that there has been no change in the situation as regards the legislation, and refers to its previous observations, to the effect that § 231 of the Children's Code of 1934 prohibits the night work of young persons under eighteen years of age only between 9 p.m. and 6 a.m. (i.e., during a period of nine hours), whereas the Convention prescribes a night rest of at least eleven consecutive hours, including the interval between 10 p.m. and 5 a.m.

The Committee would be glad, therefore, if the Government would be good enough to supply further information regarding the Bill amending the Children's Code which was drawn up more than ten years ago.

Convention No. 7: Minimum Age (Sea), 1920.

Number of reports requested : 27.

Number of reports received : 18.

Reports received too late for examination by the Committee : *Chile, Cuba.*

Reports missing : *Brazil, Bulgaria, China, Colombia, Hungary, Italy, Nicaragua, Venezuela, Yugoslavia.*

Dominican Republic (ratification : 4.2.1933). The Committee notes that Article 12 of Act No. 1075 of 4 January 1946 prohibits the employment at sea of children under fourteen years of age. The Committee would, however, like to call attention once more to the fact that no provision seems to have been made to ensure application of Article 4 of the Convention, which requires every shipmaster to keep a register of the crew, mentioning all persons under sixteen years of age employed on board, with an indication of their dates of birth, so as to facilitate the supervision of the application of the Convention's provisions. The Committee notes that the report of the Dominican Republic does not contain any information on the practical application of the Convention (Questions III, IV and V of the report form) but refers to the information given for Convention No. 1. In view of the fact that these two Conventions cover totally different sub-

jects, the Committee would like to call the Government's attention to the importance of next year's report containing detailed information on the practical application of Convention No. 7.

Uruguay (ratification : 6.6.1933). The Committee regrets to have to note once again that no legislative measures have been taken to ensure the application of a Convention which was ratified over fifteen years ago. This fact seems all the more regrettable in view of the fact that, according to the report itself, Uruguay has a merchant navy. The Committee would like to call the attention of the Government to this point.

Convention No. 9: Placing of Seamen, 1920.

Number of reports requested : 22.

Number of reports received : 17.

Reports received too late to be examined by the Committee : *Chile, Cuba*.

Reports missing : *Bulgaria, Colombia, Italy, Nicaragua, Yugoslavia*.

Argentina (ratification : 30.11.1933). The Committee draws the attention of the Government to the fact that statistical and other information relating to unemployment among seamen, and to the functioning of agencies for finding employment for seamen, as provided for in Article 10 of the Convention, has not been supplied.

The Committee would be glad if the Government would be good enough to supply the information required under Article 10 of the Convention.

Convention No. 10: Minimum Age (Agriculture), 1921.

Number of reports requested : 17.

Number of reports received : 14.

Reports received too late to be examined by the Committee : *Chile, Cuba*.

Reports missing : *Bulgaria, Hungary, Nicaragua*.

Dominican Republic (ratification : 4.2.1933). The Government states in its report that the provisions of Acts No. 637 of 1944 respecting contracts of employment and No. 1075 of 1946 respecting hours of work, apply to agriculture. The Committee notes in this connection that Article 1 of Act No. 1075 excludes from its scope "work in connection with livestock or agriculture".

The Committee took note of a draft Labour Code which, according to the Government's statement, is now being examined by the Dominican Congress, and which the Government was good enough to append to its report. The Committee notes that Article 232 of the draft Code excludes young persons engaged in agricultural work from the provisions (Articles 222-232) relating to children. It notes furthermore that the "Explanation of Motives" of the draft Code states on page 223 that "the draft contains provisions which fully enable the Executive Branch to regulate agricultural work in such a manner as it may deem proper...".

The Committee would be glad to know whether, once the draft Labour Code has become law, Act No. 637 will continue in force, and if not, what legislative provisions will be enacted to apply the terms of the Convention.

Poland (ratification : 21.6.1924). The Committee took note of the Government's statement in its report that under Article 103 of the Constitution paid employment is prohibited for children under fifteen years of age, but that, in fact, children under fifteen years of age are employed in agriculture, in particular as shepherds. Attention is called in this connection to Article 1 of the Convention, which provides that children under fourteen years of age may be employed in agriculture only outside the hours fixed for school attendance, and to Article 2, which fixes the minimum annual period of such attendance at eight months.

The Committee would be glad to be informed whether the children employed on agricultural work are able to attend school during the period mentioned above.

Uruguay (ratification : 6.6.1933). The Committee notes that no mention is made in the report of legislation fixing the school period, although the Government previously stated that the Children's Code, 1934, was not sufficient by itself to ensure full application of the terms of the Convention.

The Committee reiterates the hope that such legislation will be adopted at an early date.

Convention No. 11: Right of Association (Agriculture), 1921.

Number of reports requested : 31.

Number of reports received : 23.

Reports received too late to be examined by the Committee : *Chile, Cuba*.

Reports missing : *Bulgaria, Burma, China, Colombia, Nicaragua, Peru, Venezuela, Yugoslavia*.

Uruguay (ratification : 6.6.1933). In its 1948 report, the Committee requested information on special legislation ensuring application of the Convention. The Government's report for the period 1946-1947, also valid for 1947-1948, mentions only the Act No. 10809 of 16 October 1946, establishing a statute for agricultural workers; this Act does not, however, seem to contain any provisions concerning the right of association.

The Committee wishes to reiterate its hope that the necessary legislation will be enacted at an early date.

Convention No. 13: White Lead (Painting), 1921.

Number of reports requested : 22.

Number of reports received : 16.

Reports received too late to be examined by the Committee : *Chile, Cuba, Greece*.

Reports missing : *Afghanistan, Bulgaria, Colombia, Nicaragua, Venezuela, Yugoslavia*.

Mexico (ratification : 7.1.1938). The Government states that a committee of the Labour Secretariat charged with the drafting of new hygiene regulations has been instructed to incorporate the provisions of the Convention itself in this text.

The Committee expresses the hope that these regulations will come into force at an early date.

Uruguay (ratification : 6.6.1933). The Committee takes note of the Government's statement in its report for 1946-1947, also valid for 1947-1948, that no special regulations exist as yet

concerning the notification and verification of lead poisoning by a publicly appointed medical man (Art. 5, III (a) of the Convention). It would be much appreciated if the Government could indicate whether such regulations are being drafted.

Convention No. 14: Weekly Rest (Industry), 1921.

Number of reports requested : 32.

Number of reports received : 22.

Reports received too late for examination by the Committee : *Chile, Greece.*

Reports missing : *Afghanistan, Bulgaria, Burma, China, Colombia, Nicaragua, Peru, Turkey, Venezuela, Yugoslavia.*

Canada (ratification : 21.3.1935). The Committee takes note of the general observations made by the Committee on the Application of Conventions and Recommendations at the 31st Session of the Conference (1948), in particular with regard to Convention No. 14. It takes note furthermore that the Government of Canada indicates, in its report for the period 1947-1948, that no change has as yet taken place in provincial legislation on the matters covered by Convention No. 14.

The report also states that the Government has no information whether or not the legislative programmes planned for the 1949 sessions of the provincial legislatures (usually held in the period between January and April) will involve any changes in legislation on the matters covered by the Convention.

In these circumstances, the Committee expresses the hope that the Canadian Government will continue, in collaboration with all the competent authorities concerned, to attach special importance to seeking the best possible solution to this problem.

Convention No. 15: Minimum Age (Trimmers and Stokers), 1921.

Number of reports requested : 28.

Number of reports received : 21.

Reports received too late for examination by the Committee : *Chile, Cuba.*

Reports missing : *Bulgaria, China, Colombia, Hungary, Italy, Nicaragua, Yugoslavia.*

Argentina (ratification : 26.5.1936). The Committee notes that the report of the Argentine Government does not indicate whether the regulations concerning the registration of the crews of the national mercantile marine have been amended so as to give full effect to Article 6 of the Convention, which provides that the crews' articles of agreement shall contain a brief summary of the provisions of the Convention. The Committee regrets, therefore, to have to call attention again to this apparent divergence between Argentine legislation and the Convention.

Uruguay (ratification : 6.6.1933). The Committee regrets to have to note once again that no legislative measures have been taken to ensure the application of a Convention which was ratified more than fifteen years ago. The Committee wishes to stress the fact that this is all the more regrettable since the Government has indicated in another report that Uruguay has a merchant navy. The attention of the Government is called to this point.

Convention No. 17: Workmen's Compensation (Accidents), 1925.

Number of reports requested : 17.

Number of reports received : 12.

Reports received too late for examination by the Committee : *Chile, Cuba.*

Reports missing : *Bulgaria, Colombia, Hungary, Nicaragua, Yugoslavia.*

France (ratification : 17.5.1948). The Committee notes with satisfaction that the first report of the French Government gives very complete and detailed information on the application of the Convention. The Committee finds that on numerous points the provisions of French legislation go further than those of the Convention. It would, however, be grateful if the Government would be good enough to indicate whether the terms of the special scheme by which, under Article 3 of the Convention, certain categories of workers are covered (wage-earning employees, apprentices and day labourers employed in the State naval yard, workers in the State arms factories, officers and officials of the permanent establishment of the civil service and of the local authorities) may be considered as not less favourable than those of the Convention.

The Committee would also be glad to know what are the means by which the competent authority satisfies itself that compensation paid in a lump sum in the case of remarriage of the surviving spouse — there being no children — or in the case of foreign workers entitled to compensation who no longer reside in France, will be properly utilised (Article 5, paragraph 2, of the Convention).

Mexico (ratification : 12.5.1934). The Committee wishes to draw attention once again to certain discrepancies which continue to exist between the provisions of the legislation and those of the Convention, since the Social Insurance Act of 1943 has not as yet been extended to the whole country. The Committee is glad to note that this Act ensures conformity between national legislation and some of the Convention's provisions, particularly as regards compensation payments on a periodical basis (Article 5 of the Convention) and the provision of artificial limbs and orthopaedic appliances (Article 10); but the Act does not provide for additional compensation for an injured workman requiring the constant help of another person (Article 7), nor for the renewal of artificial limbs and orthopaedic appliances (Article 10).

The Committee expresses the hope that the Government will give in its future reports information concerning the extension of the Social Insurance Act to the whole territory of the Republic as well as concerning any other measures contemplated to achieve full conformity between the national legislation and the Convention.

New Zealand (ratification : 23.3.1938). The Committee took note with interest of the explanations given as regards the discrepancies between the provisions of the national legislation and those of the Convention, mentioned last year and relating to the payment of compensation in a lump sum (Article 5), to the payment of additional compensation to injured workmen requiring the constant help of another person (Article 7), and to the supply and renewal of artificial limbs and orthopaedic appliances (Article 10).

In connection with the explanation as to additional compensation to an injured workman

requiring the constant help of another person (Article 7), the Committee would be glad to know whether the assistance which can be granted to such a workman under the Emergency Benefit Section of the Social Security Act, 1948, is payable without any means test.

Portugal (ratification : 27.3.1929). The Committee notes that legislation concerning workmen's compensation for industrial accidents and occupational diseases now applies only in part to civil servants and to administrative personnel, who are entitled to special compensation from the General Pensions Fund. The Committee would be glad to know whether the terms of the scheme applying to the above categories are not less favourable than those provided by the workmen's compensation scheme (Article 3, paragraph 2, of the Convention).

The Committee also took note, with interest, of the statement made by the Government representative before the Conference Committee to the effect that Portuguese legislation on workmen's compensation was being revised and that provision was to be made for additional benefits to be paid to victims of accidents who need the constant help of another person (Article 7 of the Convention). The Government's report does not indicate whether this revision has now taken place, and the Committee should therefore like to have further information on this point.

Convention No. 19: Equality of Treatment (Accident Compensation), 1925.

Number of reports requested : 34.

Number of reports received : 25.

Reports received too late for examination by the Committee : *Chile, Cuba, Greece.*

Reports missing : *Bulgaria, Burma, China, Colombia, Hungary, Nicaragua, Peru, Venezuela, Yugoslavia.*

General Observations

The Committee gave careful attention to the question of the application of the Convention's provision (Article 1, paragraph 2) guaranteeing equality of treatment to foreign workers and their dependants without any condition as to residence. Several Governments, as well as the Office, considered this equality of treatment as assured in cases where the national legislation contains restrictions, which apply to citizens as well as to foreigners, concerning the payment of compensation when the beneficiary goes abroad. Without wishing to express an opinion on the point whether this interpretation is in conformity with the Convention, the Committee would like to point out that foreign workers who may wish to return to their own countries may find themselves placed at a disadvantage by such measures.

Austria (ratification : 29.9.1928). The Committee notes that the report does not indicate clearly to what extent the payment of compensation may be permitted when Austrian workers and their beneficiaries or foreign workers and their beneficiaries reside abroad.

The Committee noted with interest that a Bill has been submitted to Parliament with a view to establishing full equality of treatment between Austrian and foreign workers. It expresses the hope that this draft legislation will be adopted shortly.

France (ratification : 4.4.1928). The Committee took note with interest of the information supplied last year by the French Govern-

ment representative in the Conference Committee to the effect that the restrictions applying to foreign workers entitled to workmen's compensation, or to their beneficiaries, when they cease to reside on French territory, are due to financial and administrative difficulties, and constitute an abnormal and temporary situation to which the Government hopes to be able to put an end by means of bilateral agreements. The Committee is glad to note that a certain number of reciprocal agreements have been concluded in this sense during 1948 between France and certain countries whose nationals are working in France. It finds, however, that the report for 1947-1948 states that the provisions of the national legislation regarding payment of workmen's compensation for accidents to victims or their beneficiaries who reside outside French territory have not undergone any change. The Committee wishes to renew the hope already expressed last year by the Conference Committee that the Government will soon be in a position to give full application to the Convention.

Union of South Africa (ratification : 30.3.1926). The Committee took note with interest of the statistics concerning the number of "non-Union Native workers" in South Africa. It would be grateful if the Government would be good enough to indicate as well the number of "foreign workers, other than Natives", covered by the Convention.

Convention No. 20: Night Work (Bakeries), 1925.

Number of reports requested : 10.

Number of reports received : 7.

Reports received too late for examination by the Committee : *Chile, Cuba.*

Reports missing : *Bulgaria, Colombia, Nicaragua.*

Uruguay (ratification : 6.6.1933). The Committee refers to the observation which it made in 1948 and draws the attention of the Government to the fact that the experimental period for the suspension of Act No. 5646 of 19 March 1918 prohibiting night work in bakeries was to terminate at the end of November 1948.

The Committee would be glad, therefore, if the Government would be good enough to state, in its next report, whether full application of the Convention has now been restored, and would appreciate information regarding the difficulties encountered in applying the relevant legislation.

Convention No. 22: Seamen's Articles of Agreement, 1926.

Number of reports requested : 26.

Number of reports received : 19.

Reports received too late for examination by the Committee : *Chile, Cuba.*

Reports missing : *Bulgaria, China, Colombia, Italy, Nicaragua, Venezuela, Yugoslavia.*

Poland (ratification : 8.8.1931). The report indicates that working conditions and wages are fixed by means of collective agreements endorsed by the labour inspector. The Committee calls attention to the fact that the Convention does not contain any provision for its application by means of collective agreement. It hopes that the Maritime Labour Code at present under preparation will contain the provisions needed to ensure full implementation of the Convention.

Convention No. 24: Sickness Insurance (Industry), 1927.

Number of reports requested : 12.

Number of reports received : 6.

Report received too late for examination by the Committee : *Chile*.

Reports missing : *Bulgaria, Colombia, Hungary, Nicaragua, Peru, Yugoslavia*.

United Kingdom (ratification : 20.2.1931). The Committee notes that under Section 59 of the National Insurance Act, 1946, the National Insurance (Married Women) Regulations, 1948, allow married female employees to elect not to pay contributions and therefore not to be covered under the insurance scheme.

The Committee notes in this respect that the voluntary character of the insurance as regards married women is not provided for in the Convention. It would be glad if the Government could indicate :

(a) the reasons which have led to the adoption of this provision ;

(b) the benefits to which a married female employee may be entitled if she decides not to make contributions ; and

(c) the number of married female employees who have elected not to make such contributions since the entry into force of the National Insurance Act.

The Committee finally notes that the National Insurance Act contains no provisions regarding the participation of the insured in the management, while Article 6 of the Convention provides specifically for such participation. Paragraph 3 of this Article enumerates, however, exceptional cases where the administration of the insurance may be undertaken directly by the State. Without wishing to examine to what extent the conditions laid down in this provision are fulfilled in the United Kingdom, the Committee would like to stress the importance which the Conference attaches to the effective participation of the insured in the management. For this reason the Committee noted with interest that the Government of the United Kingdom intends to establish local advisory committees containing representatives of the employers and the insured. It expresses the hope that the tasks entrusted to these committees will be well defined and in substantial conformity with the spirit of the Convention.

Uruguay (ratification : 6.6.1933). The Committee finds it necessary, once again, because of the Government's inaction, to call its attention to the fact that no effect whatever has as yet been given to a Convention ratified almost sixteen years ago. The Government states in its report that it intends to introduce in its legislation provisions designed to cover workers against the risk of loss of salary during sickness. The Committee considers that even if such provisions are adopted they would in no way ensure full conformity between the national legislation and the Convention. In these circumstances, the Committee attaches the greatest importance to knowing precisely what measures the Government intends to take with a view to putting an end to the current situation, and at what time these measures will be taken.

Convention No. 25: Sickness Insurance (Agriculture), 1927.

Number of reports requested : 9.

Number of reports received : 6.

Report received too late for examination by the Committee : *Chile*.

Reports missing : *Bulgaria, Colombia, Nicaragua*.

United Kingdom (ratification : 20.2.1931). See under Convention No. 24.

Uruguay (ratification : 6.6.1933). The Committee wishes to call the Government's attention once again to the fact that no effect whatever has as yet been given to a Convention ratified almost sixteen years ago. Moreover, it takes note with regret of the Government's statement in its report that the conditions existing in Uruguay appear to preclude the possibility of applying the Convention in that country. The Committee considers that such a situation, which is contrary to the very terms of the Convention, makes it incumbent on the Government of Uruguay to proceed to a full re-examination of this question and to indicate in its next report the measures which it intends to take with a view to putting an end to the present position.

Convention No. 26: Minimum Wage-Fixing Machinery, 1928.

Number of reports requested : 22.

Number of reports received : 16.

Reports received too late for examination by the Committee : *Chile, Cuba*.

Reports missing : *Bulgaria, China, Colombia, Hungary, Nicaragua, Venezuela*.

Belgium (ratification : 11.8.1937). The Committee would be glad if the Government would supply additional information regarding the following points :

(a) the method adopted for consulting employers' and workers' organisations regarding the industries to which minimum wage-fixing machinery shall be applied (Article 2 and Article 3, paragraph 2 (2)) ;

(b) the method used for consulting representatives of the employers and workers concerned regarding the fixing of wages and of the means by which these employers and workers participate in the application of minimum wage-fixing machinery (Article 3) ;

(c) the provisions permitting a worker to whom the minimum rates are applicable, and who has been paid wages at less than these rates, to recover the amount by which he has been underpaid (Article 4) ; and

(d) if statistics are available, the number of workers covered by the regulations (Article 5).

Canada (ratification : 25.4.1935). The Committee takes note of the general observations made last year by the Conference Committee on the Application of Conventions, in particular, with regard to Convention No. 26.

The Committee also notes that, in its report for 1947-1948, the Government states that there has been no change in the legislation regarding the matters covered by the Convention, with the exception of the Province of New Brunswick, where Minimum Wage Orders have been issued covering shops, hotels and restaurants. The report adds that the Government has no

information as to whether or not the legislative programmes planned for the 1949 sessions of the provincial legislatures (usually held in the period between January and April) will involve any changes in legislation on the matters covered by the Convention.

The Committee therefore expresses the hope that the Canadian Government will be good enough to continue to devote serious attention to finding, in co-operation with the competent authorities, the best solution for this question.

Netherlands (ratification : 10.11.1936). The Committee would be glad if the Government would be good enough to supply further information on the following points :

(a) the means by which the employers and workers in a particular trade or industry (as distinct from the Labour Foundation to which they may belong) are associated with the application of the methods provided for in the Order of 1945 (Article 3, paragraph 2 (2), of the Convention);

(b) the measures taken to ensure that the employers and workers concerned are informed of the minimum rates of wages in force (Article 4);

(c) if statistics are available, the number of men and women, as well as adults and young persons, covered by the regulations respecting minimum rates of wages fixed for these different categories of workers (Article 5).

The Committee would also be grateful if the Government would be good enough to supply information regarding decisions in the matter of wages taken by States Labour Conciliators.

Switzerland (ratification : 7.5.1947). The Committee takes note with interest of the report supplied by the Federal Government upon the coming into force of the Convention in Switzerland. However, the Committee notes that the Act of 1940 provides that, by way of exception, the Federal Council may "authorise minor exceptions to the provisions of this Act if there is good and sufficient reason for this", and that this reservation is also contained in the Regulations of 16 December 1941, issued in pursuance of the 1940 Act, and in the Orders of 15 January 1948 and 31 March 1948, fixing minimum wages for home work in industries engaged in making paper articles and in hand-knitting. The Committee appreciates the clauses which safeguard these exceptions, in particular the proviso that exceptions may only be granted in exceptional circumstances, and after preliminary consultations. However, the Committee expresses its doubts whether, in the absence of specific information regarding the reasons for which exceptions may be granted, such exceptions might not lead to a reduction of minimum wage rates in conditions other than those provided for under Article 3, paragraph 2 (3), of the Convention. The Committee would be glad if the Government would be good enough to supply further information on this point, and would state whether any exceptions have been authorised in certain cases. In addition, the Committee would appreciate, in future reports from the Government, statistical information as provided for by Article 5 of the Convention.

Uruguay (ratification : 6.6.1933). The Committee takes note of the information contained in the report and would be glad if the Government would be good enough to supply further information regarding the following points :

(a) what steps have been taken to consult the organisations, if any, of employers and workers in the trade or part of trade concerned, before deciding to which trade or part of such trade minimum wage-fixing machinery shall be applied (Article 2 and Article 3, paragraph 2 (2));

(b) what steps have been taken to consult the representatives of employers and workers concerned, including representatives of their respective organisations, if any, before minimum wage-fixing machinery is applied in a trade or part of trade (Article 3, paragraph 2 (1)).

Further, it would be appreciated if information could be provided as to whether provisions prohibiting abatements to wages by individual agreement, or, except with the authorisation of the competent authority, by collective agreement, exist apart from the case of home work (Article 3, paragraph 2 (3)).

The Committee would also be glad to have information as to the trades or parts of trades in which minimum wage-fixing machinery has been applied, the approximate number of workers covered and the minimum rates of wages fixed (Article 5).

Convention No. 27: Marking of Weight (Packages Transported by Vessels), 1929.

Number of reports requested : 29.

Number of reports received : 21.

Reports received too late for examination by the Committee : *Chile, Greece.*

Reports missing : *Bulgaria, China, Hungary, Italy, Nicaragua, Pakistan, Venezuela, Yugoslavia.*

Belgium (ratification : 6.6.1934). The Committee notes with satisfaction that the Order of the Regent of 4 October 1948 eliminates the discrepancy which it had mentioned in its 1947 report.

India (ratification : 7.9.1931). The Committee takes note with interest of the Government's statement that it is examining the question whether the provisions of the Convention should be enforced at any port other than those mentioned in its report. The Committee expresses the hope that the Government will extend the application of the Convention to all Indian ports.

Convention No. 29: Forced Labour, 1930.

Number of reports requested : 20.

Number of reports received : 15.

Report received too late for examination by the Committee : *Chile.*

Reports missing : *Bulgaria, Liberia, Nicaragua, Venezuela, Yugoslavia.*

General Observations

An analysis of the application of Convention No. 29, territory by territory, shows that cases of the exaction of forced or compulsory labour are comparatively few and that, in addition, there is a very marked tendency to reduce or even to abolish the recourse to such labour.

At the same time, the meaning given to the term "application" of this Convention calls for a remark. In fact, in going through the reports for the period 1947-1948, a discrepancy, to which the Committee has already referred in its general observations, is evident. Thus, for

one colonial territory, the report states that "no legislation exists for the application of the Convention" and that "the Convention is applied without modification"; for a neighbouring territory the report states that "no legislation applies the provisions of this Convention" and it is "not applicable", adding that "there is no forced labour within the meaning of Article 2 of the Convention". In view of the importance of this Convention, the Committee considers it essential to remove any possible doubts as to the meaning of the term "application". It would point out that the Convention does not merely deal with forced or compulsory labour of an exclusively colonial type, but also covers several important forms of labour which may be present in independent States, such as communal labour (obligation to render services, etc.) and work which may be exacted in case of *force majeure*. In the present circumstances, it would therefore appear to be of the greatest importance to have as detailed information as possible regarding the various categories of labour enumerated in Article 2 of the Convention. In particular, the Committee would like to be informed of the cases in which recourse is had to labour of this nature, as well as the purposes for which such labour is requested or exacted. The Committee wishes to draw particular attention to this point because a certain number of Governments seem to consider that Convention No. 29 deals solely with forced or compulsory labour in non-metropolitan territories. In this connection, reference may be made to the report supplied by the Swiss Government which, in 1942, stated that Switzerland has no type of forced or compulsory labour and that the Government has not under its sovereignty, jurisdiction, protection, suzerainty, or authority any territories to which the provisions of the Convention apply. The ratification of the Convention, the Government stated, is without any practical value for the Confederation. In adhering to the Convention, however, the Government was inspired by the same principles which led it to adhere to the Slavery Convention, signed at Geneva in 1926, that is, to give its moral support to work in the humanitarian field.

With regard to non-metropolitan territories, according to the reports which have been examined, recourse is still had to the following categories of work :

(a) *portage* : Papua, North Borneo, Kenya (in two remote districts), Nyasaland (where, moreover, no use is made of the right to exact transport), Sierra Leone and Uganda ;

(b) *services for the benefit of native chiefs and customary services* : Basutoland (where the question of the abolition of services for the benefit of chiefs is, moreover, under consideration), Bechuanaland, Fiji, Kenya, Sierra Leone and Swaziland ;

(c) *communal services* : territories administered by New Zealand, Bechuanaland, Fiji, etc. ;

(d) *compulsory cultivation* : New Guinea and Papua, Basutoland, Federation of Malaya, Sierra Leone and Zanzibar ;

(e) *services which may be exacted in cases of force majeure or in cases considered as such by the Governments* : Cyprus, Tanganyika (fires in public forests), Basutoland and Bechuanaland (campaign against soil erosion), Tanganyika (emergency work, such as saving or repair of bridges, railway embankments and telegraph lines).

It would also appear that, in a certain number of cases, recourse has been had to compulsory labour either for public works or in the form of taxes.

As has already been pointed out, an examination of the reports received shows that the measures taken in the various territories tend to the reduction or even to the abolition of forced or compulsory labour. In taking note of this progress, the Committee would also like to refer to its report for last year, in which it pointed out that it was essential to bear in mind the special social structure in non-metropolitan territories and, in certain cases, the danger of introducing reforms too rapidly, for example, in the organisation of community services. On the other hand, with regard to all labour exacted in connection with the transport of persons or of goods, the Committee shares the views put forward by several Governments, namely, that the exaction of such services is gradually becoming less justified as the condition of the roads and mechanical transport improve in the territories concerned.

Australia (ratification : 2.1.1932). In 1947, the Conference Committee made various observations concerning new legislation in the Territory of Papua (Native Labour Ordinance No. 5). In the report communicated by the Government of Australia for the period 1946-1947, a reply was given to most of the Committee's observations.

It seems that the conditions under which portage is authorised in the Territory of Papua are, in general, in accordance with the provisions of Article 18 of the Convention. The Government's report also states that the abolition of such obligations is under consideration.

Native Regulation 121 of the Native Regulation Ordinance, 1908-1930 (of Papua), which provides for compulsory cultivation, also seems to be in accordance with the provisions of Article 19 of the Convention.

As regards the Native Plantations Ordinance, 1925-1934, there are two points on which there might exist a divergence between the text of the Convention and the text of the Ordinance ; the Committee would be grateful if the Government would supply detailed information on these points :

(1) Article 19 of the Convention provides : "The competent authority shall only authorise recourse to compulsory cultivation as a method of precaution against famine or a deficiency of food supplies . . .".

In the summary of the main provisions of the Ordinance it is stated that the establishment and cultivation of native plantations and the dealing with the produce thereof have for their objects the technical education of Natives in agriculture and the direct benefit of the Natives.

It may be observed in this connection that Belgium, on account of a similar legislative provision, made a reservation concerning the application of the Convention when ratifying it.

(2) The first paragraph of Article 19 of the Convention continues as follows : "and always under the condition that the food or produce shall remain the property of the individuals or the community producing it."

The relevant provision of the Native Plantations Ordinance is reproduced as follows in the Government's report :

"Of the total annual produce of each native plantation, one half, or such other proportion as the Administrator may order, shall be the property of the villagers, and may be distributed in kind by the Administration among the villagers entitled thereto or it may be sold by the Administration on account of the villagers.

The remainder, the property of the Crown, must be sold by the Administration, and the gross sum arising from such sale must be paid into the Native Education Fund or into such account in connection therewith as may be prescribed by the Administrator."

This provision too seems to depart from the text of the Convention. There is, however, a specific provision which gives another aspect to these texts, and which appears as follows in the report :

"In addition to receiving half of the annual produce of a native plantation, statutory workers¹ are exempted from the whole or part of the tax payable by them yearly under the Native Taxes Ordinance, 1917-36."

This provision seems to bring the cultivation in question under the compulsory labour exacted as a tax which is dealt with in Article 10 of the Convention. Under the terms of that article, such labour is not prohibited, but it "shall be progressively abolished". It might, therefore, be asked whether the conditions laid down in Article 10 for the carrying out of such labour have been fulfilled, and in particular whether this work or service is "of present or imminent necessity", and if it does not "lay too heavy a burden upon the present population".

It should be noted that the Government of Australia has also communicated a report for the period 1947-1948. As, however, this report confirms the information given in the previous report, it is this latter report which is dealt with above.

France (ratification : 24.6.1937). The Committee takes note of the information supplied by a representative of the French Government at the 31st Session of the Conference, in answer to questions raised by the Committee in its last report. The Committee notes that the report for the period 1947-1948 supplies fresh information regarding these points. The report states that compulsory labour for the benefit of native chiefs no longer exists. At the same time, there seems to be some doubt as regards compulsory cultivation. The French Government representative stated that, in certain instances, the abolition of compulsory cultivation had led to disastrous consequences and its application therefore had to be suspended temporarily. The report for 1947-1948 states that no legislative or other texts exist in French overseas possessions under which compulsory cultivation may be exacted. In order to dispel any doubts in this connection, it would be of interest to know whether the non-performance of one of these former obligations in regard to cultivation is likely to lead to sanctions of any kind (in the courts, administrative, customary, etc.).

The Committee would appreciate it if in the next report, prepared in accordance with the new form, the necessary information on this point could be supplied.

Netherlands (ratification : 31.3.1933). According to the Government's report, compulsory labour as prohibited by the Convention no longer exists in Indonesia. It would

¹ I.e., natives engaged in cultivation under the Ordinance.

appear expedient, however, to have specific information regarding the type of compulsory labour performed on private estates (*particuliere landerijen*). According to the report, the Regulations of 1946 contain a provision prohibiting the owners of such estates from making use of their recognised rights to impose compulsory labour. Nevertheless, the Resident Commissioner was authorised to provide for exemptions from this provision. It would be of interest to know the number and extent of any exemptions authorised and the reasons for which they were granted.

The report adds that a Decree of 2 April 1948 provides for the setting up of a committee entrusted with the task of making practical proposals for the abolition of the Institution for the Lands of Private Estates in Java.

The Committee would be glad to be kept informed of any progress made in this connection.

United Kingdom (ratification : 3.6.1931).

Gambia. Specific information might be given for the following points :

(a) the report states that a chief or native council may exact certain labour for local minor communal services. No information is given, however, regarding such services ;

(b) apart from the six categories of communal services mentioned in the report, no indication is given of the nature of other services which may be prescribed in the direct interest of native communities. The Committee would be glad, if in its next report the Government would supply fuller information on these two points.

Kenya. The report indicates that 2,301 men were ordered out to perform labour for the purpose of clearing bush for settlement, the total number of man-days of labour performed being 32,170. It states, further, that the use of compulsory labour is extremely limited and that work for clearing bush was undertaken under the provisions of Article 10 of the Convention. This article provides, *inter alia*, that work of this kind will be performed only after the authority has satisfied itself that there is "present or imminent necessity". The Committee would be glad to know what circumstances have led the authorities to consider that such was the case.

Federation of Malaya. The report states that, in case of need, forced labour may be exacted from any factory worker for any time not exceeding three hours over and above the normal eight hours of work, the rate of wages for such extra work being at least one eighth of the ordinary daily wages for each half-hour of overtime so exacted. The report does not indicate the cases in which the necessity for such work must be recognised ; neither does it specify that the right of the employer to exact extra work is subject to control. Further, it might be pointed out that work so exacted may be performed for certain private interests, and not, as provided in the Convention, for purposes of public interest.

In these circumstances, the Committee feels obliged to ask if such forms of compulsory labour are in conformity with the provisions of Convention No. 29. The Committee hopes that the next report will contain the necessary information in this connection, in particular, as to the measures taken to prevent abuses and to ensure that recourse to compulsory labour is justified in each case by reasons of public interest.

Tanganyika. The Committee takes note with great interest of the extracts from the memorandum which accompany the report, and notes that recourse may be had to compulsory labour where capital works are to be carried out in communities, such as the construction of roads. The memorandum points out, in particular, that where financial provision has been made, if labour is not forthcoming and if it is necessary to resort to compulsion, the previous sanction of the Chief Secretary must be obtained. It would appear, from this statement, that labour exacted in such cases does not apply to work which is peculiar to a locality but to public works likely to be of interest for the whole territory.

If this is the case, the Committee would have to consider whether the exaction of forced labour is in conformity with the provisions of Convention No. 29. The Committee would therefore be glad if in its next report the Government would supply all the information necessary in order to enable it to form a more precise opinion on this point.

Zanzibar. The report states that compulsory cultivation is still exacted in virtue of the legislation enacted during the war and contained in the Defence Regulations of 1943, and that, as long as international economic conditions remain so unsettled, the compulsory cultivation of certain products will be essential.

While not wishing to express an opinion as to the necessity of compulsory cultivation, the Committee considers that, as more than three years have elapsed since the end of hostilities, no use should be made of exceptional legislative measures adopted during the war period.

Convention No. 30: Hours of Work (Commerce and Offices), 1930.

Number of reports requested : 8.

Number of reports received : 6.

Reports received too late for examination by the Committee : *Chile, Cuba.*

Reports missing : *Bulgaria, Nicaragua.*

Mexico (ratification : 12.5.1934). The Committee wishes to thank the Mexican Government for the detailed information which it has been good enough to supply in reply to the Committee's question last year concerning the observations submitted by employers' and workers' organisations.

Uruguay (ratification : 6.6.1933). The Committee wishes to thank the Government for its detailed report on the application of this Convention.

Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932.

Number of reports requested : 10.

Number of reports received : 8.

Report received too late to be examined by the Committee : *Chile.*

Report missing : *China, Italy.*

General Observations

The Committee wishes to thank the Governments of *India* and of the *United Kingdom* for replying to the Committee's request in its last year's report for information as regards the reciprocal arrangements mentioned in Article 18 of the Convention. It would be glad if the other Governments who are parties to this Convention could likewise indicate whether

they are willing to make such reciprocal arrangements and, if so, what steps have been taken in this connection.

India (ratification : 10.2.1947). The Committee wishes to express its appreciation of the Government's detailed first report on the application of this Convention. It takes note of the Government's statement that the following requirements of the Convention are not yet covered by the Indian Dock Labourers' Regulations, 1948 : the provision of ladders in the hold of a vessel which is not decked (Article 5, paragraph 5); the protection of dangerous openings in a deck (Article 6, paragraph 2); and the securing of fencing, gangway and other safety equipment (Article 14).

The Committee also notes that the above Regulations apply only to the five major ports (Bombay, Calcutta, Madras, Vizagapatnam and Cochin). Finally, these Regulations do not appear to cover inland navigation, as specified in Article 1 of the Convention.

The Committee would be glad to know in what way the Government intends to give effect to the above-mentioned provisions of Articles 5, 6 and 14 of the Convention. It would also appreciate any information which the Government could supply as to the application of the Indian Dock Labourers' Regulations, 1948, to inland navigation as well as to any ports other than the five major ports enumerated in its report.

Mexico (ratification : 12.5.1934). The Committee notes the Government's statement that it intends to incorporate the provisions of the Convention in the Industrial Accident Prevention Regulations when the latter are revised. The Committee expresses the hope that such a revision will be undertaken at an early date.

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932.

Number of reports requested : 6.

Number of reports received : 6.

Report received too late to be examined by the Committee : *Cuba.*

Austria (ratification : 26.2.1936). The Committee notes with satisfaction, in connection with the observation which it made last year, that a new Federal Act concerning the protection of children and young persons was adopted on 1 July 1948, and that this Act eliminates certain minor discrepancies which existed under previous legislation, in particular, as regards the conditions of employment of children on light work (Article 3 of the Convention). However, the Committee draws the attention of the Government to the fact that the Federal Act would not appear to be in complete harmony with the Convention on certain other points. In particular, the Act excludes from its scope domestic work in private households (§ 1 (2)), whereas the Convention only allows the exemption of "domestic work in the family performed by members of that family" (Article 1 (3) (b)). The provisions of the Federal Act of 1935 (respecting the employment of children and young persons, excluding employment in agriculture and forestry) which had remained in force as far as the employment of children in domestic service was concerned, have now been repealed, so that at present there would appear to be no legislation regulating the minimum age for the admission of children to this branch of work.

Moreover, the Federal Act does not apply to the occasional employment of children (§ 4 (2)).

The Committee hopes that it will be possible for the Government to eliminate these discrepancies from its legislation in the near future.

As regards the exemption of employment of an exclusively educational character (§ 4 (2)), the Committee would be grateful if the Government would state whether this exemption is granted in accordance with Article 1 (2) (b) of the Convention which refers to "work done in technical and professional schools, provided that such work is essentially of an educative character, is not intended for commercial profit, and is restricted, approved and supervised by public authority".

France (ratification : 29.4.1939). The Committee takes note of the explanations given by a representative of the French Government to the Committee on the Application of Conventions in 1948, in reply to the observations made in 1947. He stated that, although it had not been possible, since the ratification of the Convention in 1939, to bring the national legislation into harmony with the Convention, nevertheless the latter was applied by Orders and Instructions which, in certain cases, were even stricter than the Convention, and that the Government was contemplating the amendments necessary to ensure complete harmony with the Convention.

As the report for the period under review does not refer to this point, the Committee hopes that, in the near future, the Government will be able to take the necessary measures in this connection.

Uruguay (ratification : 6.6.1933). According to the report for 1947-1948, the Convention continues to be only partially applied. With the exception of provisions fixing a higher minimum age for admission to employment in public entertainments, specified dangerous work and itinerant trading, no legislation exists to regulate the employment of young persons in non-industrial occupations in general. This would appear to mean that Article 2 of the Convention (which fixes the minimum age of admission to non-industrial employment at fourteen years) and Article 3 (prescribing certain conditions for the employment of children over twelve years of age outside school hours) are not applied by the national legislation. In addition, the Children's Code (§ 246) allows a father or mother engaged in certain specified occupations (acrobats, etc.) to employ children of twelve years of age on specified dangerous work, whereas, for such work, according to the Convention, "higher ages than those referred to in Article 2 shall be fixed by national laws or regulations" (Article 5), even if the work in question is performed in family undertakings (Article 1 (3) (a)).

The Government again refers to the Bill amending §§ 223-252 of the Children's Code, which was submitted to Parliament in 1937 by the National Institute of Labour, and states that this Bill is in conformity with the Convention. The Committee reiterates its previous observations and expresses the wish that the Government should take, as soon as possible, the necessary measures for the adoption of legislation fully implementing the Convention.

Convention No. 35: Old-Age Insurance (Industry, etc.), 1933.

Number of reports requested : 4.

Number of reports received : 3.

Report received too late to be examined by the Committee : *Chile*.

Report missing : *Peru*.

France (ratification : 23.8.1939). The Committee notes, from the report, that the insurance scheme is financed solely by contributions from insured persons and employers, whereas the Convention lays down that the public authorities shall also contribute to the financial resources of the scheme (Article 9, paragraph 4).

The Committee would be glad if the Government would state what measures it contemplates taking in order to ensure harmony between the provisions of the national legislation and those of the Convention.

Convention No. 36: Old-Age Insurance (Agriculture), 1933.

Number of reports requested : 3.

Number of reports received : 3.

Report received too late to be examined by the Committee : *Chile*.

France (ratification : 23.8.1939). See under Convention No. 35.

Convention No. 37: Invalidity Insurance (Industry, etc.), 1933.

Number of reports requested : 4.

Number of reports received : 3.

Report received too late to be examined by the Committee : *Chile*.

Report missing : *Peru*.

France (ratification : 23.8.1939). See under Convention No. 35 (but in this case the relevant reference in the Convention is Article 10, paragraph 4).

United Kingdom (ratification : 18.7.1936). The Committee notes that under Section 59 of the National Insurance Act, 1946, the National Insurance (Married Women) Regulations, 1948, allow married female employees to elect not to pay contributions and therefore not to be covered under the insurance scheme.

The Committee notes in this respect that the voluntary character of the insurance as regards married women is not provided for in the Convention. It would be glad if the Government could indicate :

(a) the reasons which have led to the adoption of this provision ;

(b) the benefits to which a married female employee may be entitled if she decides not to make contributions ; and

(c) the number of married female employees who have elected not to make such contributions since the entry into force of the National Insurance Act.

Convention No. 38: Invalidity Insurance (Agriculture), 1933.

Number of reports requested : 3.

Number of reports received : 3.

Report received too late for examination by the Committee : *Chile*.

France (ratification : 23.8.1939). See under Convention No. 35. (The relevant reference is Article 10, paragraph 4.)

United Kingdom (ratification : 18.7.1936). See under Convention No. 37.

Convention No. 41: Night Work (Women) (Revised), 1934.

Number of reports requested : 19.

Number of reports received : 13.

Report received too late for examination by the Committee : *Greece*.

Reports missing : *Afghanistan, Brazil, Burma, Hungary, Peru, Venezuela*.

Egypt (ratification : 11.7.1947). The Committee wishes to thank the Government for submitting its first report on this Convention, although the latter came into force for Egypt as recently as 11 July 1948. Attention is called to the following point :

Article 8 of Act No. 80 of 10 July 1933 states that "the prohibition of night work may be suspended temporarily by the governor or mudir on the occasion of national or religious festivals, *mulids*, fairs or exhibitions, provided that the Labour Office gives its consent in advance", while no such exception exists in the Convention.

The Committee would be glad to know whether the night work permitted on the occasion of festivals, etc., covers only commercial establishments or extends also to industrial undertakings.

France (ratification : 25.1.1938). See under Convention No. 4.

Iraq (ratification : 28.3.1938). The Committee notes with interest, from the information supplied in reply to the observations made last year, that the line of division which separates industry from commerce and agriculture is defined in the Labour Act. Section 1, paragraph 1, of this Act not only defines "industrial undertakings" according to the provisions of Article 1, paragraph 1, of the Convention, but also includes transport and printing work, etc., and excludes agricultural operations.

New Zealand (ratification : 29.3.1938). With reference to the observations made by the Committee on the Application of Conventions set up by the Conference in 1948, the Committee notes that the Woollen Mills Labour Legislation Suspension Order permitting the night work of women is still in force in one factory, but that several amendments have been introduced and that the Government hopes to be able to report the repeal of this Order in the near future.

The Committee hopes that the Government will soon be in a position to take the necessary steps in this connection.

Switzerland (ratification : 4.6.1936). With reference to Articles 2 and 6 of the Convention, the Committee notes that the Government refers to the Order of 22 June 1948 regarding the adjustment of hours of work in factories in order to meet restrictions in the electricity supply. This Order replaces a similar Order of 1 October 1947, and was issued after consultation with the employers' and workers' organisations concerned. In virtue of this Order, factories which are obliged to reduce hours of work or to suspend their operations in view of restrictions in the electricity supply are authorised to compensate for time so lost, provided that the night rest of women over eighteen years of age employed on shift work in the factories in question shall be at least ten consecutive hours, including the interval between 11 p.m. and 5 a.m.

The Committee, while appreciating the special and exceptional circumstances which

have necessitated the adoption of provisions not covered by Articles 2 and 6 of the Convention, would be glad to know the number of persons concerned and the number and period of hours actually worked.

Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934.

Number of reports requested : 14.

Number of reports received : 11.

Report received too late for examination by the Committee : *Cuba*.

Reports missing : *Brazil, Hungary, Turkey*.

France (ratification : 17.5.1948). The Committee wishes to express its appreciation of the report which the Government has been good enough to submit, although the Convention will not come into force for France until 17 May 1949, and ventures to call attention to the following point :

Section 5 of Decree No. 47-2201 of 17 November 1947 provides that "the diseases enumerated in the occupational silicosis schedule shall not give rise to payment of compensation and benefit for temporary incapacity by the social security bodies concerned". This provision does not seem to correspond entirely with the requirements of Article 1 of the Convention, which states that "compensation shall be payable to workmen incapacitated by occupational diseases... in accordance with the general principles of the national legislation relating to compensation for industrial accidents".

The Committee expresses the hope that it will be possible to eliminate this divergence in due course.

Ireland (ratification : 15.3.1937). The Committee notes that the Government's report only mentions the Workmen's Compensation Act, 1934, and the Workmen's Compensation Act, 1934 (Industrial Diseases) Order, 1934, as legislation applying the Convention, while the following Regulations mentioned in previous reports are not listed for the period 1947-1948 :

Workmen's Compensation Act, 1934 (Industrial Diseases) Order, 1934 (Amendment) Order, 1945;

Emergency Powers (No. 274) Order, 1943 (Amendment) Order, 1944; and

Workmen's Compensation Act, 1934 (Transfer of Ministerial Functions) Order, 1947.

The Committee would be glad to know whether the above Orders are still in force.

United Kingdom (ratification : 29.4.1936). The Committee notes that under the National Insurance (Industrial Injuries) Act, 1946, the benefit payable in respect of a prescribed disease is the same as in the case of personal injury by accident, with the exception of pneumoconiosis, where somewhat different arrangements apply.

The Committee would be glad to have the views of the United Kingdom Government as regards the special reasons which might have led to the adoption of this policy.

Convention No. 43: Sheet-Glass Works, 1934.

Number of reports requested : 7.

Number of reports received : 6.

Report missing : *Mexico*.

Czechoslovakia (ratification : 19.9.1938). The Committee takes note of the difficulties, due to shortage of manpower, mentioned by the

Government. It notes that for this reason the provisions of the Convention are not fully applied and expresses the hope that future reports will indicate an improvement in the situation.

France (ratification : 5.2.1938). The report indicates that French legislation provides that additional hours worked in the cases mentioned in paragraph 1 (a) of Article 3 of the Convention (accident, actual or threatened, urgent work or *force majeure*) shall not be considered as overtime and shall be paid at the normal rate, whereas paragraph 2 of the above-mentioned article considers such work as overtime which must be appropriately compensated. The Committee wishes to call the attention of the Government to this point.

Convention No. 49: Reduction of Hours of Work (Glass-Bottle Works), 1935.

Number of reports requested : 6.
Number of reports received : 6.

Czechoslovakia (ratification : 19.9.1938). See under Convention No. 43.

France (ratification : 5.12.1938). See under Convention No. 43.

Convention No. 50: Recruiting of Indigenous Workers, 1936.

Number of reports requested : 3.
Number of reports received : 3.

General Observations

This Convention is applied generally in non-metropolitan territories. With regard to the meaning given to the term "application", reference might be made to the remarks already made in this connection with regard to Convention No. 29. A certain number of Governments have in fact stated that, as there is no recruiting, they see no necessity to ensure the application of the Convention. The Committee would like to urge that the application of the Convention should be envisaged, in order to prevent abuses in cases where recruiting might appear to be necessary.

The Committee does not wish to submit detailed observations on this Convention this year; it hopes that next year fuller information will be available, since the Governments of the territories in question will be in possession of the report form for Convention No. 50.

Convention No. 52: Holidays with Pay, 1936.

Number of reports requested : 4.
Number of reports received : 3.
Report missing : *Brazil*.

Mexico (ratification : 9.3.1938). The Government reiterates its statement that it is still considering appropriate measures to eliminate the existing discrepancies between the national legislation and Article 2 of the Convention (length of the annual holiday). It states that the necessary legislative changes can be carried out "only at a politically favourable moment" and that the steps taken in 1947 "had to be abandoned because of the strong agitation caused among employers and workers".

The Committee wishes to stress the importance of eliminating these discrepancies at the earliest possible moment.

Convention No. 53: Officers' Competency Certificates, 1936.

Number of reports requested : 10.
Number of reports received : 9.
Report missing : *Brazil*.

Belgium (ratification : 11.4.1938). The report indicates that the shortage of qualified officers led to the application of Article 3, paragraph 2, of the Convention, but that in these cases, which were few in number, the authorities examined the practical qualifications of the uncertificated officers.

The Committee would like to know the number of cases where advantage was taken of the provisions of Article 3, paragraph 2, of the Convention.

Egypt (ratification : 20.5.1939). The report states that the shortage of qualified officers and engineers has led to the engagement of officers who are uncertificated but have sufficient experience.

The Committee would like to know the number of these engagements and whether they took place only in cases of *force majeure*, as provided for by Article 3, paragraph 2, of the Convention.

Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936.

Number of reports requested : 4.
Number of reports received : 4.

France (ratification : 19.6.1947). The Committee takes note with interest of the very detailed information contained in this first report. It is glad to find that the Act of 25 September 1948 extends to foreign seamen employed on French vessels the benefits of the Maritime Labour Code.

The Committee notes that the report does not mention the obligation for the shipowner or for his representative to take measures for safeguarding property left on board by sick, injured or deceased persons (Article 8).

Mexico (ratification : 15.9.1939). The Committee regrets that up to now no progress has been made to achieve conformity between the national legislation and certain provisions of the Convention on points regarding which the Committee has previously made observations. The Committee notes, in particular, the Government's statement, repeated once more this year, that it intends to include in collective labour agreements a special clause dealing with the shipowner's liability in case of sickness (Article 2), guaranteeing the right of any sick or injured seaman to repatriation (Article 6) and safeguarding property left on board (Article 8).

The Committee can only repeat in this connection the observation made last year that the Convention does not contain any provision for its implementation by means of collective agreements. It therefore requests the Government to be good enough to indicate what legislative measures are contemplated to ensure full application of the Convention, particularly in the case of seamen who are outside Mexican territory.

United States (ratification : 29.10.1938). The Committee took note with interest of the explanations which the Government representative was good enough to give last year before the Conference Committee. It notes that the interpretation given by the Supreme Court and the lower courts appears to be in conformity

with the provisions of the Convention as regards the duration of the shipowner's liability for medical care (Articles 2 and 4).

It was also noted that no judicial decisions have as yet been rendered as regards the special question of the liability of a shipowner to pay wages in whole or in part to a sick or injured seaman even after his disembarkation (Article 5), nor has any ruling been given on the more general question whether a ratified Convention becomes automatically a part of the law of the United States.

The Committee would be grateful if the Government would continue to mention in its reports, as it has heretofore, any decision of the Supreme Court which may be of relevance to the application of the Convention and in particular any decision which may relate to one of the points mentioned above.

Convention No. 58: Minimum Age (Sea) (Revised), 1936.

Number of reports requested : 8.

Number of reports received : 7.

Report missing : *Brazil*.

Belgium (ratification : 11.4.1938). The Committee regrets to have to note once again that the Government does not indicate in its report whether the Act of 26 July 1928 has been amended or repealed. Article 19 of that Act fixes the minimum age for staff of the deck department at fourteen years, whereas the Convention lays down a minimum age of fifteen years. The Committee would therefore be glad if the Belgian Government would specify in its next report what legislative provisions or regulations give effect to the various articles of the Convention.

Convention No. 59: Minimum Age (Industry) (Revised), 1937.

Number of reports requested : 3.

Number of reports received : 2.

Report missing : *China*.

New Zealand (ratification : 8.7.1947). As already indicated in last year's observations, the provisions of the New Zealand legislation are not in complete conformity with the Convention. In particular, Regulation No. 10 of the Education (School Age) Regulations, 1943, allows employment of children of school age who are exempt, otherwise than on the grounds that they are under suitable instruction elsewhere than at school, from the obligation to be enrolled as pupils at any school; and the Factories Act, 1946, § 37, provides that the inspector may give authorisation for the employment of young persons over fourteen years of age who are exempt under the Education Act from the obligation to be enrolled as pupils at any school. The Convention does not provide for any exemptions of this kind.

The Committee notes with interest that, according to the report for the period under review, the Government intends to prepare a Bill which will fully implement the provisions of the Convention, and would be grateful if the Government would be good enough to supply information regarding the progress made in this connection.

Norway (ratification : 26.8.1938). The Committee notes with satisfaction that, in reply to the observation which it made last year, regulations have been adopted which extend the

obligations to keep a register of young persons to all undertakings covered by the Workers' Protection Act.

Convention No. 60: Minimum Age (Non-Industrial Employment) (Revised), 1937.

(This Convention is not yet in force.)

New Zealand (ratification : 8.7.1947). The Committee notes with appreciation that, although the Convention is not yet in force, the Government has again supplied a voluntary report on its application.

The Committee refers to the observations made by the Conference Committee last year and again points out that the provisions of the national legislation, in particular as regards Articles 3, 4, 5 and 6, of the Convention, are not in complete harmony with the Convention.

The Committee notes, however, that, according to the report for the period under review, a Bill is in preparation which will fully implement the protective provisions specified in the Convention, and would be glad if the Government would be good enough to supply information regarding the progress made in this connection.

Convention No. 62: Safety Provisions (Building), 1947.

Number of reports requested : 3.

Number of reports received : 3.

Finland (ratification : 8.4.1947). The Committee wishes to express its appreciation to the Finnish Government for the care with which it has prepared its first report on the application of this Convention.

The Committee notes with interest the Government's statement that it is aware of certain discrepancies between its national legislation and the terms of the Convention, and that a committee has been set up for the purpose of revising this legislation so as to ensure full conformity with the Convention. In this connection the Committee of Experts ventures to call attention to the following points :

(1) The national legislation does not provide specifically that safety measures shall apply also to demolition work (Article 2).

(2) The detailed provisions concerning scaffolds do not indicate when their construction is compulsory (Article 7).

(3) The requisite qualifications of the "competent persons" are not enumerated (Article 7).

(4) The legislation does not specify the height above which the safety provisions concerning working platforms, gangways, etc., must be applied (Article 8).

(5) There is no requirement concerning safe means of access (Article 10).

(6) There are no provisions concerning the construction, testing, operation and maintenance of hoisting machinery other than lifts and freight elevators (Articles 11, 12 and 13).

(7) There are no provisions regarding safety sling chains for suspended loads (Article 15).

(8) The wearing of personal safety equipment is not prescribed (Article 16).

(9) It might be desirable to draft more detailed provisions concerning appropriate gear for prompt rescue in the case of work involving a risk of drowning (Article 17).

The Committee expresses the hope that next year's report will indicate that changes have been made in the national legislation so as to ensure full conformity with the provisions of the Convention.

Mexico (ratification : 4.7.1941). The Committee notes the Government's statement, in reply to the observation made in its 1948 report, that the Secretariat of Labour has begun discussions with the authorities of the Federal District and the States with a view to ensuring full conformity between the national legislation and the provisions of the Convention.

The Committee wishes to reiterate the great importance of these discussions leading to the desired result at an early date.

Switzerland (ratification : 23.5.1940). The Committee is glad to note that further progress has been made in the drafting of regulations concerning hoisting appliances, and expresses the hope that these regulations will come into force in the near future.

Convention No. 63: Statistics of Wages and Hours of Work, 1938.

Number of reports requested : 14.

Number of reports received : 14.

Egypt (ratification : 5.10.1940). The Committee notes that the index numbers showing the general movement of earnings as provided by Article 12 of the Convention have not been compiled. It would be grateful if the Government would be good enough to indicate in its next report what measures it intends to take with a view to compiling these data.

Finland (ratification : 8.4.1947). The Committee noted the general information contained in the first report on the application of this Convention, and hopes that the Government will be good enough to include in its next report more precise and detailed information on the application of each provision of the Convention.

Mexico (ratification : 26.9.1938). The Committee takes note of the Government's statement in its report that difficulties of a budgetary nature have once again prevented the compilation and publication of all the statistics required by the Convention.

The Committee also notes that the month of October 1943 appears to be the last date on which the statistics provided for by Articles 5 to 12 of the Convention have been compiled and published and that, on the other hand, no statistics of rates of wages and normal hours of work (Articles 13 to 21) have been published.

As regards the latter point, the Committee takes note of the Government's statement that in practice no worker "receives exactly the established minimum wage". It expresses the hope that the Government will, nevertheless, be able to undertake the compilation of statistics of rates of wages in the same way as, under similar conditions, other countries which have ratified the Convention have done.

The Committee notes, finally, that in reply to the observations which it has made during the last two years as to the necessity of establishing statistics of agricultural wages, the Government calls attention to the very limited number of agricultural wage earners and to the practical difficulties inherent in collecting statistics of the wages in question. It takes note, in this connection, of the Government's

statement to the effect that it has not given up hope of eventually establishing these statistics, and requests the Government to be good enough to keep the International Labour Office informed of any developments in this respect.

Netherlands (ratification : 9.3.1940). The Committee is glad to note that the statistics compiled by the Netherlands exceed, in several respects, the requirements of the Convention. It appears, however, that as regards mining the statistics published relate only to the total number of standard work days and not to hours actually worked, as provided by Article 5 of the Convention. The Committee would be grateful if the Government would be good enough to supply further information on this point.

United Kingdom (ratification : 26.5.1947). The Committee is glad to note that the first report submitted on this Convention contains very precise and full replies to the various points of the report form. It has noticed that in several respects the data given are more complete and more frequently published than the Convention requires.

It finds, however, that in the case of coal mining, no statistics are available on hours actually worked (Article 5 of the Convention).

It finds also that the report mentions the impossibility of supplying data on the average amount of family allowances per person employed (Article 8).

It would further be grateful if the Government would be good enough to give, in future, separate figures for the rates of wages of juveniles (Article 17).

Finally, the Committee notes that the sources of information do not contain the particulars necessary to establish statistics of the amount of overtime permitted in the various industries (Article 19 (d)).

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939.

Number of reports requested : 2.

Number of reports received : 2.

General Observations

The Committee notes that no report form for this Convention has as yet been supplied to Governments. Detailed observations by the Committee will therefore be reserved until next year, when Governments will have received the report form. However, the Committee draws attention to the following points.

In the case of one territory, it is pointed out that Convention No. 64 cannot be applied, as no recruiting takes place. Another territory seems to be of the opinion that the Convention only refers to cases where workers have accepted a contract to work abroad. The Committee feels obliged to point out that the text of the Convention makes it clear that its provisions are not limited to contracts drawn up in virtue of a system of recruiting or to contracts for work abroad.

Convention 65: Penal Sanctions (Indigenous Workers), 1939.

Number of reports requested : 2.

Number of reports received : 2.

General Observations

As in the case of Conventions Nos. 50 and 64, the Committee notes that no report form is available for the Governments of the ter-

ritories. The Committee therefore has made no detailed observations regarding the application of this Convention and will, if necessary, reserve its observations for next year, when Governments will be in possession of the report form which has just been approved by the Governing Body.

However, the Committee is of the opinion that an examination of the reports received calls for the following remarks.

In the first place, there is a general tendency to abolish penal sanctions and to replace them by normal sanctions under civil law. Where penal sanctions are still in force, they relate in general to three categories of infringements, for which it would be desirable to establish as strict a distinction as possible.

The first of these categories includes breaches of contract as defined in Article 1 of the Convention.

The second category includes cases of fraud, or failure on the part of a worker to refund advances of wages which he received when he was engaged or took up his work.

Finally, there is a third category which covers cases under common law, such as damage caused to the property of an employer, participation in disturbances, etc.

The reports show that penal sanctions are only applied in twelve territories and that, in three of these territories, measures are already envisaged to abolish sanctions altogether. In addition, in two territories, breaches of transport contracts only are liable to punishment and, in another territory, the penal sanction is only applicable for breaches in a "necessary" undertaking. (The report, however, does not define this term.) At the same time, no indication is given in any report of the specific reasons for maintaining penal sanctions, with the exception of one report (regarding Tanganyika) which states that

sanctions must be maintained in order to impress on African workers the principle of respecting contracts and that, in the present stage of the social development of the territory, the abolition of penal sanctions would not be in the interests of the workers.

The Committee hesitates to associate itself with so categorical a statement and, in this connection, it would appreciate the opinion of Governments responsible for other African territories where social development has reached practically the same stage as in the territory in question.

The Committee notes that penal sanctions are still provided for in the case of failure to refund advances of wages. While recognising that this system is often a factor of economic importance for the worker and that, in certain native societies, it is regarded as one of the normal aspects of relations between employers and workers, the Committee feels obliged to call attention to the fact that the maintenance of the system of advances on wages may give rise to certain dangers when the amount advanced is such that a native worker experiences considerable difficulty in refunding the advance. The Committee would be particularly grateful if mention could be made in the reports of all regulations concerning the system for advances on wages and of any consideration which has been given to the question of reducing the total amount advanced to a moderate sum.

The Committee hopes that, in their next reports, the Governments of the various territories, which will in future have at their disposal a report form, will supply all the required information on the following points: the necessity of maintaining penal sanctions; the frequency with which sanctions have been applied; the possibility of suppressing infringements by sanctions under common law.

C. OBSERVATIONS AND REQUESTS FOR SUPPLEMENTARY INFORMATION ON THE APPLICATION OF CONVENTIONS IN NON-METROPOLITAN TERRITORIES

Australia. Reports have been received covering only three of the Conventions in regard to which reports on application to the territories administered by Australia were due. The Committee therefore wishes to draw the attention of the Government to the importance it attaches to the receipt of a set of complete reports, covering the application to non-metropolitan territories of all ratified Conventions, in time for examination at its 1950 session.

It hopes that the Government will also take into consideration, in the reports to be submitted next year, the observations made by the Committee of Experts at its 1948 session on the application of Conventions to Australian territories, particularly in regard to the possibility of application of the Minimum Wage-Fixing Machinery Convention, 1928, and the group of maritime Conventions ratified by Australia.

See also under Appendix III, B: *Convention No. 29.*

Belgium. Reports have been received covering only three of the Conventions in regard to which reports on application to the Belgian Congo and Ruanda-Urundi were due. The Committee therefore wishes to draw the attention of the Government to its request for a set

of complete reports, covering the application to each non-metropolitan territory of all ratified Conventions, to be received in time for examination at its 1950 session. It hopes that the Government will also find it possible to take into consideration in its reports for next year the observations made at the last session of the Committee in regard to the application of Conventions to the Belgian territories.

France. Reports have been received on only a few of the Conventions in regard to which reports on application to French overseas territories were due. It is further to be noted that the majority of the reports received were not in conformity with the reporting procedure instituted by the Governing Body at its 105th Session.

The Committee wishes to emphasise in regard to the French overseas territories its interest in receiving, in time for examination at its 1950 session, a set of complete reports covering all ratified Conventions and drawn up in accordance with the new reporting procedure. It therefore draws the attention of the Government to the suggestions on this point made in its report, and expresses the hope that its

relevant observations at its last session will likewise be taken into account.

In its report on several Conventions, the Government refers to application of Conventions to "extra-metropolitan territories" including under this head both the new overseas departments and the other overseas territories of the French Union. The Committee would be grateful if the Government would state specifically whether the term "extra-metropolitan" is regarded as equivalent to the term "non-metropolitan" in Article 35 of the Constitution, and whether or not both overseas departments and overseas territories of the French Union should be included among "non-metropolitan territories".

See also under Appendix III, B : *Convention No. 29.*

Netherlands. The Committee has noted with appreciation the detailed report on the application of Conventions to Indonesia. The Committee has taken note of the proposed amendments to existing legislation on the items covered in Conventions Nos. 6 and 33. As far as Convention No. 33 is concerned, when the new legislation is enacted, the requirements of the Convention will be met. In the case of Convention No. 6, however, after enactment of the new legislation there will remain a difference of four years as far as the minimum age is concerned. The Committee points out that the minimum age under Conventions Nos. 5 and 7 is still twelve years instead of fourteen, and, with reference to Convention No. 15, that it is sixteen years instead of eighteen as required by the Convention. The Committee is aware that the special economic and climatic circumstances may be the reasons for not strictly applying Conventions as far as minimum age is concerned. However, the Committee draws attention to the fact that in many territories where similar conditions exist, the minimum age is higher than in Indonesia.

As far as the Netherlands West Indies and Surinam are concerned, the Committee notes that on several points advanced legislation has been enacted. It considers it desirable, however, that future annual reports should follow more closely the lines of the standard report forms in accordance with the procedure adopted by the Governing Body at its 105th Session.

See also under Appendix III, B : *Convention No. 29.*

New Zealand. The report submitted by the Government relates principally to the legislation, in respect of the Conventions ratified by New Zealand, in force in its territories of the Cook Islands, the Tokelau Islands and the Trust Territory of Western Samoa; this information is much fuller and more detailed than that given in previous reports.

The Committee therefore wishes to express its appreciation of the increased attention given by the Government to the provision of reports under Article 35. The Committee suggests, however, that it would be desirable to have in the report for the year 1948-1949 some information on the machinery which exists or is contemplated for the enforcement of labour legislation, either in force or in preparation, designed to apply the provisions of international labour Conventions.

The Committee notes that consideration is being given to the application of the following Conventions, and ventures to express the hope that the reports provided for the report year

1948-1949 will indicate what concrete progress has been made in this direction :

Convention No. 1 : Hours of Work (Industry), 1919.

Convention No. 2 : Unemployment, 1919.

Convention No. 12 : Workmen's Compensation (Agriculture), 1921.

Convention No. 17 : Workmen's Compensation (Accidents), 1925.

Convention No. 30 : Hours of Work (Commerce and Offices), 1930.

Convention No. 42 : Workmen's Compensation (Occupational Diseases) (Revised), 1934.

The Committee wishes to draw the attention of the Government to the fact that no statement is provided in the report for the year 1947-1948 in regard to Conventions Nos. 10, 21, 32 and 41, and suggests that the opportunity might be taken in the report for the year 1948-1949 to provide information on the application or reasons for the non-application of these Conventions in terms of the reporting procedure instituted by the Governing Body at its 105th Session.

Portugal. Last year the Committee made a certain number of observations regarding the application of several Conventions ratified by Portugal, especially with regard to the application of these Conventions to the indigenous inhabitants of the territories administered by that country.

The Committee regrets that the report supplied by the Portuguese Government for the period 1947-1948 contains no information giving a clearer picture of the situation. The Committee therefore expresses the hope that the Government will be good enough, in its next report, to furnish all the information necessary to enable an exact and detailed analysis to be made of the actual state of the application of Conventions in the non-metropolitan territories. In this connection the Committee wishes to draw the Government's attention to its request for a set of complete reports covering the application of all ratified Conventions, territory by territory, to be received in time for examination at its 1950 session.

Union of South Africa. The Committee notes that the Government of the Union, in view of the terms of Article 35 of the amended Constitution, has submitted to the Administration of the Mandated Territory of South West Africa all the Conventions ratified by the Union, with a request that the Administration shall consider whether they can be applied wholly or in part in that Territory; and the Committee also notes that, although reports for the Territory are not available for its examination this year, every effort will be made to ensure that they are available in respect of the report year 1948-1949.

In taking note of this statement, the Committee expresses the hope that the Government of the Union of South Africa in its next report will take into account both the Committee's suggestions at its present session and the observations made last year.

United Kingdom. Reports based on the reporting procedure established by the decision of the Governing Body at its 105th Session have been received for all territories, except the Bahamas and British Somaliland for all the Conventions ratified by the United Kingdom Government. The large volume of information

provided, and the practical value of the set of reports submitted, are noted by the Committee with appreciation.

Particularly full reports have been provided in respect of a number of territories, for example, Hong Kong, Cyprus and some African and Caribbean territories. With a view to securing for its 1950 session equally useful information from all territories, the Committee suggests that in the preparation of reports for the report year 1948-1949 special attention should be given to the points mentioned as lines for possible improvement of the reports submitted this year.

While deferring until next year detailed substantive analysis of the information contained in reports submitted in accordance with the new reporting procedure, the Committee nevertheless thought it appropriate at the present stage to suggest certain considerations for the special attention of the Government.

(a) *Machinery for the enforcement of labour legislation.* The Committee has always attached great importance to effective labour inspection services as a guarantee of the application in practice of legislation designed to give effect to the provisions of ratified Conventions. The reports submitted reveal that in a number of cases the labour inspection machinery in non-metropolitan territories is somewhat inadequate and that the police are in some cases the officials charged by the authorities to carry out what are in effect labour inspection duties. The Committee nevertheless hopes that the Government will see its way to provide further clarification of the position in this respect, especially since it learned from the reports that the training in Great Britain of labour inspectors from the British territories is in progress.

(b) *Differences as between areas with comparable local conditions.* The reports provided indicated that in a number of cases differences existed in the degree of application of Conventions as between territories in which social conditions did not appear to be widely different. In the Caribbean region, for example, Convention No. 32 : Protection against Accidents (Dockers) (Revised), 1932, has been

implemented in British Guiana and Jamaica and is to be applied in Trinidad; no similar legislation exists in Barbados, the Leeward Islands or Bermuda, while the Governments of British Honduras and Dominica are considering the question. Differences along the same lines also exist in respect of comparable areas in regard to, for example, the Conventions covering workmen's compensation, penal sanctions and minimum ages. The Committee expresses the hope that the Governments concerned will continue to take all suitable action for ensuring uniformity at the highest level of application.

(c) *Non-application of Conventions covering certain aspects of social security.* The Committee notes that the Conventions regarding certain aspects of social security are almost the only Conventions ratified by the United Kingdom to which a considerable degree of application has not been given in British territories. While it is clear from the information provided on the social structure of some territories that such provisions are inapplicable to them at their present stage of development, the Committee considers that, in regard to some of the more advanced territories, the possibility of application in a not too distant future does not seem to be excluded.

See also under Appendix III, B : *Convention No. 29.*

United States. Information for all the non-metropolitan territories administered by the United States has been received in respect of the three Conventions on which reports were due. It is noted that these Conventions are applied on essentially the same basis to Alaska, Hawaii, Puerto Rico, the Virgin Islands and Guam as to the United States. The Committee will follow with interest the question of application to the Trust Territory of the Pacific Islands, in view of the Government's statement in regard to the consideration this question is receiving.

The Committee wishes to draw the Government's attention in this connection to its request for a set of complete reports covering the application territory by territory of all ratified Conventions, to be received in time for examination at its 1950 session.

OBSERVATIONS AND REQUESTS FOR INFORMATION CLASSIFIED BY COUNTRIES

Afghanistan:

Part A.

Argentina:

Part B—Conventions Nos. 2, 4, 6, 9, 15.

Australia:

Part B—Convention No. 29; Part C.

Austria:

Part B—Conventions Nos. 4, 5, 6, 19, 33.

Belgium:

Part B—Conventions Nos. 26, 27, 53, 58;
Part C.

Brazil:

Part A.

Canada:

Part B—Conventions Nos. 1, 14, 26.

Colombia:

Part A.

Czechoslovakia:

Part B—Conventions Nos. 4, 43, 49.

Dominican Republic:

Part B—Conventions Nos. 5, 7, 10.

Egypt:

Part B—Conventions Nos. 41, 53, 63.

Finland:

Part B—Conventions Nos. 62, 63.

France:

Part B—Conventions Nos. 4, 5, 17, 19, 29,
33, 35, 36, 37, 38, 41, 42, 43, 49, 55;
Part C.

India:

Part B—Conventions Nos. 27, 32.

Iraq:

Part B—Convention No. 41.

Ireland:

Part B—Convention No. 42.

Italy:

Part B—Conventions Nos. 4, 6.

Liberia:

Part A.

Mexico:

Part B—Conventions Nos. 13, 17, 30, 32, 52, 55, 62, 63.

Netherlands:

Part B—Conventions Nos. 26, 29, 63 ; Part C.

New Zealand:

Part B—Conventions Nos. 17, 41, 59, 60 ;
Part C.

Norway:

Part B—Convention No. 59.

Peru:

Part A.

Poland:

Part B—Conventions Nos. 10, 22.

Portugal:

Part B—Convention No. 17 ; Part C.

Switzerland:

Part B—Conventions Nos. 26, 41, 62.

Union of South Africa:

Part B—Convention No. 19 ; Part C.

United Kingdom:

Part B—Conventions Nos. 24, 25, 29, 37, 38, 42, 63 ; Part C.

United States:

Part B—Convention No. 55 ; Part C.

Uruguay:

Part A ; Part B—Conventions Nos. 1, 2, 3, 4, 5, 6, 7, 10, 11, 13, 15, 20, 24, 25, 26, 30, 33.
